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III. NEW MEMBERS SWORN.

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Honiton.—George Moffatt, Esq., *v.* Joseph Locke, Esq., deceased.

Dartmouth.—John Hardy, Esq., *v.* John Dunn, Esq., deceased.

Reading.—Gillery Pigott, Esq., *v.* Francis Pigott, Esq., Lieutenant Governor of the Isle of Man.

Wick (District of Burghs).—Viscount Bury, *v.* Samuel Laing, Esq., Member of Council of Viceroy of India.

Newcastle-upon-Tyne.—Somerset Archibald Beaumont, Esq., *v.* George Ridley, Esq., Inclosure Commissioner.

Southwark.—Austen Henry Layard, Esq., *v.* Admiral Sir Charles Napier, deceased.

Notts (Southern Division).—Lord Stanhope *v.* Viscount Newark, now Earl Manners.

Ripon.—Reginald Arthur Vyner, Esq., *v.* John Ashley Warre, Esq., deceased.

Sussex (Western Division).—Walter Barttelot Barttelot, Esq., *v.* Earl of March, now Duke of Richmond.

Pembroke County.—George Lort Phillips, Esq., *v.* Viscount Emlyn, now Earl of Cawdor.

Cumberland (Western Division).—Honourable Percy Wyndham, *v.* General Sir Henry Wyndham, deceased.

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Bradford.—William Edward Forster, Esq. *v.* Titus Salt, Esq., Chiltern Hundreds.

MONDAY, FEBRUARY 18.

Wilts (*Southern Division*).—Lieutenant-Colonel Frederick Hervey Bathurst, *v.* Right Honourable Sidney Herbert, now Lord Herbert.

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Bolton.—Thomas Barnes, Esq., *v.* Joseph Crook, Esq., Steward of the Manor of Hempholme.

WEDNESDAY, FEBRUARY 27.

Aberdeen County.—William Leslie, Esq. *v.* Lord Haddo, now Earl of Aberdeen, in the Peerage of Scotland, and Viscount Gordon, in the Peerage of the United Kingdom.

TUESDAY, MARCH 5.

Cork County.—Nicholas Philpot Leader, Esq. *v.* Right Honourable Rickard Deasy, Baron of the Exchequer in Ireland.

MONDAY, MARCH 11.

Pembroke District of Boroughs.—Sir Hugh Owen Owen, Baronet, *v.* Sir John Owen, Baronet, deceased.

THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Right Hon. Viscount Palmerston.
Lord Chancellor	Right Hon. Lord Campbell.
President of the Council	Right Hon. Earl Granville.
Lord Privy Seal	His Grace the Duke of Argyll.
Secretary of State, Home Department	Right Hon. Sir George Cornewall Lewis, B
Secretary of State, Foreign Department	Right Hon. Lord John Russell.
Secretary of State for Colonies	His Grace the Duke of Newcastle.
Secretary of State for War	Right Hon. Lord Herbert.
Secretary of State for India	Right Hon. Sir Charles Wood, Bt.
Chancellor of the Exchequer	Right Hon. William Ewart Gladstone.
First Lord of the Admiralty	His Grace the Duke of Somerset.
President of the Board of Trade	Right Hon. Thomas Milner Gibson.
Postmaster General	Right Hon. Lord Stanley of Alderley.
Chancellor of the Duchy of Lancaster	Right Hon. Sir George Grey.
Chief Commissioner of the Poor Law Board	Right Hon. Charles Pelham Villiers.
Chief Secretary for Ireland	Right Hon. Edward Cardwell.

NOT IN THE CABINET.

General Commanding-in-Chief	H.R.H. Duke of Cambridge.
Paymaster of the Forces, and Vice-President of the Board of Trade	Right Hon. William Hutt.
Vice President of the Committee of Privy Council for Education	Right Hon. Robert Lowe.
Chief Commissioner of Works and Public Buildings	Right Hon. William Francis Cowper.
Lords of the Treasury	Edward Hugessen Knatchbull, Esq., Sir William Dunbar, Bt., and John Bagwell, Esq.
Lords of the Admiralty	Vice Admiral the Hon. Sir Richard Saunders Dundas, K.C.B., Rear Admiral the Hon. Frederick Thomas Pelham, C.B., Captain Charles Eden, C.B., Captain Charles Frederick, and Samuel Whitbread, Esq.
Joint Secretaries of the Treasury	Hon. Henry Bouverie William Brand, and Right Hon. Frederick Peel.
Secretary of the Admiralty	Rear Admiral Lord Clarence Edward Paget, C.B.
Secretary to the Poor Law Commissioners	Charles Gilpin, Esq.
Under Secretary for the Home Department	George Clive, Esq.
Under Secretary for Foreign Affairs	Right Hon. Lord Wodehouse.
Under Secretary for the Colonies	Chichester Samuel Fortescue, Esq.
Under Secretary for War	Thomas George Baring, Esq.
Under Secretary for India	Right Hon. Earl De Grey and Ripon.
Judge Advocate General	Right Hon. Thomas Emerson Headlam.
Attorney General	Sir Richard Bethell, Knt.
Solicitor General	Sir William Atherton, Knt.

SCOTLAND.

Lord Advocate	Right Hon. James Moncreiff.
Solicitor General	Edward Francis Maitland, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Carlisle.
Lord Chancellor	Right Hon. Maziere Brady.
Chief Secretary	Right Hon. Edward Cardwell.
Attorney General	Right Hon. Rickard Deasy.
Solicitor General	Thomas O'Hagan, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl of St. Germans.
Lord Chamberlain	Right Hon. Viscount Sydney.
Master of the Horse	Most Hon. Marquess of Ailesbury.
Treasurer of the Household	Right Hon. Viscount Bury.
Comptroller of the Household	Right Hon. Lord Proby.
Vice Chamberlain of the Household	Right Hon. Viscount Castlerosse.
Captain of the Corps of Gentlemen at Arms	Right Hon. Lord Foley.
Captain of the Yeomen of the Guard	Right Hon. Earl of Ducie.
Master of the Buckhounds	Right Hon. Earl of Bessborough.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget.
Mistress of the Robes	Duchess of Sutherland.

ROLL OF THE

LORDS SPIRITUAL AND TEMPORAL

In the Third Session of the Eighteenth Parliament of the United Kingdom of Great Britain and Ireland.

24° VICTORIÆ, 1861.

MEM.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest, and so, when the House sends a Committee to a Conference with the Commons, the Lord Highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness THE PRINCE of WALES.

His Royal Highness GEORGE FREDERICK ALEXANDER CHARLES ERNEST AUGUSTUS Duke of CUMBERLAND and TEVIOTDALE. (*King of Hanover.*)

His Royal Highness GEORGE WILLIAM FREDERICK CHARLES Duke of CAMBRIDGE.

JOHN BIRD Archbishop of CANTERBURY.

JOHN Lord CAMPBELL, *Lord Chancellor.*

CHARLES THOMAS Archbishop of YORK.

RICHARD, Archbishop of DUBLIN.

GRANVILLE GEORGE Earl GRANVILLE, *Lord President of the Council.*

GEORGE DOUGLAS Lord SUNDRIDGE. (*Duke of Argyll.*) *Lord Privy Seal.*

FRANCIS Duke of BEDFORD.

WILLIAM Duke of DEVONSHIRE.

JOHN WINSTON Duke of MARLBOROUGH.

CHARLES CECIL JOHN Duke of RUTLAND.

WILLIAM ALEXANDER ANTHONY ARCHIBALD Duke of BRANDON. (*Duke of Hamilton*).

WILLIAM JOHN Duke of PORTLAND.

WILLIAM DROGO Duke of MANCHESTER.

HENRY PELHAM Duke of NEWCASTLE.

ALGERNON Duke of NORTHUMBERLAND.

ARTHUR RICHARD Duke of WELLINGTON.

RICHARD PLANTAGENET Duke of BUCKINGHAM and CHANDOS.

GEORGE GRANVILLE Duke of SUTHERLAND.

HENRY Duke of CLEVELAND.

HENRY Duke of NORFOLK, *Earl Marshal of England.*

EDWARD ADOLPHUS Duke of SOMERSET.

CHARLES HENRY Duke of RICHMOND.

HENRY Duke of GRAFTON.

HENRY CHARLES FITZROY Duke of BEAUFORT.

WILLIAM AMELIUS AUBREY DE VERE Duke of SAINT ALBANS.

GEORGE GODOLPHIN Duke of LEEDS.

JOHN Marquess of WINCHESTER.

GEORGE Marquess of TWEEDDALE. (*Elected for Scotland.*)

HENRY Marquess of LANSDOWNE.

JOHN Marquess TOWNSHEND.

JAMES BROWNLOW WILLIAM Marquess of SALISBURY.

JOHN ALEXANDER Marquess of BATH.

JAMES Marquess of ABERCORN.

RICHARD Marquess of HERTFORD.

John Patrick Marquess of Bute.
Brownlow Marquess of Exeter.
Charles Marquess of Northampton.
George Charles Marquess Camden.
Henry Marquess of Anglesey.
George Horatio Marquess of Cholmondeley.
Henry Weysford Charles Plantagenet Marquess of Hastings.
George William Frederick Marquess of Ailesbury.
George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)
Frederick William Marquess of Bristol.
Archibald Marquess of Ailsa.
John Marquess of Breadalbane.
Richard Marquess of Westminster.
Constantine Henry Marquess of Normanby.

Edward Granville Earl of Saint Germans. *Lord Steward of the Household.*
Henry John Earl of Shrewsbury.
Edward Geoffrey Earl of Derby.
Francis Theophilus Henry Earl of Huntingdon.
Robert Henry Earl of Pembroke and Montgomery.
William Reginald Earl of Devon.
Charles John Earl of Suffolk and Berkshire.
William Basil Percy Earl of Denbigh.
Francis William Henry Earl of Westmorland.
George Augustus Frederick Albemarle Earl of Lindsey.
George Harry Earl of Stamford and Warrington.
George James Earl of Winchilsea and Nottingham.
George Earl of Chesterfield.
John William Earl of Sandwich.
Arthur Algernon Earl of Essex.
James Thomas Earl of Cardigan.
George William Frederick Earl of Carlisle.
Walter Francis Earl of Doncaster (*Duke of Buccleuch and Queensberry.*)
Anthony Earl of Shaftesbury.
——— Earl of Berkeley.
Montagu Earl of Abingdon.
Richard George Earl of Scarbrough.
George Thomas Earl of Albemarle.
George William Earl of Coventry.
Victor Albert George Earl of Jersey.
John Earl Poulett.
Sholto John Earl of Morton (*Elected for Scotland.*)
James Earl of Caithness. (*Elected for Scotland.*)
Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)
Thomas George Earl of Strathmore. (*Elected for Scotland.*)
George Earl of Hadington (*Elected for Scotland.*)
David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)
Dunbar James Earl of Selkirk. (*Elected for Scotland.*)
Thomas John Earl of Orkney. (*Elected for Scotland.*)
Sewallis Edward Earl Ferrers.
William Walter Earl of Dartmouth.
Charles Earl of Tankerville.
Heneage Earl of Aylesford.
Francis Thomas de Grey Earl Cowper.
Philip Henry Earl Stanhope.
Thomas Augustus Wolstenholme Earl of Macclesfield.
George William Richard Earl of Pomfret.
James Earl Graham. (*Duke of Montrose.*)
William Frederick Earl Waldegrave.
Bertram Earl of Ashburnham
Leicester Fitzgerald Charles Earl of Harrington.
Isaac Newton Earl of Portsmouth.
George Guy Earl Brooke and Earl of Warwick.
Augustus Edward Earl of Buckinghamshire.
William Thomas Spencer Earl Fitzwilliam.
Dudley, Francis Earl of Guilford.
Charles Philip Earl of Hardwicke.
William Thomas Horner Earl of Ilchester.
George John Earl De La Warr.
William Earl of Radnor
John Poyntz Earl Spencer.
Henry George Earl Bathurst.
Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

George Augustus Frederick John Earl Strange. (*Duke of Athol.*)

Ernest Augustus Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Francis William Earl of Charlemont. (*In another place as Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

Robert Earl of Mayo. (*Elected for Ireland.*)

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

Somerset Richard Earl of Belmore. (*Elected for Ireland.*)

Francis Earl of Bandon. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Sidney William Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby.

Henry Thynne Earl of Harewood.

William Hugh Earl of Minto.

Alan Frederick Earl Cathcart.

James Walter Earl of Verulam.

John William Spencer Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans. (*In another place as Lord Steward of the Household.*)

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

Henry Beauchamp Earl Beauchamp.

Richard Earl of Bantry. (*Elected for Ireland.*)

George Frederick Samuel Earl De Grey. (*In another place as Earl of Ripon.*)

John Earl of Eldon.

Richard William Penn Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane.

William Pitt Earl Amherst.

John Frederick Vaughan Earl Cawdor.

William George Earl of Munster.

Adam Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

Granville George Earl Granville. (*In another place as Lord President of the Council.*)

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Anderson Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Thomas Earl of Zetland.

Charles Noel Earl of Gainsborough.

Edward Earl of Ellenborough.

George Granville Francis Earl of Ellesmere.

George Stevens Earl of Strafford.

Charles Edward Earl of Cottenham.

Henry Richard Charles Earl Cowley.

Charles John Earl Canning.

Archibald William Earl of Winton. (*Earl of Eglintoun.*)

William Earl of Dudley

John Robert Viscount Sydney, *Lord Chamberlain of the Household.*

Robert Viscount Hereford.

William Henry Viscount Strathallan. (*Elected for Scotland.*)

Henry Viscount Bolingbroke and St. John.

Evelyn Viscount Falmouth.

George Viscount Torrington.

Augustus Frederick Viscount Leinster. (*Duke of Leinster.*)

Henry Viscount Maynard.

John Robert Viscount Sydney. (*In another place as Lord Chamberlain of the Household.*)

Francis Wheler Viscount Hood.

Arthur Viscount Dungannon. (*Elected for Ireland.*)

Thomas Viscount De Vesci. (*Elected for Ireland*).

James Viscount Lifford. (*Elected for Ireland.*)

Edward Viscount Bangor. (*Elected for Ireland.*)

Hayes Viscount Doneraile. (*Elected for Ireland.*)

Carnegie Robert John Viscount St. Vincent.

Henry Viscount Melville.

William Leonard Viscount Sidmouth.

George John James Viscount Gordon. (*Earl of Aberdeen.*)

Edward Viscount Exmouth.

Richard John Viscount Hutchinson. (*Earl of Donoughmore.*)

William Thomas Viscount Clancarty. (*Earl of Clancarty.*)

Stapleton Viscount Combermere.

Charles John Viscount Canterbury.

Rowland Viscount Hill.

Charles Stewart Viscount Hardinge.

Hugh Viscount Gough.

Stratford Viscount Stratford de Redcliffe.

Charles Viscount Eversley

Archibald Campbell Bishop of London.

Henry Montagu Bishop of Durham.

Charles Richard Bishop of Winchester

Henry Bishop of Exeter.

George Bishop of Peterborough.

Connor Bishop of St. David's.

Ashhurst Turner Bishop of Chichester.

John Bishop of Lichfield.

Thomas Bishop of Ely.

Samuel Bishop of Oxford.

Thomas Vowler Bishop of St. Asaph.

James Prince Bishop of Manchester.

Renn Dickson Bishop of Hereford.

John Bishop of Chester.

Alfred Bishop of Llandaff.

John Bishop of Lincoln.

Walter Kerr Bishop of Salisbury.

Robert John Bishop of Bath and Wells. (*In another place as Lord Auckland*).

Charles Bishop of Gloucester and Bristol.

Robert Bishop of Ripon.

John Thomas Bishop of Norwich.

James Colquhoun Bishop of Bangor.

Joseph Cotton Bishop of Rochester.

Samuel Bishop of Carlisle.

Robert Bishop of Down, Connor, and Dromore.

James Thomas Bishop of Ossory, Ferns, and Leighlin.

William Bishop of Cork, Colne, and Ross.

Sidney Lord Herbert. (*One of Her Majesty's Principal Secretaries of State.*)

William Lennox Lascelles Lord de Ros.

Jacob Henry Delaval Lord Hastings.

George Edward Lord Audley.

Peter Robert Lord Willoughby de Eresby.

Thomas Crosby William Lord Dacre.

Charles Rodolph Lord Clinton.

Thomas Lord Camoys.

Henry Lord Beaumont.

Charles Lord Stourton.

Henry William Lord Berners.

Robert John Lord Willoughby de Broke.

Sackville George Lord Conyers.

George Lord Vaux of Harrowden.

St. Andrew Beauchamp Lord St. John of Bletso.

Charles Augustus Lord Howard de Walden.

William Bernard Lord Petre.

Frederick Benjamin Lord Saye and Sele.

Henry Benedict Lord Arundell of Wardour.

John Stuart Lord Clifton. (*Earl of Darnley.*)

Joseph Thaddeus Lord Dormer.

George Henry Lord Teynham.

Henry Valentine Lord Stafford.

George Anson Lord Byron.

Charles Hugh Lord Clifford of Chudleigh.

Alexander Lord Saltoun. (*Elected for Scotland.*)

John Lord Gray. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

John Lord Rollo. (*Elected for Scotland.*

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Richard Edmund Saint Lawrence Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

Henry Lord Middleton.

William John Lord Monson.

Hugh Lord Fortescue.

George John Brabazon Lord Ponsonby (*Earl of Bessborough.*)

Henry Lord Wycombe.

George John Lord Sondes.

Alfred Nathaniel Holden Lord Scarsdale.

George Ives Lord Boston.

George James Lord Lovel and Holland (*Earl of Egmont.*)

George John Lord Vernon.

Edward Saint Vincent Lord Digby.

George Douglas Lord Sundridge. (*Duke of Argyll.*) (*In another place as Lord Privy Seal.*

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Rice Lord Dinevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

Richard Noel Lord Berwick.

John Lord Sherborne.

John Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon.*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Richard Cornwallis Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland. (*In another place as Bishop of Bath and Wells.*)

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

John Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James George Henry Lord Saltersford. (*Earl of Courtown.*)

Charles Lord Brodrick. (*Viscount Midleton.*)

Frederick Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

George Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

Richard Hobart Lord Fitzgibbon. (*Earl of Clare.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

John Henry Wellington Graham Lord Loftus. (*Marquess of Ely.*)

Granville Leveson Lord Carysfort. (*Earl of Carysfort.*)

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

George Lord Rivers.

Arthur Marcus Cecil Lord Sandys.

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

Thomas Americus Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

Anthony Lord Lauderdale. (*Earl of Lauderdale.*)

George Arthur Hastings Lord Granard. (*Earl of Granard.*)

Hungerford Lord Crewe.

William Lord Ponsonby of Imokilly.

Alan Legge Lord Gardner.

John Thomas Lord Manners.

John Alexander Lord Hopetoun. (*Earl of Hopetoun.*)

Frederick William Robert Lord Stewart of Stewart's Court (*Marquess of Londonderry.*)

Richard Lord Castlemaine. (*Elected for Ireland.*)

Charles Lord Meldrum. (*Marquess of Huntly.*)

James Lord Ross. (*Earl of Glasgow.*)

William Willoughby Lord Grinstead. (*Earl of Enniskillen.*)

William Henry Tennison Lord Foxford. (*Earl of Limerick.*)

Francis George Lord Churchill.

George Francis Robert Lord Harris.

Charles Lord Colchester.

William Schomberg Robert Lord Ker. (*Marquess of Lothian.*)

Francis Nathaniel Lord Minster. (*Marquess Conyngham.*)

James Edward William Theobald Lord Ormonde. (*Marquess of Ormonde.*)

Francis Lord Wemyss. (*Earl of Wemyss.*)

Robert Lord Clanbrassill. (*Earl of Roden.*)

Robert Lord Kingston. (*Earl of Kingston.*)

William Lygon Lord Silchester. (*Earl of Longford.*)

William Richard Arthur Lord Maryborough. (*Earl of Mornington.*)

John Lord Oriel. (*Viscount Massereene.*)

Henry Thomas Lord Ravensworth.

Hugh Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Ulysses Lord Downes. (*Elected for Ireland.*)

Robert Francis Lord Gifford.

Percy Ellen Frederick William Lord Penshurst. (*Viscount Strangford.*)

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

James Lord Wigan. (*Earl of Crawford and Balcarres.*)

Thomas Granville Henry Stuart Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

Edward Montague Stuart Granville Lord Wharncliffe.

William Lord Feversham.

John Singleton Lord Lyndhurst.

John Henry Lord Tenterden.

Thomas Span Lord Plunket. (*Bishop of Tuam, Killala, and Achonry.*)

William Henry Ashe Lord Heytesbury.

Archibald John Lord Rosebery. (*Ear of Rosebery.*)

Richard Lord Clanwilliam. (*Earl of Clanwilliam.*)

Edward Lord Skelmersdale.

William Samuel Lord Wynford.

Henry Lord Brougham and Vaux.

William Henry Lord Kilmarnock. (*Earl of Erroll.*)

Arthur James Lord Fingall. (*Earl of Fingall.*)

William Philip Lord Sefton. (*Earl of Sefton.*)

William Sydney Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

William Lord Chaworth. (*Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

Robert Montgomerie Lord Hamilton. (*Lord Belhaven and Stenton.*)

John Hobart Lord Howden.

Fox Lord Panmure. (*Earl of Dalhousie.*)

Augustus Frederick George Warwick Lord Poltimore.

Edward Mostyn Lord Mostyn.

Henry Spencer Lord Templemore.

Edward Lord Cloncurry.

James Lord De Saumarez.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

Robert Campbell Lord Abinger.

Philip Lord De L'Isle and Dudley.

William Bingham Lord Ashburton.

Charles Lord Glenelg.

Edward John Lord Hatherton.

Archibald Lord Worlingham. (*Earl of Gosford.*)

William Frederick Lord Stratheden.

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

Francis William Lord Charlemont. (*In another place as Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

George Ponsonby Lord Lismore. (*Viscount Lismore.*)

Henry Cairns Lord Rossmore.

Robert Shapland Lord Carew.

Charles Frederick Ashley Cooper Lord De Mauley.

John Lord Wrottesley.

Thomas Charles Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Edward John Lord Stanley of Alderley.

Henry Lord Stuart de Decies.

William Henry Lord Leigh.

Beilby Richard Lord Wenlock.

Charles Lord Lurgan.

Ralph Lord Dunfermline.

Thomas Spring Lord Monteagle of Brandon.

John Lord Seaton.

Edward Arthur Wellington Lord Keane.

John Lord Campbell. (*In another place as Lord Chancellor.*)

North Lord Oxenfoord. (*Earl of Stair.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)

Richard Lord Dartrey. (*Lord Cremorne.*)

James Lord Elgin. (*Earl of Elgin and Kincardine.*)

Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)

William Henry Forester Lord Londesborough.

Samuel Jones Lord Overstone.

Charles Robert Claude Lord Truro.

Robert Monsey Lord Cranworth.

John Cam Lord Broughton.

John Lord De Freyne.

Edward Burtenshaw Lord Saint Leonards.

Richard Henry FitzRoy Lord Raglan.

Gilbert John Lord Aveland.

Thomas Lord Kenmare. (*Earl of Kenmare*).

Richard Bickerton Pemell Lord Lyons.

James Lord Wensleydale.

Edward Lord Belper.

James Lord Talbot de Malahide.

Robert Lord Ebury.

James Lord Skene. (*Earl Fife.*)

Charles Compton Lord Chesham.

Frederic Lord Chelmsford.

John Lord Churston.

John Charles Lord Strathspey. (*Earl of Seafield.*)

Colin Lord Clyde.

Thomas Lord Kingsdown.

George Lord Leconfield.

William Tatton Lord Egerton.

Charles Morgan Robinson Lord Tredegar.

Robert Vernon Lord Lyveden.

Benjamin Lord Llanover.

Henry Lord Taunton.

Sidney Lord Herbert. (*In another Place as One of Her Majesty's Principal Secretaries of State.*)

LIST OF THE COMMONS.

LIST OF MEMBERS

Returned from the respective Counties, Cities, Towns, and Boroughs, to serve in the *Eighteenth Parliament* of the United Kingdom of *Great Britain and Ireland*: Amended to the Opening of the Third Session on the 5th Day of February, 1861.

ABINGDON.
John Thomas Norris.

ANDOVER.
William Cubitt,
Hon. Dudley Francis Fortescue.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Rt. hon. (Edward Howard) Lord E. Howard.

ASHBURTON.
John Harvey Astell.

ASHTON-UNDER-LINE.
Rt. hon. Thomas Milner Gibson.

AYLESBURY.
Thomas Tyringham Bernard,
Samuel George Smith.

BANBURY.
Sir Charles Eurwicke Douglas, knt.

BARNSTAPLE.
John D. F. Davie,
George Potts.

BATH.
William Tite,
Arthur Edwin Hay.

BEAUMARIS.
Hon. William Owen Stanley.

BEDFORDSHIRE.
Richard Thomas Gilpin,
Francis Charles Hastings Russell.

BEDFORD.
Samuel Whitbread,
William Stuart.

BERKSHIRE.
Hon. Philip Pleydell Bouverie,
John Walter,
Richard Benyon.

BERWICK-UPON-TWEED.
Charles William Gordon,
Dudley Coutts Marjoribanks.

BEVERLEY.
Henry Edwards,
James Robert Walker.

BEWDLEY.
Sir Thomas Edward Winnington, bt.

BIRMINGHAM.
William Scholefield,
John Bright.

BLACKBURN.
William Henry Hornby,
James Pilkington.

BODMIN.
Hon. Edward Frederick Leveson Gower,
James Wyld.

BOLTON-LE-MOORS.
William Gray.

BOSTON.
Meaburn Staniland.

BRADFORD.
Henry Wickham Wickham.

BRECKNOCKSHIRE.
Hon. Godfrey Charles Morgan.

BRECKNOCK.
John Lloyd Vaughan Watkins.

BRIDGNORTH.
Henry Whitmore,
John Pritchard.

BRIDGWATER.
Charles John Kemeys Tynte,
Alexander William Kinglake.

BRIDPORT.
Thomas Alexander Mitchell,
Kirkman Daniel Hodgson.

BRIGHTHELMSTONE.
James White,
William Coningham.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
William Henry Gore Langton.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
Hon. William George Cavendish.

BUCKINGHAM.
Sir Harry Verney, bt.,
John Gellibrand Hubbard.

BURY.
Rt. hon. Frederick Peel.

BURY ST. EDMUND'S.
Hon. (Alfred Hervey) Lord A. Hervey,
Joseph Alfred Hardcastle.

CALNE.
Rt. hon. Robert Lowe.

CAMBRIDGESHIRE.
Edward Ball,
Henry John Adeane,
Hon. Eliiot Thomas Yorke.

CAMBRIDGE (UNIVERSITY).
Rt. hon. Spencer Horatio Walpole,
Charles Jasper Selwyn.

CAMBRIDGE.
Kenneth Macaulay,
Andrew Steuart.

CANTERBURY.
Hon. Henry Butler Johnstone,
Rt. hon. Sir William Meredyth Somerville, bt.

CARDIFF.
James F. C. D. Stuart.

CARDIGANSHIRE.
William Thomas Rowland Powell.

CARDIGAN.
Edward Lewis Pryse.

CARLISLE.
Rt. hon. Sir James Robert George Graham, bt.,
Wilfrid Lawson.

CARMARTHENSHIRE.
David Jones,
David Pugh.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON, &c.
Charles Wynne.

CHATHAM.
Sir John Mark Frederick Smith, knt.

CHELTENHAM.
Francis William Fitzhardinge Berkeley.

CHESHIRE.
(Northern Division.)
George Cornwall Legh,
Hon. Wilbraham Egerton.

(Southern Division.)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Philip Stapleton Humberstone.

CHICHESTER.
Humphrey William Freeland,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
William John Lysley,
Richard Penruddocke Long.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
Allen Alexander Bathurst,
Hon. Ashley George John Ponsonby.

CLITHEROE.
John Turner Hopwood.

COCKERMOUTH.
John Steel,
Rt. hon. Richard Southwell (Bourke) Lord Naas.

COLCHESTER.
Taverner John Miller,
Philip O. Papillon.

CORNWALL.
(Eastern Division.)
Thomas James Agar Robartes,
Nicholas Kendall.

(Western Division.)
Richard Davey,
John Saint Aubyn.

COVENTRY.
Rt. hon. Edward Ellice,
Sir Joseph Paxton, knt.

CRICKLADE.
Ambrose Lethbridge Goddard,
Hon. Anthony (Ashley) Lord Ashley.

CUMBERLAND.
(Eastern Division.)
Hon. Charles Wentworth George Howard,
William Marshall.

(Western Division.)
Hon. Percy Wyndham,
Henry Lowther.

DARTMOUTH.
John Hardy.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt.,
Robert Myddelton Biddulph.

DENBIGH.
Townshend Mainwaring.

DERBYSHIRE.
(Northern Division.)
Hon. (George Henry Cavendish) Lord G. H. Cavendish,
William Pole Thornhill.

(Southern Division.)
Thomas William Evans,
William Mundy.

DERBY.
Michael Thomas Bass,
Samuel Beale.

DEVIZES.
Christopher Darby Griffith,
John Neilson Gladstone.

DEVONPORT.
Sir Michael Seymour, K.C.B.,
Sir Arthur William Buller, knt.

DEVONSHIRE.
(Northern Division.)
James Wentworth Buller,
Hon. Charles Henry Rolle Trefusis.

(Southern Division.)
Sir Lawrence Palk, bt.,
Samuel Trehawke Kekewich.

DORCHESTER.
Richard Brinsley Sheridan,
Charles Napier Sturt.

DORSETSHIRE.
Hon. William Henry Berkeley Portman,
Henry Gerard Sturt,
Henry Ker Seymer.

DOVOR.
Sir Henry John Leeke, K.C.B.,
William Nicol.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

DUDLEY.
Henry Brinsley Sheridan.

DURHAM.
(Northern Division.)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick Charles William Vane-Tempest) Lord A. F. C. W. Vane-Tempest.

(Southern Division.)
Henry Pease,
James Farrer.

DURHAM (CITY).
Sir William Atherton, knt.,
Rt. hon John Robert Mowbray.

ESSEX.
(Northern Division.)
Rt. hon. William Beresford,
Charles Du Cane.

(Southern Division).
Thomas William Bramston,
J. W. Perry Watlington

EVESHAM.
Sir Henry Pollard Willoughby, bt.,
Edward Holland.

EXETER.
Edward Divett,
Richard Sommers Gard.

EYE.
Sir Edward Clarence Kerrison, bt.

FINSBURY.
Thomas Slingsby Duncombe,
Sir Samuel Morton Peto, bt.

FLINTSHIRE.
Hon. Thomas Edward Mostyn Lloyd Mostyn.

FLINT, &c.
Sir John Hanmer, bt.

FROME.
Hon. (Edward Thynne) Lord E. Thynne.

GATESHEAD.
Rt. hon. William Hutt.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Henry Hussey Vivian.

GLOUCESTERSHIRE.
(Eastern Division.)
Sir Christopher William Codrington, bt.,
Robert Stayner Holford.

(Western Division.)
Robert Nigel Fitzhardinge Kingscote,
John Rolt.

GLOUCESTER.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
David Salomons,
William Angerstein.

GRIMSBY (GREAT).
Hon. Charles (Anderson-Pelham) Lord Worsley.

GUILDFORD.
William Bovill,
Guildford Onslow.

HALIFAX.
Rt. hon. Sir Charles Wood, bt.,
James Stansfeld.

HAMPSHIRE.
(Northern Division.)
William Wither Bramston Beach,
George Sclater Booth.

(Southern Division.)
Hon. Ralph Heneage Dutton,
Sir Jervoise Clarke Clarke-Jervoise, bt.

HARWICH.
Henry G. W. Jervis,
Hon. Richard Thomas Rowley.

HASTINGS.
Frederick North,
Hon. (Harry George Vane) Lord H. G. Vane.

HAVERFORDWEST.
John Henry Philipps.

HELSTON.
John Jope Rogers.

HEREFORDSHIRE.
James King King,
Hon. (Montagu William Graham) Lord M. W. Graham,
Humphrey Francis Mildmay.

HEREFORD.
Henry Morgan Clifford,
George Clive.

HERTFORDSHIRE.
Rt. hon. Sir Edward George Lytton Bulwer-Lytton, bt.,
Christopher William Giles Puller,
Abel Smith.

HERTFORD.
Rt. hon. William Francis Cowper,
Sir Walter Minto Townshend Farquhar, bt.

HONITON.
George Moffatt,
Alexander Dundas Baillie Cochrane.

HORSHAM.
William Robert Seymour Vesey FitzGerald.

HUDDERSFIELD.
Edward Aldam Leatham.

HUNTINGDONSHIRE.
Edward Fellowes,
Hon. (Robert Montagu) Lord R. Montagu.

HUNTINGDON.
Rt. hon. Jonathan Peel,
Thomas Baring.

HYTHE.
Baron Mayer Amschel de Rothschild.

IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.
George Carr Glyn.

KENT.
(Eastern Division.)
Sir Brooke William Bridges, bt.,
William Deedes.

(Western Division.)
Hon. (William Pitt) Viscount Holmesdale,
Sir Edmund Filmer, bt.

KIDDERMINSTER.
Alfred Rhodes Bristow.

KING'S LYNN.
Rt. hon. Edward Henry (Stanley) Lord Stanley,
John Henry Gurney.

KINGSTON-UPON-HULL.
James Clay,
Joseph Somes.

KNARESBOROUGH.
Basil Thomas Woodd,
Thomas Collins.

LAMBETH.
William Roupell,
William Williams.

LANCASHIRE.
(Northern Division.)
John Wilson Patten,
Hon. Spencer Compton (Cavendish) Marquess of Hartington.

(Southern Division.)
Hon. Algernon Fulke Egerton,
William John Legh.

LANCASTER.
William James Garnett,
Samuel Gregson.

LAUNCESTON.
Thomas Chandler Haliburton.

LEEDS.
Edward Baines,
George Skirrow Beecroft.

LEICESTERSHIRE.
(Northern Division.)
Rt. hon. (John James Robert Manners) Lord J. J. R. Manners,
Edward Bouchier Hartopp.

(Southern Division.)
Charles William Packe,
Hon. George Augustus Frederick Louis (Curzon Howe) Viscount Curzon.

LEICESTER.
John Biggs,

LEOMINSTER.
Gathorne Hardy,
Hon. Charles Spencer Bateman Hanbury.

LEWES.
John George Blencowe,
Hon. Henry Bouverie William Brand.

LICHFIELD.
Hon. (Alfred Henry Paget) Lord A. H. Paget,
Hon. Augustus Henry Archibald Anson.

LINCOLNSHIRE.
(Parts of Lindsey.)
James Banks Stanhope,
Sir Montagu John Cholmeley Cholmeley, bt.

(Parts of Kesteven and Holland.)
Sir John Trollope, bt.,
George Hussey Packe.

LINCOLN.
Gervaise Tottenham Waldo Sibthorp,
George Fieschi Heneage.

LISKEARD.
Ralph Bernal Osborne.

LIVERPOOL.
Thomas Berry Horsfall,
Joseph Christopher Ewart.

LONDON.
Sir James Duke, bt.,
Rt. hon. (John Russell) Lord J. Russell,
Robert Wygram Crawford,
Baron Lionel Nathan De Rothschild.

LUDLOW.
Beriah Botfield.

LYME REGIS.
William Pinney.

LYMINGTON.
William Alexander Mackinnon, jun.,
Hon. George Charles (Gordon Lennox) Lord G. C. Lennox.

MACCLESFIELD.
John Brocklehurst,
Edward Christopher Egerton.

MAIDSTONE.
William Lee,
Charles Buxton.

MALDON.
George Montagu Warren Peacocke,
Thomas Sutton Western.

MALMESBURY.
Hon. Henry Charles (Howard) Viscount Andover.

MALTON.
Hon. Charles William Wentworth Fitzwilliam,
James Brown.

MANCHESTER.
Thomas Bazley,
James Aspinall Turner.

MARLBOROUGH.
Rt. hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.
Edwin John James,
Rt. hon. Edmund Boyle (Roche) Lord Fermoy.

MERIONETHSHIRE.
William Watkin Edward Wynne.

MERTHYR TYDVIL.
Henry Austin Bruce.

MIDDLESEX.
Robert Hanbury,
Hon. George Henry Charles (Byng) Viscount Enfield.

MIDHURST.
William Townley Mitford.

MONMOUTHSHIRE.
Charles Octavius Swinnerton Morgan,
Poulett George Henry Somerset.

MONMOUTH.
Crawshay Bailey.

MONTGOMERYSHIRE.
Herbert Watkins Williams Wynn.

MONTGOMERY.
David Pugh.

MORPETH.
Rt. hon. Sir George Grey, bt.

NEWARK-UPON-TRENT.
Grosvenor Hodgkinson,
John Handley.

NEWCASTLE-UNDER-LYME
William Jackson,
William Murray.

NEWCASTLE-UPON-TYNE.
Somerset Archibald Beaumont,
Rt. hon. Thomas Emerson Headlam.

NEWPORT, ISLE OF WIGHT.
Robert William Kennard,
Philip Lybbe Powys.

NORFOLK.
(Eastern Division.)
Hon. Wenman Clarence Walpole Coke,
Edward Howes.

(Western Division.)
George William Pierrepont Bentinck,
Charles Brampton Gurdon.

NORTHALLERTON.
William Battie Wrightson.

NORTHAMPTONSHIRE.
(Northern Division.)
Hon. William Alleyne (Cecil) Lord Burghley,
George Ward Hunt.

(Southern Division.)
Rainald Knightley,
Henry Cartwright.

NORTHAMPTON.
Charles Gilpin,
Rt. hon. Anthony (Henley), Lord Henley.

NORTHUMBERLAND.
(Northern Division.)
Hon. Algernon George (Percy) Lord Lovaine,
Sir Matthew White Ridley, bt.

(Southern Division.)
Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

NORWICH.
Sir William Russell, bt.,
Edward Warner.

NOTTINGHAMSHIRE.
(Northern Division.)
Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Pelham Clinton,
Rt. hon. John Evelyn Denison.

(Southern Division.)
William Hodgson Barrow,
Hon. George Philip Cecil Arthur (Stanhope) Lord Stanhope.

NOTTINGHAM.
Charles Paget,
John Mellor.

OLDHAM.
William Johnson Fox,
John Morgan Cobbett.

OXFORDSHIRE.
Rt. hon. Joseph Warner Henley,
John Sidney North,
George Granville Vernon Harcourt.

OXFORD (CITY).
James Haughton Langston,
Rt. Hon. Edward Cardwell.

OXFORD (UNIVERSITY).
Rt. Hon. William Ewart Gladstone,
Sir William Heathcote, bt.

PEMBROKESHIRE.
George Lort Phillips.

PEMBROKE.
Sir John Owen, bt.

PENRYN AND FALMOUTH.
Thomas George Baring,
Samuel Gurney.

PETERBOROUGH.
Thomson Hankey,
George Hammond Whalley.

PETERSFIELD.
Rt. Hon. Sir William George Hylton Jolliffe, bt.

PLYMOUTH.
Hon. William Henry (Edgcumbe) Viscount Valletort,
Robert Porrett Collier.

PONTEFRACT.
Richard Monckton Milnes,
Hugh Culling Eardley Childers.

POOLE.
George Woodroffe Franklyn,
Henry Danby Seymour.

PORTSMOUTH.
Sir James Dalrymple Horn Elphinstone, bt.,
Rt. hon. Sir Francis Thornhill Baring, bt.

PRESTON.
Richard Asheton Cross,
Charles Pascoe Grenfell.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Rt. hon. Sir George Cornewall Lewis, bt.

READING.
Gillery Pigott,
Sir Francis Henry Goldsmid, bt.

REIGATE.
Hon. William John Monson.

RETFORD (EAST).
Rt. hon. George Edward Arundell (Monckton-Arundell) Viscount Galway,
Francis John Savile Foljambe.

RICHMOND.
Henry Rich,
Marmaduke Wyvill.

RIPON.
John Greenwood,
Reginald Arthur Vyner.

ROCHDALE.
Richard Cobden.

ROCHESTER.
Philip Wykeham Martin,
John Alexander Kinglake.

RUTLANDSHIRE.
Hon. Gerard James Noel,
Hon. Gilbert Henry Heathcote.

RYE.
William Alexander Mackinnon.

ST. IVES.
Henry Paull.

SALFORD.
William Nathaniel Massey.

SALISBURY.
Edward Pery Buckley,
Matthew Henry Marsh.

SALOP, OR SHROPSHIRE.
(*Northern Division.*)
Hon. Rowland Clegg Hill,
John Ralph Ormsby Gore.

(*Southern Division.*)
Rt. hon. Orlando George Charles (Bridgeman) Viscount Newport,
Sir Baldwin Leighton, bt.

SANDWICH.
Edward Knatchbull Hugessen,
Hon. Clarence Edward (Paget) Lord C. E. Paget.

SCARBOROUGH.
John Dent Dent,
Sir John Vanden Bempde Johnstone, bt.

SHAFTESBURY.
George Grenfell Glyn.

SHEFFIELD.
John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).
Robert Ingham.

SHOREHAM (NEW).
Sir Charles Merrik Burrell, bt.,
Stephen Cave.

SHREWSBURY.
George Tomline,
Robert Aglionby Slaney.

SOMERSETSHIRE.
(*Eastern Division.*)
Sir William Miles, bt.,
William Francis Knatchbull.

(*Western Division.*)
Charles Aaron Moody,
Sir Alexander Fuller Acland Hood, bt.

SOUTHAMPTON.
William Digby Seymour,
Brodie M'Ghie Willcox.

SOUTHWARK.
Austen Henry Layard,
John Locke.

STAFFORDSHIRE.
(*Northern Division.*)
Rt. hon. Charles Bowyer Adderley,
Hon. Charles John (Talbot) Viscount Ingestre.

(*Southern Division.*)
Henry John Wentworth Foley,
William Orme Foster.

STAFFORD.
Thomas Sidney,
Thomas Salt.

STAMFORD.
Hon. (Robert Talbot Gascoyne Cecil) Lord R. T. G. Cecil,
Sir Stafford Henry Northcote, bt.

STOCKPORT.
James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.
John Lewis Ricardo,
William Taylor Copeland.

STROUD.
George Poulett Scrope,
Rt. hon. Edward Horsman.

SUFFOLK.
(Eastern Division.)
Rt. hon. John (Henniker-Major) Lord Henniker,
Sir FitzRoy Kelly, knt.

(Western Division.)
Hon. Frederick William (Hervey), Earl Jermyn,
Windsor Parker.

SUNDERLAND.
Henry Fenwick,
William Schaw Lindsay.

SURREY.
(Eastern Division.)
Thomas Alcock,
Hon. Peter John Locke King.

(Western Division.)
John Ivatt Briscoe,
George Cubitt.

SUSSEX.
(Eastern Division.)
John George Dodson,
Hon. Henry North (Holroyd) Viscount Pevensey.

(Western Division.)
Walter Barttelot Barttelot,
Hon. Henry Wyndham.

SWANSEA.
Lewis Llewellyn Dillwyn.

TAMWORTH.
Sir Robert Peel, bt.,
Hon. John (Townshend) Viscount Raynham.

TAUNTON.
Arthur Mills,
George Cavendish Bentinck.

TAVISTOCK.
Sir John Salusbury Trelawny, bt.,
Arthur John Edward Russell.

TEWKESBURY.
Hon. Frederick Lygon,
James Martin.

THETFORD.
Hon. William Henry (FitzRoy) Earl of Euston,
Alexander Hugh Baring.

THIRSK.
Sir William Payne Gallwey, bt.

TIVERTON.
Rt. hon. Henry John (Temple) Viscount Palmerston,
Hon. George Denman.

TOTNESS.
Hon. George (Hay) Earl of Gifford,
Thomas Mills.

TOWER HAMLETS.
Acton Smee Ayrton,
Charles Salisbury Butler.

TRURO.
Montagu Edward Smith,
Augustus Smith.

TYNEMOUTH.
Hugh Taylor.

WAKEFIELD.

WALLINGFORD.
Richard Malins.

WALSALL.
Charles Forster.

WAREHAM.
John Wanley Erle Drax.

WARRINGTON.
Gilbert Greenall.

WARWICKSHIRE.
(Northern Division.)
Charles Newdigate Newdegate,
Richard Spooner.

(Southern Division.)
Evelyn Philip Shirley,
Sir Charles Mordaunt, bt.

WARWICK.
George William John Repton,
Edward Greaves.

WELLS.
Rt. hon. Sir William Goodenough Hayter, bt.,
Hedworth Hylton Jolliffe.

WENLOCK.
Rt. hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.
Sir Massey Lopes, bt.

WESTMINSTER.
Sir John Villiers Shelley, bt.,
Sir De Lacy Evans, G.C.B.

WESTMORELAND.
Hon. Henry Cecil Lowther,
Hon. Thomas (Taylour) Earl of Bective.

WEYMOUTH AND MELCOMBE REGIS.
Robert Brooks,
Hon. Arthur Edward (Egerton), Viscount Grey de Wilton.

WHITBY.
Harry Stephen Thompson.

WHITEHAVEN.
George Lyall.

WIGAN.
Hon. James Lindsay,
Henry Woods.

WIGHT (ISLE OF).
Charles Cavendish Clifford.

WILTON.
Edmund Antrobus.

WILTSHIRE.
(Northern Division.)
Walter Long,
Rt. hon. Thomas Henry Sutton Sotheron Estcourt

Southern Division.)

Hon. Henry Frederick (Thynne) Lord H. F. Thynne.

WINCHESTER.
Sir James Buller East, bt.,
John Bonham Carter.

WINDSOR.
William Vansittart,
George William Hope.

WOLVERHAMPTON.
Rt. hon. Charles Pelham Villiers,
Sir Richard Bethell, knt.

WOODSTOCK.
Hon. Alfred (Churchill), Lord A. Churchill.

WORCESTERSHIRE.
(Eastern Division.)
John Hodgetts Hodgetts Foley,
Hon. Frederick Henry Gough Calthorpe.

(Western Division.)
Frederick Winn Knight,
Hon. Henry (Pyndar) Viscount Elmley.

WORCESTER.
Richard Padmore,
Osman Ricardo.

WYCOMBE (CHIPPING).
Sir George Henry Dashwood, bt.,
Martin Tucker Smith.

YARMOUTH (GREAT).
Sir Edmund Henry Knowles Lacon, bt.,
Sir Henry Josiah Stracey, bt.

YORKSHIRE.
(North Riding.)
Edward Stillingfleet Cayley,
Hon. William Ernest Duncombe.

YORKSHIRE—*continued.*

(*East Riding.*)

Rt. hon. Beaumont (Hotham) Lord Hotham,
Hon. Arthur Duncombe.

(*West Riding.*)

Sir John William Ramsden, bt.,
Frank Crossley.

YORK.

Joshua Proctor Brown Westhead,
John George Smyth.

SCOTLAND.

ABERDEENSHIRE.

ABERDEEN.

William Henry Sykes.

ARGYLLSHIRE.

Alexander Struthers Finlay.

AYRSHIRE.

Sir James Fergusson, bt.

AYR, &c.

Edward Henry John Craufurd.

BANFFSHIRE.

Lachlan Duff Gordon.

BERWICKSHIRE.

David Robertson.

BUTESHIRE.

Rt. hon. David Mure.

CAITHNESS-SHIRE.

George Traill.

CLACKMANNAN AND KINROSS-SHIRES.

William Patrick Adam.

CUPAR, ST. ANDREWS, &c.

Edward Ellice.

DUMBARTONSHIRE.

Patrick Boyle Smollett.

DUMFRIES-SHIRE.

John James Hope Johnstone.

DUMFRIES, &c.

William Ewart.

DUNDEE.

Sir John Ogilvy, bt.

DYSART, KIRCALDY, &c.

Robert Ferguson.

EDINBURGHSHIRE.

Hon. William Henry Walter (Montague-Douglas-Scott) Earl of Dalkeith.

EDINBURGH.

Adam Black,
Rt. hon. J. Moncreiff.

NAIRNESHIRE AND ELGIN.

Charles Lennox Cumming Bruce.

ELGIN, &c.

Mountstuart Grant Duff.

FALKIRK, &c.

James Merry.

FIFESHIRE.

James Hay Erskine Wemyss.

FORFARSHIRE.

Hon. Charles Carnegie.

GLASGOW.

Walter Buchanan,
Robert Dalglish.

GREENOCK.

Alexander Murray Dunlop.

HADDINGTONSHIRE.

Hon. Francis Wemyss (Charteris) Lord Elcho.

HADDINGTON, &c.

Sir Henry Robert Ferguson Davie, bt.

INVERNESS-SHIRE.

Henry James Baillie.

INVERNESS, &c.

Alexander Matheson.

KILMARNOCK, RENFREW, &c.

Rt. hon. Edward Pleydell Bouverie.

KINCARDINESHIRE.

Hon. Hugh Arbuthnott.

KIRKCUDBRIGHTSHIRE.

James Mackie.

KIRKWALL, WICK, &c.

Rt. hon. William Coutts (Keppel) Viscount Bury.

LANARKSHIRE.

Sir Thomas Edward Colebrooke, bt.

LEITH, &c.

William Miller.

LINLITHGOWSHIRE.

W. Ferrier Hamilton.

MONTROSE, &c.

William Edward Baxter.

ORKNEY AND SHETLAND.

Frederick Dundas.

PAISLEY.

Humphrey Ewing Crum Ewing.

PEEBLES-SHIRE.

Sir Graham Graham Montgomery, bt.

PERTHSHIRE.

William Stirling.

PERTH.

Hon. Arthur FitzGerald Kinnaird.

RENFREWSHIRE.

Sir Michael Robert Shaw Stewart, bt.

ROSS AND CROMARTY SHIRES.

Sir James Matheson, bt.

ROXBURGHSHIRE.

Sir William Scott, bt.

SELKIRKSHIRE.

Allan Eliott Lockhart.

STIRLINGSHIRE.

Peter Blackburn.

STIRLING, &c.

James Caird.

SUTHERLANDSHIRE.

Hon. George Granville William (Leveson-Gower) Marquess of Stafford.

WIGTONSHIRE.

Sir Andrew Agnew, bt.

WIGTON, &c.

Sir William Dunbar, bt.

IRELAND.

ANTRIM.

Thomas Henry Pakenham,
Hon. George Frederick Upton.

ARMAGH.

Sir William Verner, bt.,
Maxwell Charles Close.

ARMAGH (CITY).

Joshua Walter MacGeough Bond.

ATHLONE.

John Ennis.

BANDON BRIDGE.

Hon. William Smyth Bernard.

BELFAST.

Sir Hugh MacCalmont Cairns, knt.,
Samuel Gibson Getty.

CARLOW.

William Bunbury M'Clintock Bunbury,
Henry Bruen.

CARLOW (BOROUGH).

Sir John Emerich Dalberg Acton, bt.

CARRICKFERGUS.

Robert Torrens.

CASHEL.

John Lanigan.

CAVAN.

Hon. James Pierce Maxwell,
Hon. Hugh Annesley.

CLARE.

C. M. Vandeleur,
Francis McNamara Calcutt.

CLONMEL.
John Bagwell.

COLERAINE.
John Boyd.

CORK COUNTY.
Rt. hon. Rickard Deasy,
Vincent Scully.

CORK (CITY).
Francis Bernard Beamish,
Francis Lyons.

DONEGAL.
Thomas Conolly,
Hon. James (Hamilton) Viscount Hamilton.

DOWNSHIRE.
Hon. (Arthur Edwin Hill) Lord A. E. Hill,
William B. Forde.

DOWNPATRICK.
David Stewart Ker.

DROGHEDA.
James McCann.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Sir Edward Grogan, bt.,
John Vance.

DUBLIN (UNIVERSITY).
Anthony Lefroy,
Rt. hon. James Whiteside.

DUNDALK.
Sir George Bowyer, bt.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
John Francis Maguire.

ENNIS.
William Stacpoole.

ENNISKILLEN.
Hon. John Lowry Cole.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

GALWAY.
Sir Thomas John Burke, bt.,
William Henry Gregory.

GALWAY (BOROUGH).
John Orrell Lever,
Hon. Ulick Canning (De Burgh) Lord Dunkellin.

KERRY.
Rt. hon. Henry Arthur Herbert,
Rt. hon. Valentine Augustus (Browne) Viscount Castlerosse.

KILDARE.
William Henry Ford Cogan,
Rt. hon. Richard More O'Ferrall.

KILKENNY.
Hon. Leopold George Frederick Agar Ellis,
John Greene.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S COUNTY.
John Pope Hennessy,
Patrick O'Brien.

KINSALE.
Sir John Arnott, knt.

LEITRIM.
John Brady,
William Richard Ormsby Gore.

LIMERICK.
Rt. hon. William Monsell,
Samuel A. Dickson.

LIMERICK (CITY).
Francis William Russell,
George Gavin.

LISBURN.
Jonathan Joseph Richardson.

LONDONDERRY.
Robert Peel Dawson,
Sir Frederick William Heygate, bt.

LONDONDERRY (CITY).
William McCormick.

LONGFORD.
Henry White,
Fulke Southwell Greville.

LOUTH.
Chichester Samuel Fortescue,
Richard Montesquieu Bellew.

MALLOW.
Robert Longfield.

MAYO.
Roger William Palmer,
Hon. John Thomas (Browne) Lord J. T. Browne.

MEATH.
Matthew Elias Corbally,
Edward McEvoy.

MONAGHAN.
Charles Powell Leslie,
Sir George Forster, bt.

NEWRY.
Peter Quinn.

PORTARLINGTON.
Lionel Dawson Damer.

QUEEN'S COUNTY.
Michael Dunne,
Francis Plunket Dunne.

ROSCOMMON.
Fitzstephen French,
The O'Conor Don.

ROSS (NEW).
Charles Tottenham.

SLIGO.
Sir Robert Gore Booth, bt.,
Charles William Cooper.

SLIGO (BOROUGH).
Francis Macdonogh.

TIPPERARY.
O'Donoghoe, Daniel (The O'Donoghoe),
Lawrence Waldron.

TRALEE.
Daniel O'Connell.

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Rt. hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
John Esmonde,
Hon. Walter Cecil Talbot.

WATERFORD (CITY).
Michael Dobbyn Hassard,
John Aloysius Blake.

WESTMEATH.
Sir Richard George Augustus Levinge, bt.,
William Pollard Urquhart.

WEXFORD.
Patrick McMahon,
John George.

WEXFORD (BOROUGH).
John Edward Redmond.

WICKLOW.
William Wentworth Fitzwilliam Hume,
Hon. Granville Leveson (Proby) Lord Proby.

YOUGHAL.
Isaac Butt.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *EIGHTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND* APPOINTED TO MEET 31 MAY, 1859, AND THENCE CONTINUED TILL FEBRUARY 5, 1861, IN THE TWENTY-FOURTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, February 5, 1861.

MINUTES.] *Took the Oaths.*—The Right Honourable Sidney Herbert, having been created Lord Herbert of Lea—Was (in the usual manner) introduced; Several Lords; The Lord Dormer—Took the Oath prescribed by the Act 10th Geo. IV. to be taken by Peers professing the Roman Catholic Religion.

PUBLIC BILLS.—1^a Select Vestries.

MEETING OF THE PARLIAMENT.

THE PARLIAMENT, which had been Prorogued successively to the 6th November, thence to the 3rd January, and thence to the 5th February, met this day for Despatch of Business.

The Session of PARLIAMENT was opened by THE QUEEN in Person.

SELECT VESTRIES.

Bill, *pro formâ*, read 1^a.

THE QUEEN'S SPEECH.

THE QUEEN being seated on the Throne, and the Commons being at the Bar, with their Speaker, HER MAJESTY was pleased to make a most Gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

IT is with great Satisfaction that I meet you again in Parliament, and have recourse to your Assistance and Advice.

MY Relations with Foreign Powers continue to be friendly and satisfactory; and I trust that the Moderation of the Powers of *Europe* will prevent any Interruption of the general Peace.

EVENTS of great Importance are taking place in *Italy*. Believing that the *Italians* ought to be left to settle their own Affairs, I have not thought it right to exercise any active Interference in those Matters. Papers on this Subject will be laid before you.

I ANNOUNCED to you at the Close of the last Session of Parliament that the Atrocities which had then recently been committed in *Syria* had induced Me to concur with The Emperor of *Austria*, the Emperor of The *French*, The Prince Regent of *Prussia*, and The Emperor of *Russia*, in entering into an Engagement with The Sultan by which temporary Military Assistance was to be afforded to The Sultan for the Purpose of establishing Order in that Part of His Dominions.

THAT Assistance has been afforded by a Body of *French* Troops, who have been sent to *Syria* as representing the Allied Powers. The Sultan has also placed a considerable Military Force in *Syria*, under the Direction of an able Officer; and I trust that Tranquillity will soon be re-established in that Province, and that the Objects of the Convention will have been fully attained.

I ANNOUNCED to you also at the Close of the last Session of Parliament that the pacific Overtures which My Envoy in *China* had made to the Imperial Government at *Pekin* having led to no satisfactory Result, My Naval and Military Forces, and those of My Ally The Emperor of the *French*, were to advance towards the Northern Provinces of *China*, for the Purpose of supporting the just demands of the Allied Powers, and that the Earl of *Elgin* had been sent to *China* as Special Ambassador to treat with the *Chinese* Government.

I AM glad to inform you that the Operations of the Allied Forces have been attended with complete Success. After the Capture of the Forts at the Mouth of the *Peiho*, and several Engagements with the *Chinese* Army, the Allied Forces became Masters of the Imperial City of Pekin; and the Earl of *Elgin* and Baron *Gros*, the Ambassador of The Emperor of the *French*, were enabled to obtain an honourable and satisfactory Settlement of all the Matters in dispute.

THROUGHOUT these Operations, and the Negotiations which followed them, the Commanders and Ambassadors of the Allied Powers acted with the most friendly Concert. Papers on this Subject will be laid before you.

THE State of My *Indian* Territories is progressively improving, and I trust that their Financial Condition will gradually partake of the general Amendment.

AN Insurrection of a Portion of the Natives of *New Zealand* has interrupted the Peace of a Part of that Colony; but I hope that the Measures which have been taken will speedily suppress these Disturbances, and enable My Government to concert such Arrangements as may prevent their Recurrence.

SERIOUS Differences have arisen among the States of the *North American* Union. It is impossible for Me not to look with great Concern upon any Events which can affect the Happiness and Welfare of a People nearly allied to My Subjects by Descent, and closely connected with them by the most intimate and friendly Relations. My heartfelt Wish is, that these Differences may be susceptible of a satisfactory Adjustment.

THE Interest which I take in the Well-being of the People of the *United States* cannot but be increased by the kind and cordial Reception given by them to the Prince of *Wales* during His recent Visit to the Continent of *America*.

I AM glad to take this Opportunity of expressing My warm Appreciation of the Loyalty and Attachment to My Person and Throne manifested by My *Canadian* and other *North American* Subjects on the Occasion of the Residence of The Prince of *Wales* among them.

I HAVE concluded with the Emperor of the *French* Conventions supplementary to the Treaty of Commerce of 23rd of *January*, 1860, and in furtherance of the Objects of that Treaty.

I HAVE also concluded with The King of *Sardinia* a Convention for the reciprocal Protection of Copyright.

THESE Conventions will be laid before you.

"*Gentlemen of the House of Commons,*

I HAVE directed the Estimates for the ensuing Year to be laid before you. They have been framed with a due Regard to Economy and to the Efficiency of the several Branches of the Public Service.

"*My Lords, and Gentlemen,*

MEASURES will be laid before you for the Consolidation of important Parts of the Criminal Law; for the Improvement of the Law of Bankruptcy and Insolvency; for rendering more easy the Transfer of Land; for establishing a uniform System of Rating in *England* and *Wales*; and for several other Purposes of public Usefulness.

I CONFIDENTLY commit the great Interests of My Empire to your Wisdom and Care; and I fervently pray that the Blessing of the Almighty may attend your Councils, and may guide your Deliberations to the Attainment of the Object of My constant Solicitude — the Welfare and Happiness of My People.

HER MAJESTY then retired.

House adjourned during pleasure.

House resumed.

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.

HER MAJESTY'S SPEECH having been *reported* by the Lord Chancellor:—

THE EARL OF SEFTON rose to move that an humble Address be presented by this House to Her Majesty in answer to Her Majesty's gracious Speech, and said: —My Lords, in rising to move that a humble Address be presented to Her Majesty, in reply to Her Majesty's most gracious Speech from the Throne, I trust your Lordships will extend to me that indulgence which you have always shown to those who address your Lordships' House for the first time. I can assure your Lordships that it is my intention to trespass on your time as briefly as possible; I trust, therefore, any error I may commit in the performance of the duty I have undertaken will be attributed to my inexperience of public affairs, rather than to any wish on my part to obtrude my opinions unnecessarily on your Lordships' notice. Under other circumstances, my Lords, I should have expressed a hope that the Motion I have the honour to submit would meet with your Lordships' unanimous approval. But I confess, for my own part—and I think I may add on the part of all my noble Friends on this side of the House —that the pleasure of seeing present the noble Earl opposite (the Earl of Derby) restored to health, and able to deal with any question that may be brought before the House, tempts me to omit the usual form of deprecating any hostile criticism on the present occasion.

My Lords, Her Majesty has informed us that Her relations with foreign Powers continue to be friendly and satisfactory. I will not enter into any lengthened disquisition on foreign politics—I will content myself with observing that the present crisis requires the greatest care in conducting our relations with foreign Powers; to guide this country safely and honourably through the existing perils will require the greatest prudence and sagacity, and if I could lay claim to either I think I should show it best by abstaining from allusion to those exciting but delicate questions which are agitating all Europe at the present moment. I think, however, I may be allowed to say this, that as long as it is the opinion of this House that the honour and interests of this country are duly cared for by the Executive Government, no party feeling will be allowed to intervene in our deliberations, but that Her Majesty's Government will receive your Lordships' hearty support. I may be here permitted to observe, that however desirable we may deem it that the present territorial arrangements of Europe should be preserved, yet we cannot help feeling the greatest sympathy with those Italian peoples in the ardent struggle which they have maintained for the purpose of raising out of the ruins of governments that have hitherto existed, one strong, free, and united kingdom; but still all will agree that that end is most likely to be attained by the non-intervention of the other Powers of Europe; and I trust that the energies of Her Majesty's Government will be directed to the maintenance of such a policy.

My Lords, Her Majesty then informs us that the operations of the allied forces in China have been attended with complete success. These operations in China, now so happily terminated, have so recently been a subject of deep interest to us all that it is needless for me to attempt to recall them to your Lordships' recollection, but I think I shall be justified in alluding to the completeness of the expedition in all its parts. The people of this country are accustomed to hear on all occasions of the bravery and self-denial of our soldiers and sailors; but when we come to consider the small amount of the loss that has been sustained by our forces in China, either from the efforts of the enemy or the effects of sickness, we cannot help feeling some pride at the intelligence with which the whole of the movements were directed, and the foresight with which the original organization was made. My Lords, we must not, however, forget the danger and loss incurred by another profession—the diplomatic service. Officers relying upon the protection that has been afforded in all ages to members of that profession, together with military officers under the protection of a flag of truce, have undergone cruelties, indignities, and even death, under the very eyes of the Emperor himself. That potentate, however, has been punished in a manner which he cannot easily forget, and it is to be hoped that the crafty and bigoted advisers who led him into the scrape have now learnt a lesson which will be impressed upon their minds for some time to come. I trust that it may not be considered impertinent if, while upon this subject, I venture to express a hope that the English community in those distant lands have also learnt a lesson as to the necessity of prudence in their dealings with those amongst whom they dwell.

My Lords, Her Majesty further informs us that the state of Her Indian territories is progressively improving. Great doubts seem to be entertained in some quarters whether India can continue to bear the burden of her present debt and expenditure; but when we come to consider the great capabilities of that vast empire, and the great increase in her productions which may be expected when the communications shall have been more opened out, I think we cannot doubt the power of that country to meet the burdens now cast upon her. But the one great condition which is required is peace; and those who have watched the proceedings of that nobleman who now governs India must have seen that the leading principle in his mind is to carry out the conciliatory policy announced in Her Majesty's most gracious Proclamation to the princes and people of India. He has granted to the Native Princes some of the privileges which were most dear to them, he has watched over the rights of the peasantry, and has done all in his power to reconcile all classes to that Government which they are bound to obey.

My Lords, Her Majesty proceeds to express Her great concern at the serious differences that have arisen among the States of the North American Union. While we regret to see so important and flourishing a community, closely bound to ourselves by every tie, almost on the verge of civil war, we cannot help feeling some alarm as to the effects which those events may have upon the importation of cotton into the principal districts of the North of England. But at the same time, my Lords, we should remember that cotton can be obtained from other countries besides America, and I am happy to say that this subject is exciting the deepest interest in Manchester, and I trust in Liverpool also. Increased facility of communication in India, and better modes of preparing the cotton and bringing it to market will, I hope, shortly place us in possession of a large supply from that portion of the Empire. There are also hardy and adventurous pioneers labouring on the coast of Africa, in the hope of creating a wide field for commercial operations in that quarter of the globe.

My Lords, Her Majesty next informs us that She has concluded conventions with the Emperor of the French, supplementary to the Treaty of Commerce with that country, and in furtherance of the object of that treaty. My Lords, whatever might have been the opinions upon the subject of that treaty when the negotiations were first set on foot, I feel assured that the fact of expectations being currently entertained that some of the stipulations of that treaty will be carried into effect by the Emperor of the French at an earlier date than was originally intended will be heard with satisfaction by all parties in the country. It has been said that the present troubles at Coventry are one of the results of that treaty ; but the importation of French ribands into this country has not increased, and those who have considered the subject with larger information know that similar distress prevails among the riband makers of France. The disastrous state of affairs in Coventry must, therefore, be attributed to some other cause than the French Treaty.

Her Majesty then informs us that She has directed the Estimates for the ensuing year to be laid before the other House, and that they have been framed with due regard to economy and to the efficiency of the public service. My Lords, the position which England now holds among nations is due to the fact that we are prepared for any emergency, that our Army and Navy are in the highest state of efficiency, and that we have considerable defensive power in our Militia and Volunteers. It has often been imputed to us that we are a nation of shopkeepers, and as I am connected with that portion of the kingdom where manufacturing and commercial industry is most largely developed, it is a source of pride to me, as it must be of gratification to all, to know that that very district has been conspicuous above most others for the energy and liberality with which the Volunteer movement has been created and supported. I hope, my Lords, it will not be considered out of place if I take this opportunity of bearing my testimony—which will be corroborated by all who like myself have been engaged in the organization of Volunteer corps—to the hearty support which they had received from the noble Lord the late Under Secretary of State for War (Earl de Grey and Ripon). It is to be hoped that the efficiency of the services will be in no way diminished in the present year, and that only such economy will be practised as is compatible with a due regard to the danger of the present state of Europe.

My Lords, Her Majesty has also recommended to Parliament the consideration of various legal reforms which will be laid before us, and I think there can be no doubt as to the necessity of completing those measures at the earliest possible time.

My Lords, having thus briefly touched upon some of the most important questions to which allusion is made in Her Majesty's Speech, I think I cannot better conclude than by expressing my fervent hope that we may in our deliberations in Parliament this year by our firmness and moderation offer such an example to other countries as may induce even those who are now most swayed by the desire of territorial aggrandizement, or other passions, to re-enter those paths of legality and industry which alone can lead to happiness and prosperity, such as has been so long enjoyed by our own country. The noble Earl concluded by moving the following Address in answer to Her Majesty's most Gracious Speech :—

MOST GRACIOUS SOVEREIGN,

"We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble Thanks to Your Majesty for Your Majesty's most gracious Speech from the Throne.

"We humbly express to Your Majesty the Gratification with which we learn that your Relations with Foreign Powers continue to be friendly and satisfactory ; and we assure Your Majesty that we trust with Your Majesty that the Moderation of the Powers of *Europe* will prevent any Interruption of the general Peace.

"We humbly thank Your Majesty for informing us, that, believing that the *Italians* ought to be left to settle their own Affairs, Your Majesty has not thought it right to exercise any active Interference in these Matters. We thank Your Majesty for directing Papers on this Subject to be laid before us.

"We humbly thank Your Majesty for informing us, that, temporary Assistance has been afforded to The Sultan for the Purpose of establishing Order in *Syria* by the Body of *French* Troops who have been sent there to represent the Allied Powers, and we assure Your Majesty that we share in the Hope that Tranquillity will soon be re-established in that Province, and the Objects of the Convention fully attained.

"We humbly thank Your Majesty for informing us, that the Operations of your Majesty's Forces in *China*, in conjunction with those of The Emperor of the *French*, have been attended with complete Success, and that the Allied Forces, after several Engagements, became Masters of the Imperial City of *Pekin*. We assure Your Majesty that we learn with Satisfaction that the Earl of *Elgin* and Baron *Gros*, the Ambassador of The Emperor of the *French*, were enabled to obtain an honourable and satisfactory Settlement of all the Matters in dispute, and that throughout these Operations the Commanders and Ambassadors of the Allied Powers acted with the most friendly Concert. We thank Your Majesty for commanding that Papers on this Subject should be laid before us.

"We beg leave humbly to express to Your Majesty our Pleasure in learning that the State of Your *Indian* Territories is progressively improving, and humbly to join in Your Majesty's Hope that the Financial Condition of *India* will gradually partake of that general Amendment.

"We humbly assure Your Majesty that we fully concur in the hope which Your Majesty has expressed that the Measures which have been taken will speedily suppress the Disturbances which have interrupted the Peace of a Part of *New Zealand*, and enable Your Majesty's Government to concert such Arrangements as may prevent their Recurrence.

"We humbly express our full Participation in the Concern with which Your Majesty looks upon the serious Differences which have arisen among the States of the *North American* Union, as affecting the Happiness and Welfare of a People nearly allied to Your Subjects by Descent, and closely connected with them by the most intimate and friendly Relations, and our hearty Concurrence in Your Majesty's wish that these Differences may be satisfactorily adjusted, and in the Sentiment which Your Majesty expresses, that the Interest which Your Majesty takes in the Well-being of the People of the *United States* cannot but be increased by the kind and cordial Reception given by them to The Prince of *Wales* during His recent Visit to the Continent of *America*.

"We humbly assure Your Majesty that we learn with deep Gratification Your Majesty's warm Sense of the Loyalty to Your Royal Person and Throne manifested by Your *Canadian* and other *North American* Subjects on the Occasion of the Residence of The Prince of *Wales* among them.

"We thank your Majesty for informing us of the Conventions supplementary to the Treaty of Commerce of the 23d of *January*, 1860, which Your Majesty has concluded with The Emperor of the *French*, and of the Convention concluded with the King of *Sardinia* for the reciprocal Protection of Copyright.

"We humbly thank your Majesty for informing us that Measures will be laid before us for the Consolidation of important Parts of the Criminal Law; for the Improvement of the Law of Bankruptcy and Insolvency; for rendering more easy the Transfer of Land; and for establishing a uniform System of Rating in *England* and *Wales*.

"We humbly assure Your Majesty that, in common with Your Majesty, we fervently pray that the Blessing of Almighty God may attend our Councils, and guide our Deliberations to the Attainment of the Welfare and Happiness of Your People."

VISCOUNT LISMORE, in rising to recommend to their Lordships' notice the Address in answer to the Speech from the Throne, entreated them to extend to him that forbearance which was usually granted to those who had the honour to address them for the first time. He felt that, after the able manner in which the different subjects had been treated by the noble Lord who preceded him, his duties as Seconder must be more than usually subordinate, and he flattered himself that there was nothing contained in the Address which could cause that division of opinion which it had always been held desirable should be abstained from on an occasion like this. The year just concluded had been characterized by many and startling events. Italy, a great and populous country, guided by the most disinterested patriot who ever attempted the regeneration of a people, had emancipated itself from the misgovernment of an ancient dynasty. In the northern part of that peninsula, large provinces, throwing aside former associations, had been incorporated under the dominion of a neighbouring and constitutional Sovereign. During all these changes, both past and present, the policy of Her Majesty's Government had been strictly that of non-intervention; but at the same time their Lordships' House would be unmindful of its traditions, and the country forgetful of its past history, if they did not accord their warmest sympathy to that people in their struggle, and their heartfelt wishes for their ultimate success in procuring for themselves a rational and constitutional liberty. With the sanguinary disasters and disturbances which had taken place in Syria their Lordships were well acquainted; but he trusted there was every prospect that tranquility would be established on a firm basis, and the necessity for a temporary armed occupation cease. Much as contests were to be avoided, especially at so great a distance from home, yet in the case of China there was no alternative. That war had happily been concluded, affording during its brief but brilliant duration another occasion for Her Majesty's forces, in conjunction with our friendly Ally, to again emulate each other in deeds of daring and bravery. The efficiency of the most formidable weapon that modern science had as yet invented had been fully tested, and its adaptation to the casualties and accidents of active service fully placed beyond doubt. He trusted their Lordships would permit him to call their attention to the well-organized assistance of our Indian Government, and to the discipline and valour of the Native contingent. Their Lordships could not but hope that the peace which had been the result of their operations might be permanent, and tend to the increase of great mercantile transactions with that country. The satisfactory state of our Indian empire could not fail to be a subject of the greatest congratulation to their Lordships. Notwithstanding the exhausting effects of the late mutiny, from which the country had only partially recovered, under the able administration of the Governor General, accompanied, as he trusted it might be, by an unbroken peace, wherein its almost countless resources might be developed, he saw no reason why they should not anticipate a great financial and commercial prosperity for India. To turn to the western hemisphere, the separation of one State from the great American Union could not but be deeply regretted. We, who in this country lived under a monarchical Government, hallowed by time, and endeared to us not only by the great blessings we had derived from it and the greatness we had achieved under it, but by individual love and loyalty for the Sovereign herself, could not but allow that under a Republican and Federal form of Government the United States had attained in a short time to unparalelled prosperity and greatness. That anything should occur to diminish that prosperity would at all times be a matter of great sorrow to us. It was to be hoped that the calming and soothing influences of some friendly Power might shortly reconcile the conflicting interests of the northern and southern States, and, by preventing fraternal war, preserve in its integrity the great American Republic. At the same time, knowing the extent to which we were dependent on America for the raw material of our greatest manufacture, he would urge on their Lordships the necessity of taking such measures in our Colonial dependencies as would insure us a constant and ample supply of cotton. He would not trespass further on their Lordships' attention, but thanking them for the indulgence they had kindly extended to him, simply conclude by seconding the Address.

[*See Page* 10.]

THE EARL OF DERBY: My Lords, it is at all times a great gratification to me, upon whichever side of the House I may happen to sit, when the terms of the Address moved in answer to Her Majesty's gracious Speech from the Throne are such as do not render necessary any interruption of that general harmony and unanimity with which it is always desirable at the commencement of the Session that both this and the other House of Parliament should express their dutiful and loyal attachment to the Sovereign; and if my noble Friend who moved the Address, and who has spoken in terms for which I am most grateful of my returning health, imagines that my appearance here indicates any settled purpose of hostility to Her Majesty's Government, or any desire to offer an Amendment to the Address, I can assure him he has greatly mistaken the course which I am disposed to take on this occasion. My Lords, we must recollect that a Speech from the Throne is a very different thing from an ordinary Message delivered by the President of the United States of America to Congress. It does not assume to be an exposition of the general principles of the Government for the time being, still less does it assume to be an exposition in detail of the manner in which they intend to carry out those principles. No doubt, there are occasions upon which the general rule is departed from—when a Ministry finds it needful to give to Parliament a general indication of the leading principles of their policy, and when they may, therefore, think it necessary so to frame the Address as to compel an expression of opinion favourable or unfavourable to that policy from both branches of the Legislature. On the other hand, there have been times when the views of the Opposition on vital questions were so decidedly at variance with those of the Ministry, and when they were so strongly convinced that the Government of the country should be confided to other hands, that an Amendment to the Address has been proposed, and sometimes with success. But, my Lords, these are exceptions to the general rule; and I think it is wise on the part of the Government to confine the Address to that which is its most legitimate character—namely, a brief reference to the events which have occurred during the Parliamentary recess, accompanied by an intimation that papers explanatory of their details will in due time be presented to both Houses, and also by a general indication of the principal measures which it is the intention of the Government to bring in upon their responsibility in the course of the Session. My Lords, regarded in this point of view, the present Speech appears to me to be quite unexceptionable. And, although there are topics introduced into this Speech which are of deep importance and of the highest political interest, and topics, too, on some of which it is impossible for me to forbear from now offering a few observations, yet I conceive that neither in the Address itself, nor in the speeches of the Mover or Seconder, is there anything which calls upon your Lordships to depart from the unanimity usual on these occasions.

My Lords, it may perhaps be more convenient, in commenting on the Speech, if I deal with its paragraphs rather in the reverse order to that in which they are submitted to us. I shall refer, in the first place, to the paragraph in which Her Majesty's Ministers put forward the principal and most important measures which they intend to propose to Parliament in the present Session. And here I cannot help congratulating Her Majesty's Ministers, the two Houses of Parliament, and the country at large, that the programme appears to be of a much more practical, if of a somewhat less ambitious character than that which was presented to us in the corresponding paragraph of the Speech of last year. My Lords, if the measures indicated are as wisely and skilfully prepared as they are judiciously chosen, they will, when passed, constitute a valuable addition to our legislation. In the present absence of party bitterness and party acrimony, it is to be hoped that these measures will receive from both Houses of Parliament that calm and impartial consideration which they might not under other circumstances be so likely to command. My Lords, although the present scheme of the Government promises much less than their scheme of last year, I must be permitted to say, that I think it a much more promising one. The measures they intend to propose are—

> "For the consolidation of important parts of the criminal law; for the improvement of the law of bankruptcy and insolvency; for rendering more easy the transfer of land; for establishing a uniform system of rating in England and Wales; and for several other purposes of public usefulness."

My Lords, I hope I shall not be thought hypercritical if, in passing, I say I think one of those measures is not quite accurately described in the Speech. The phrase "uniform system of rating" should be "uniform system of assessment." A uniform system of rating exists at present. What is complained of is the want of uniformity in the assessment for the purpose of imposing the rates; and if you can make the law and practice of the country correspond you will certainly obtain a great advantage. There is a little supplementary clause added with reference to the introduction of measures that will be convenient for several other purposes of public usefulness. The style of the Speech is somewhat colloquial — perhaps too colloquial for a Queen's Speech; but I imagine that the measures thus referred to are of the same nature, just a kind of "*et cetera.*" And yet I may be told by a noble and learned Lord that there is a great deal involved in "*et cetera.*" I think Lord Coke upon *Littleton* says it comprehends almost every diverse question, diverse points of commercial law, diverse diversities; and in one case "*et cetera*" stands for six subjects, which occupy five pages. Such was the *et cetera* of Lord Coke, and it may be the Royal *et cetera* introduced in the Queen's Speech may be equally comprehensive. Still, I conjecture the measures referred to are of a more humble class, and of the same denomination with those which are specially mentioned. I must confess there is one point on which I feel some surprise that no notice is taken in Her Majesty's Speech. Without adverting to the causes which may have produced it, I think it would not have been injudicious if some expression had been allowed to proceed from the Royal lips of sympathy for the deep distress which has existed in some parts of England; nor would it have been ungracious to indicate something like a Royal approval of the extensive beneficence by which that distress has been in some degree alleviated. That distress may not be referable to any special cause, but it certainly suggests matter for serious consideration, whether the ordinary machinery of the Poor Laws is insufficient to meet such cases. No doubt it was an exceptional case, but the operation of the Poor Laws was found totally inadequate to deal with it. I may be permitted to take this opportunity of saying that I hope the working classes will take a useful lesson with regard to provident habits from the distress which some of them have been called on to endure. No doubt many of them are utterly unable to do more than provide for their wants from week to week, and if an immediate failure of employment takes place they are unavoidably reduced to a state of great privation and suffering; but, on the other hand, it is a matter of notoriety that a large body, not merely of skilled artisans, but of the working classes generally, earn on an average *24s.* to *28s.* for four days' work, and could very much increase their means by working steadily the whole of the week; they might be in the receipt of *30s.* a week—an income equal to that of many who occupy a higher station, and have to keep up a better appearance; yet these persons waste a great part of their earnings in drink and idleness, and a week or a fortnight's want of work throws them and their families into destitution, for which they have themselves only to blame. However grievous this may be, I cannot but hope that the recent occurrences may be a warning to those men who have hitherto been improvident.

My Lords, I also observe, with some surprise, that no notice is taken in Her Majesty's Speech of the financial condition of the country. I should certainly have expected that we should be informed that the Chancellor of the Exchequer had succeeded to his most sanguine expectations in those sources of increased revenue which he anticipated from the operation of the Commercial Treaty with France, and particularly in the increase of revenue he calculated on from the reductions effected last year. We may be told that questions of finance are not questions with which this House ought to deal or on which we should make any observations, although I do not know that there are any financial operations proposed by the Chancellor of the Exchequer by which the Members of this House are unaffected. But we have this year an opportunity which rarely occurs for considering and examining two Royal Speeches, and comparing the results of the policy followed in either case. I do find in the Speech addressed on Monday by the Emperor of the French to the Legislative Body, what has been the result of the Commercial Treaty to France, and I cannot do better than draw your Lordships' attention to this paragraph. He says, "At the least we ought to endeavour to make objects of the first necessity as cheap as possible. It is with this view that we have lowered the duties on raw materials and signed a treaty with England." And accordingly in his Commercial Treaty he proceeded on the principle not of abolishing but of reducing as far as possible all taxes on the raw material of manufacture, the greater use of which might make up for the deficiency in the revenue. He proceeded on the principle laid down by Sir Robert Peel in 1841 of making the greatest reduction on articles of prime necessity, and secondly, on articles of raw material, to promote the industry of the country. Now see the result. The Emperor of the French informs us that "to realize these economical reforms we have had to renounce ninety millions of annual receipts" — between £3,000,000 and £4,000,000 sterling— "but, nevertheless, the Budget will be presented to you in equilibrium, without its having been necessary to have recourse either to the creation of new imposts or by trenching on the public credit, as I had to announce to you last year." My Lords, I can imagine the Chancellor of the Exchequer reading this paragraph with very peculiar feelings. How he must envy the state of things described. But I will draw a veil—which must however be withdrawn before very long—over the financial sorrows of the Chancellor of the Exchequer. I express my sincere satisfaction at this result in France. I wish I could express my satisfaction that the different policy pursued on the part of England had produced on the revenue such favourable results as those which the Emperor of the French says have been produced on the French revenue.

The next paragraph of Her Majesty's Speech to which I will address myself is that which is addressed to the House of Commons, which speaks of the Estimates, and says they have been framed with a due regard to economy and to the efficiency of the several branches of the public service. I hope it will satisfy the Members of the House of Commons, and more especially those sixty gentlemen who addressed a memorial to the Prime Minister on this subject, and who received a reply conceived in the most delicate and conciliatory language combined with the strongest expressions of friendship. As I read the answer of the Prime Minister, it amounts to this, —"Gentlemen, economy is a good thing, but efficiency is a better thing still; and as Her Majesty's Ministers are much better judges than you are how far economy and efficiency can be combined, I recommend you not to trouble us with your crude speculations, but be satisfied with the Estimates we propound."

Following the inverse order I have already indicated, the next paragraph of the Speech refers to the serious differences which have arisen among the States of the North American Union. My Lords, it is impossible not to feel the deepest concern at the threatening disruption of that great Union, as it must affect the happiness and welfare of that country. But apart from the relations of interest between the two countries, there is no man in this country who would not view with the deepest anxiety and regret the disruption of a community which, without claiming perfection for its institutions, and certainly under various disadvantages, has yet procured for its people an amount of prosperity almost unparalelled in the world, and an amount of personal freedom only inferior—and I think it is inferior—to that enjoyed by the people of this country. But it is impossible to look at that threatened disruption—only possibly to be effected at the cost of the horrors of civil war—without looking also at the effects it would produce on the manufactures of this country. Its first effects, at all events, would be most disastrous to one great branch of our industry. Unfortunately, it does so happen —I trust it will not be long so—that we have been almost exclusively dependent on the cotton of America. It will be of the highest advantage, if the threatened disruption should lead those who are most deeply interested—I do not think it is a question on which the Government can or ought to interfere—to turn their serious consideration to the best means of averting the danger involved in a failure of the supply of cotton from the United States by promoting an increased supply from other sources. Such a supply can be had, and in great abundance, in many parts of the world, provided means be taken for encouraging its growth and import. My Lords, it is impossible also not to feel the greatest interest in the people of the United States, connected as we are with them by identity of language and laws. But that interest is increased by the pleasing circumstance to which Her Majesty next refers. Her Majesty says that the interest She takes in the well-being of the people of the United States cannot but be increased by the kind and cordial reception given by them to the Prince of Wales during his recent visit to the continent of America. With the exception, perhaps, of one little unpleasantness we may congratulate Her Majesty upon the loyalty and good feeling which were displayed towards the Prince of Wales by our fellow subjects in Canada, as well as by the people of the neighbouring Republic. But there is one point which, although it must have afforded the utmost satisfaction to the country, could not, perhaps have been introduced by Her Majesty into her gracious Speech. I allude, of course, to the perfect manner in which the Prince of Wales himself, by his personal conduct, justified the respect and good feeling which were manifested towards him in Canada and the United States. There is not one young man in ten thousand who would be able in so difficult a position, and on the spur of the moment, to show the same amount of self-possession, the same tact, the same freedom of action, and at the same time maintain as he did effectually the dignity of the country. That, of course, is not a subject upon which any formal Address can be presented to Her Majesty, but I am sure your Lordships will agree with me that our congratulations, instead of being limited to the reception given to the Prince of Wales, should include, in addition, the perfect manner in which His Royal Highness justified all the enthusiasm and good feeling which his visit called forth.

It is not my intention, my Lords, to comment upon the next two topics dealt with in the Speech from the Throne. One is the insurrection of a portion of the Natives of New Zealand; the other and more important is the state of our Indian territories. With regard to the first, we are not called upon for any expression of opinion with respect to it, and, even if we were, we are not in a position to form a correct judgment in regard to it. I hope it may turn out not only that we have acted according to the strict letter of the law, but that in our treatment of Native rights and usages—which are most complicated in their character, which are difficult to be understood by Europeans, which, indeed, are hardly understood by the Natives themselves, but to which they are earnestly attached—we have not afforded any pretext for the armed rebellion which has occurred. I hope we have not given by one single act of injustice a pretext for this insurrection, which must be put down, because under no circumstances can an armed insurrection be permitted to continue. The state of India is, of course, too large and important a question to be dealt with incidentally upon such an occasion as the present. I rejoice to hear that the Government are able to express the hope that the finances of India will gradually partake of the general amendment, for I confess that, in my opinion, the prospect at the present moment is not of the most favourable character. Nor, my Lords, am I about to enter into any discussion of the origin of our recent dispute with China. The disaster at the mouth of the Peiho, which led to the late expedition, might, perhaps, have been avoided; but when that disaster occurred there was obviously only one course which could be taken. We were bound by a display of energy to enforce compliance with our terms, and at the same time to show to the world, by the moderation of those terms, that we were not using our military and naval power to an undue advantage. I am glad to be able fairly and honestly to congratulate the Government upon the manner in which their intentions have been carried out, upon the admirable arrangements made by the naval and military authorities, and upon the intelligence and activity displayed by the naval, military and civil administrations in the accomplishment of a most difficult and arduous service.

I need not say, my Lords, that what is called the Italian question is the most important subject dealt with in the Speech from the Throne. Even upon the present occasion I cannot refrain from offering a few observations upon the general state of our foreign relations. But the point upon which I desire more especially to have a full and unreserved explanation from the Government is the state of our relations—I do not mean our ostensible and avowed relations, but our real, true, and genuine relations — with our great and powerful neighbour on the other side of the Channel. Two important questions are referred to in the Speech from the Throne. One is the presence of a French force in Syria; the other is the state of Italy. We are told that the French expedition to Syria was sent by the Emperor of the French in pursuance of an arrangement of several Powers for a specific and temporary purpose, and we know that the troops were to be withdrawn at the expiration of a certain period of time. The moment for their withdrawal, according to the terms of the convention, is now drawing near. If I am not mistaken the six months assigned for the occupation will expire on the 5th of March, and I should be glad to hear from Her Majesty's Government that they have reason to believe and expect that the French Government are determined to withdraw their troops at the appointed time, and not to seek to obtain the renewal of an occupation which is certainly of an anomalous character, calculated to create uneasiness and anxiety. But, my Lords, however important may be the affairs of Syria, those of Italy are of more importance still. I think it will be necessary, in expressing any opinion upon the affairs of Italy, to distinguish between the results which may have been attained, and the means and agencies employed for that purpose. For my own part, I have nothing to say in vindication of the system of government which was carried on in the kingdom of Naples, although I think Francis II. has had a hard measure dealt out to him, inasmuch as he has been exposed to the long pent-up indignation of his people before he had an opportunity of showing what his principles and policy really were. However, my Lords, I say not a single word in vindication of the frequent violations of law, and of the cruel punishments which were undoubtedly practised in Naples; I say nothing of the right of the people to break out in open revolt, nor do I express an opinion whether the dream or vision of Italian unity can ever be realized—a matter upon which I confess I entertain very serious doubts; but I do say that if that dream can be realized I will look upon the establishment of a free and united Italy without any feeling of jealousy whatever, provided it is not only free and united, but really and truly independent of any foreign Power. I have no fear of a free and united Italy provided it is true to itself, and carefully excludes from its affairs the intervention and influence of other States. But, my Lords, when I pass from the question of the merits of the Neapolitan revolt to the manner in which that revolt has been encouraged and promoted, I must say I take a very different view. I am not going to say a single word in derogation of that brave, and, I believe, excellent man, General Garibaldi. He has displayed the highest qualities of a soldier—great personal courage, great personal skill, great personal forethought. As a military man he is entitled to the highest praise; but, it may also be said to his honour, that he is an honest politician, with no *arrière pensée* whatever, no personal interest to subserve, giving the whole energies of his mind and body to the accomplishment of what he believes to be for the good of his country. Therefore, my Lords, not a single word disrespectful of General Garibaldi shall pass my lips upon the present or any future occasion; but if I look to his expedition to Naples, and to the position in which he stood with regard to international law, I am compelled to say, however upright his motives, that if he had been unsuccessful, and if the King of Naples had taken him prisoner, he could not have claimed any of the rights of a belligerent Power, and even if he had been put summarily to death the King would not have violated any international law. All the efforts, however, of General Garibaldi would have had little effect if he had not been supported and upheld by a greater Power. That Power I need not say was the power of the King of Sardinia. I believe that the course pursued by the King of Sardinia, whatever excuses he may make to himself or to his countrymen, whatever palliations there may be, was a flagrant violation of international law. There could not, in fact, be a more flagrant violation of international law than that committed by the King of Sardinia when he invaded the Papal and Neapolitan States. Her Majesty has been advised to say, using a rather colloquial expression,

"Believing that the Italians ought to be left to settle their own affairs, I have not thought it right to exercise any active interference in those matters."

The Earl of Derby

There is a very palpable fallacy in the expression about the Italians having been left to settle their own affairs. If we admit the doctrine of the noble Lord at the head of the Foreign Office — and within certain limits I am not disposed to dispute it — that every country has a right to deal with its own Government according to its own disposition and judgment, free from the intervention of any foreign Power, it is impossible that the noble Lord can contend, as he must, in order to vindicate this paragraph, that Sardinia was justified in interfering with the inhabitants of the kingdom of Naples, without declaration of war, without cause of war, without any ground of complaint whatever for such intervention. It is impossible to justify that violation of international law on the ground of a general Italian feeling in favour of that violation. No man can doubt that it is the right of Frenchmen to deal with French affairs, but I apprehend that if the large body of Frenchmen who inhabit France were disposed to interfere with the affairs of the small body of Frenchmen who inhabit Lower Canada or the Mauritius, the noble Lord would find good reasons for objecting to such intervention on the part of that country. Shakspeare makes Macbeth, in reply to the two murderers, say:—

"Ay, in the catalogue ye go for men;
As hounds, and greyhounds, mongrels, spaniels, curs,
Shoughs, water-rugs, and demi-wolves are cleped
All by the name of dogs,"

and proceeds to describe the various qualities by which the various descriptions of dogs are distinguished. The same idea may with justice be applied to the difference which exists between the population occupying the several States of Italy. We know that the qualities are not more heterogeneous than the nature, the habits, and the dispositions of the different races of Italy. It may be that the feeling of Italian unity may be strong enough to bring the various Italian States into active co-operation with the King of Sardinia, and at such a consummation I, for one, should rejoice. There has hitherto, I rejoice to see, been exhibited among the various populations of Italy great moderation, and it would seem as if they were disposed rather to submit to the rule of a constitutional Sovereign than to indulge in any wild and excited notions of general democracy and unrestrained republicanism. But that which I desire to impress upon your Lordships' attention is not so much the merits or demerits of the King of Sardinia, of General Garibaldi, or of the Government of Naples; not so much, I may add, the prospect of the ultimate consolidation of the whole Italian territory under the one head of Italian unity; as the tone which Her Majesty's Government mean to assume with respect to the present state of Italy, and the views which they entertain as to her future position. We are, indeed, told that papers upon this subject will be laid before us; but my complaint is not that we have no papers, not that the oracle has not spoken, or that it has spoken in ambiguous terms. I am aware that certain papers have obtained publicity here even before they were published abroad in the quarters to which they were directed. I may add that I am, in speaking upon this subject, reminded of a somewhat extraordinary performance of the noble Lord the present Secretary for Foreign Affairs, who some years ago, when he was First Lord of the Treasury, took the unusual course of reading in the House of Commons a letter from the Sovereign, which had reference to the mode in which it was the duty of his noble Friend now at the head of the Government to conduct the foreign correspondence of the country, and which dwelt upon the necessity that existed to submit for the approval of Her Majesty previous to their being sent abroad all despatches which were about to emanate from the Foreign Department. I thought at the time that that was a strong step for one colleague to take towards another, and I cannot now help being of opinion that the noble Lord the Secretary for Foreign Affairs appears to have been, in the course which he took in the case of his own despatch of the 27th of October, somewhat oblivious of the wise counsel which he gave on the occasion to which I am referring; for I cannot believe that that despatch was not sent out without having received that which in accordance with constitutional usage it was essential it should receive—the approval and sanction of the Sovereign. Now, as I have already said, I do not complain that the oracle has not spoken, or that it has spoken ambiguously—it has spoken on two occasions not at all ambiguously, but quite openly and very lucidly and distinctly. What I do complain of is that it has not enabled us to form any satisfactory opinion with respect to the policy of the Government, for its two distinct enunciations upon these two occasions are in distinct contradiction to one another. I make this charge against the noble Lord the Secretary for Foreign Affairs, because I find that he has written two despatches to Sir James Hudson—one dated the 31st of August, 1860, and one the 27th of October following, embodying two principles totally distinct. One of these was to be communicated, the other might be communicated, to Count Cavour. Now, I will call your attention to the two principles laid down in the two despatches, and then I will ask to which of those principles is it that Her Majesty's Ministers have obtained the assent of the Emperor of the French, and by which of them do they themselves mean to abide? I have here, of course, no right to ask the Government in what the policy of the French Emperor consists; but I have a right to know from them whether their own policy has been systematically connected with him, and whether they have been assenting parties to the various steps which he has taken or is taking with regard to the affairs of Italy. The first despatch of the noble Lord the Secretary for Foreign Affairs to which I have alluded—that dated the 31st of August last—very strongly deprecates, not only upon the ground of prudence, but of principle, any interference upon the part of Sardinia with the territories of Naples or Venice. This it does in principle, and with reference to Naples as well as to Venice; for the noble Lord commences with a declaration that Her Majesty's Government do not think it necessary to continue the discussion, because they conceive that in substance the note of the Sardinian Government disavows any intention of attacking the territories of the King of Naples or those of Austria. An intention, therefore, to invade the territories of the King of Naples was an intention which, if it were not believed to have been abandoned by the King of Sardinia, must be condemned by Her Majesty's Government. But, on the 27th of October, when the invasion of Naples had taken place, the noble Lord changed his tone and his language. He did so on a very remarkable occasion, when every Government in Europe had found it necessary to signify their disapproval of the course pursued by the King of Sardinia. Prussia and France had withdrawn their Ambassadors, and Russia had signified her extreme disapproval. It was then—I suppose in order to exhibit to Europe how successful the noble Lord had been in obtaining those other allies with whom, in a moment of petulance last year, he threatened France, against the French alliance—that he seized the opportunity of all those allies having condemned the policy of Sardinia to say that he deemed it incumbent on him broadly and clearly to state that he altogether approved of that course. That declaration, made, with characteristic prudence and judgment, the noble Lord proceeded to enter into a discussion of the most difficult and delicate points of international law, and wholly without necessity to lay down principles which, if acted upon, must be acted upon with the utmost caution and reserve, but which he proceeds to apply in the broadest and most sweeping fashion. Now, I have known the noble Lord many years, and I am well aware how great the temptation is to him to rush into print on the subject of a great revolution; but, at the same time, I think he acted with even more than his usual want of caution, because he sought to go to such high authorities for the principles which he advocated. The noble Lord delighted to find a passage in Vattel which he thought would vindicate the course which the King of Sardinia had pursued. He quotes that passage where, referring to the assistance given by the United Provinces to the Prince of Orange, Vattel says, "That if a people for good reasons take up arms against an oppressor, it is but an act of justice and generosity to assist brave men in the defence of their liberties." Now, the noble Lord's reference to Vattel induced me also to look into the same authority, and I find that he lays down principles as different from those which the noble Lord has advanced as light is from darkness. Vattel, in the first place, says that it is no part of the duty or right of any Sovereign to constitute himself a judge of the merits of the internal government of any other Sovereign, though that other Sovereign may be as oppressive, his laws may be as bad, or as much violated as possible; and he says that no Sovereign has a right to deal with the internal administration of any other country, or to interfere between its people and their own Sovereign. When, however, once civil war has broken out in a country, and when there are two parties in arms, one opposed to another, then, according to Vattel, foreign nations are at liberty to take any course which may suit their interests or feelings, and may join without reproach with one or the other of the contending parties, who have become two separate and distinct powers. But he says that until insurrection has actually broken out, until civil war is actually flagrant, however much the oppression of the people, however much the people may complain or remonstrate, there is no justification by the law of nations for the interference of any foreign Power. If the principle of intervention in the domestic affairs of a country is to be allowed, it may take place on one side just as well as on the other. Now supposing that Austria had interfered for the protection of the King of Naples against this invasion, I apprehend we should have had a great deal of very virtuous indignation from the noble Lord, and we should have heard that it was perfectly legitimate to sanction an intervention in support of the efforts of a great people struggling for their freedom, but that it was an unheard-of outrage for a despotic Government to interfere to assist a Sovereign against his people. Yet the argument of Vattel is applicable as much to one case as to the other, and he lays down this further doctrine—a doctrine which I hope the noble Lord will bear in mind when he proceeds, with Vattel in his hand, to expound these matters—Vattel goes on to say that if any Power whatever, by its own agency, seeks to instigate revolt and discontent in a neighbouring country, that under any circumstances is an atrocious injury, which the other country has a right to complain of and contend against. I believe that is a doctrine which it will be well should be considered, and it will be for Europe to say whether there is any Government which, at this moment, is through its emissaries exciting discontent and provoking revolt in that way. The noble Lord, in his letter of the 31st August, goes into the question of Venice, and he contemplates the case of an attack being made on that territory:—

> "It is obvious," he says, "that no such attack can be made by an army without the consent of the King of Sardinia. It is also clear that in point of right, the King of Sardinia has no excuse for violating the Treaty of Zurich, so recently signed by him."

The noble Lord goes on to explain, and finishes by saying that "the only chance Sardinia would have in such a contest"—

that is, a contest in which, as he supposes, the King of Sardinia would in the first instance be worsted by the power of Austria—

> "Would be the hope of bringing France into the field, and kindling a general war in Europe. But let not Count Cavour indulge in so pernicious an illusion. The great Powers of Europe are bent on maintaining peace, and Great Britain has interests in the Adriatic which Her Majesty's Government watch over with careful attention."

Now, I should be glad to hear that the noble Lord and Her Majesty's Government entertained now the same confident hope and belief that no sanction would be given on the part either of France or of this country to any attack by Sardinia, now or hereafter, on the recognised and authorised dominions of Austria in Venice, and that, whatever may be meant by the intimation that we have interests to watch over in the Adriatic, we should not on such an occasion behold it with indifference. I hope the noble Lord will be able to say that they have not gone back from the confident declaration which he made, that any attack by Sardinia on the territory of Austria will not be viewed with indifference. I do not think it is too much for me to ask for an explanation on this subject—for a distinct and clear explanation of what is the view of Her Majesty's Government with regard to the future policy to be pursued in Italy—in presence of two documents which are absolutely and entirely contradictory as to the principles they lay down—because the very arguments which are introduced in favour of the right of Sardinia to interfere in the kingdom of Naples, in defence of a people groaning under oppression and wishing to throw off the yoke, are applicable to Venetia, where it is impossible to doubt that there is a great discontent against Austrian rule, but where such a state of things does exist that there is a people complaining of its government, but submitting to it, and not having broken out into open revolt. I ask for this explanation, the more because Her Majesty states in Her Speech that "She trusts the moderation of the Powers of Europe will prevent any interruption of the general peace." Now there is no use in blinking the question; it is right we should speak openly. The preservation of peace or the calamity of war depends wholly and entirely on the attitude taken by the Emperor of the French; and I must confess that I am not very favourably impressed with regard to the prospects of peace by the language used in the Speech delivered by the Emperor of the French. At this time last year I undertook to express my earnest hope that the Emperor of the French would not commit so great an error and so great a political fault as to persist in the annexation of Savoy and Nice, which was at that time strenuously desired by Her Majesty's Government; and I expressed that hope, not only on account of the effect which the actual transfer of those provinces would have on the relations of the countries in Europe, but more particularly so on account of the effect it would produce in shaking the confidence of Europe in the good faith and discretion of the Emperor of the French. In this country people are only too ready to state openly, clearly, and distinctly what their views and objects are. They go straightforward to their mark—sometimes indiscreetly perhaps—but they expect to see in explanations of objects and intentions on the part of other Powers the same straightforwardness. They are, therefore, very easily duped by specious promises and declarations; but, once duped, they are not so easily duped a second time, and confidence once forfeited is not so easily restored to the same person. But even were I disposed to place in the good faith of the declarations of France, or rather of the Emperor of the French, the same confidence as I was prepared to repose in them fourteen or sixteen months ago, I do not think that the expressions in the Emperor's Speech are such as to assure us that he will use his great and powerful influence for the maintenance of the general peace. I take it that there could not be a greater calamity for this country and for Europe than the rupture or dissolution of the friendly alliance between this country and France. There are many reasons which ought to bring us closely together, and an amicable intimacy is as important to the one as to the other, and is equally important to the general peace of Europe. But if the alliance is to be anything real and satisfactory, it is obvious that there must exist mutual confidence between the Governments, and a clear understanding by each of the policy, the objects, and intentions of the other. It is impossible to overlook the fact that the present danger of disturbance in Europe arises only from the attitude assumed by France; and that at the present moment there prevails a degree of apprehension, anxiety, and uncertainty, with respect to the future course of that Power.

It is by the sight of the armaments of France that these anxieties are caused. At the same time that the Emperor of the French makes use of peaceful professions, he is at the head of 400,000 men, and the amount could easily be raised to 600,000. That army, if I am rightly informed, being sick of idleness, is demanding occupation, and exhibits impatience at the inactivity to which it is condemned; and the nation to which it belongs would go through great suffering, and sustain a great weight of taxation, merely for the sake of what it deems military glory. Such being the army, and such the nation, with the Emperor of the French at their head, it is not satisfactory to see that potentate at present exerting himself to increase the powers of France, more especially in that particular department in which it is absolutely necessary that we should maintain a superiority if we mean to maintain our independence. When I see the efforts made to increase the navy of France, I cannot—though I do not suppose that the Emperor would do anything to bring himself in collision with this country, but, on the contrary, I believe that his earnest desire is to continue in good terms with England—yet I cannot, I repeat, disconnect those efforts from the great exertions also made in this country against possible aggression, or help saying that we seem to be running a race of military preparations—with this difference, however, that those in France must be for aggression, while those in England are only for those defences which are essential for the existence of the nation. But even supposing we give entire credit to the declarations of the Emperor of the French, what do we find in his Speech? He says—

> "I certainly do not ignore the fact that this system has the inconvenience of appearing to authorise many annoying excesses, and extreme opinions would prefer, the one that France should take cause with all kinds of revolutions, the other that she should put herself at the head of a general reactionary movement. I shall not allow myself to be turned aside from my course by either of these opposing influences. It is enough for the grandeur of the country to maintain its right where it is indisputable, to defend its honour where it is attacked, to lend its assistance where it may be invoked in favour of a just cause."

Now, I ask what possible contingency might not be included under these three exceptions to the general peaceful policy of France? To defend her rights and honour when attacked, there can be no doubt about that; but when you come to "rendering assistance in a just cause," who but himself is to be the judge of whether a cause is just or not? No man would ever avow that he intends entering into a contest for an unjust cause. With regard to maintaining the indisputable rights of France, the Emperor gives an instance of what he means by that expression, and what is it? The maintenance of the indisputable rights of France consists "in causing the acceptance of the cession of Savoy and Nice, which are now irrevocably united to France." If that be an explanation of what is meant by the maintenance of the indisputable rights of France, what possible limit to any direct increase of power or annexation can be discovered under those terms? How can there be any war of aggression entered on by France which will not come under one of these three cases—the vindication of the national honour, the maintenance of the indisputable rights of France, or rendering assistance to a just cause? Therefore, I am anxious to learn whether Her Majesty's Government have still the same confidence in the peaceful intentions of the French Emperor. I do not ask the noble Earl opposite to perform impossibilities—to reconcile the two despatches to which I have referred; but I ask by which of the two principles the Government are to be guided—whether we are to maintain and secure absolute non-intervention by one State in the affairs of another State, or whether it is perfectly just, lawful, and patriotic, for us to step in and assist any struggling people against oppression. This is not an unimportant question, either as respects the future or the present, for unquestionably it is a state of doubt, and apprehension, and uncertainty, that places on the people of this country an amount of taxation which is absolutely unprecedented in time of peace, which is perfectly intolerable, and which is only made more intolerable by the financial freaks of the Chancellor of the Exchequer. How long is this state of things to continue, and when is the country to be relieved from the pressure of this heavy taxation? We are, in point of fact, at a time of profound peace suffering from almost a war taxation, and we want to know how long the nation is to remain in this position, how long these excessive armaments are to continue necessary, and how long, under the guise of peace, and while apparently in cordial and friendly alliance with our neighbours across the Channel, we are to maintain these preparations for immediate war? We want to know, further, whether Her Majesty's Government are at this moment acting, with regard to European politics, in concert with the Emperor of the French, or whether we are with him merely on the footing upon which we stand towards Russia or any other country with whom we have no ground of quarrel? It is of great importance that we should know our real position on these points, and it is for the purpose of enabling the Government to give explanations—and I hope satisfactory explanations—of their views, their feelings, their intentions, and their principles, that I have trespassed upon your Lordships with some observations respecting a Speech upon which I am happy to say that I do not see any occasion to move an Amendment.

EARL GRANVILLE said, that the noble Lords on his side the House had shewed by their cheers how fully they sympathised with the noble Mover of the Address, and how great was their satisfaction at seeing the noble Earl (the Earl of Derby) now restored to them in perfect health. He was sure the noble Earl did justice to his (Earl Granville's) own feelings on the subject; and, though it might appear somewhat magnanimous to welcome the noble Earl's re-appearance, no one entered more sincerely into the congratulations of the noble Mover than he did. A maxim was once laid down by the noble Earl himself, that it was the duty of a leader of the Opposition to find every fault he possibly could with the Government during a discussion upon an Address. And, therefore, when the noble Earl began his remarks by compliments upon the Royal Speech, and the practical character of the measures it promised, he (Earl Granville) had a moment's fear that his noble Friend behind him had been slightly misinformed with regard to the perfect restoration of the noble Earl's health; but from the caustic pleasantry in which the noble Earl indulged, and the severe censures he had just heaped upon others, he was thoroughly satisfied that the noble Earl was quite himself again. That part of the Speech from the Throne, on which the noble Earl dwelt at least length was, naturally enough, that which relates to the Colonies. Beginning with India, the noble Lord expressed not an opinion, but a fear lest the hope placed in Her Majesty's mouth as to a gradual improvement in the financial condition of India might prove to be unfounded. In this the noble Earl had placed his opinion in opposition to that of Her Majesty's advisers, and the noble Earl delivered himself so shortly on this point, and without giving any reason for his fears, that he did not think it necessary to go into so momentary a question before all the information procurable should have been laid upon the table. In the meanwhile he would only observe, that from all the information that reached him—although, of course, there could be no certainty on so complicated a subject, he (Earl Granville) was inclined to take a very favourable view of the resources of India when they should have been properly developed. With regard to New Zealand, his noble Friend the Secretary for the Colonies was not able at this time to give any additional information beyond what was already known. The last accounts showed an improved state of affairs. But it was quite clear that the first duty of a Government was to restore order, and then it would become their duty to deal with these extensive, and difficult, and complicated questions and disputes between the Natives and the English settlers. The noble Earl opposite had also spoken of the reception which had been given to the Prince of Wales on his late visit to America; and said that that reception of the Prince was a satisfactory proof of the loyalty of that important colony, Canada. He fully joined in the compliment the noble Earl had paid to the Prince; and he must be allowed further to say that, loyal as the people of this country have ever been to the Sovereign, it must be a further source of gratification and pride to feel that the care which Her Majesty had bestowed on the education of her children had, even before they arrived at manhood or womanhood, been attended by such successful results as to add something, not only to cement the tie between the Colonies and the mother country, but to bring more directly before the world a knowledge of the virtues of the Sovereign. I will not attempt to weaken the force of the just compliments paid by the noble Earl to the Prince of Wales for giving us so much promise for the future. But not only in Canada was a reception of a peculiar character given to the Prince of Wales going in his Royal character, with a Secretary of State and other officers of state accompanying him; but in South Africa, the mere casual visit of another son in his private capacity of midshipman on board one of Her Majesty's ships, the loyalty of that colony was fully shown in a similar way to the mother country as it had been evinced towards the elder son in Canada and elsewhere.

But the greater part of the noble Earl's speech, as might naturally have been expected—and indeed it is a topic of discussion everyday and everywhere—related to foreign affairs. The noble Earl, with regard to the war in China, expressed a feeling in which he (Earl Granville) entirely concurred; and he thought it must be satisfactory to know that, though the dangers and trials to which our troops were exposed were not of a formidable character, no doubt had ever been expressed, either there or elsewhere, as to the ability of our officers and soldiers to fight. From some circumstances which would be fresh in their Lordships' recollection, there had been a doubt whether our organization for military purposes was as good as it ought to be. The China war had entirely dissipated that illusion. The expedition was partly undertaken by the authorities at home—by his Royal Highness the Commander-in-Chief, if he would permit the allusion, and by his noble Friend behind him, the Secretary for War—and partly also by the Governor General of India. The organization displayed in despatching this expedition — small, of course, in comparison with the forces sometimes required to be moved in Europe—was without a blot; and the force had been despatched without the slightest difficulty or delay. He remembered hearing the Duke of Wellington say that if any one would guarantee to feed his troops, he would, without the slightest difficulty, march 5,000 men across Asia; and what had recently occurred in China was an apt illustration of the remark. The operations were well and carefully planned, and he believed that the result would be to open to us an extent of trade hitherto perfectly unknown with China; and whilst they had given us a better knowledge of the resources of China than had ever before been obtained, it was, perhaps, more important that they had tended to force on the Government of that great empire a real knowledge of what England was, and what were her means for carrying out her reasonable and just demands. The noble Earl alluded to the unfortunate dissensions which were now raging in the United States. He thought that with regard to this country there was one very remarkable point in connection with that subject. For years after the separation—the unfortunate separation, he would say, were it not for the signal prosperity which had since attended both the mother country and the former Colonies—a spirit of rivalry was shown between the two nations, and many jealousies were exhibited at each other's success. But the visit of the Prince of Wales had shown most conclusively that notwithstanding this rivalry there existed at bottom in the United States a large amount of sympathy for the country from which they derived their descent; and he thought that the Prince's visit promised a most valuable influence on the future of the two countries. He thought a most remarkable feeling was shown on the part of England since those internal quarrels in the United States had taken place. The Mover and Seconder of the Address had both expressed their sympathy with regard to these unfortunate divisions in America; and the feeling evinced in England was a feeling of sympathy and concern throughout the land that such a misfortune should have arisen. Foreigner after foreigner had said to him, "You must rejoice at the disunion, this weakening of your great rival across the Atlantic." But no Englishman had ever made such a remark to him; and he believed that a feeling deeper than a mere commercial or manufacturing feeling pervaded all classes in England on that subject, and that there was that sort of sympathy between England and America, which, as the noble Earl had so well expressed—America being one of the greatest nations on the earth, and almost as free as ourselves—can only exist between free peoples. In that opinion he (Earl Granville) entirely concurred. We had some advantage over the United States. The minority in England had more opportunities of expressing themselves than the minority possessed in more democratic America. It was not for him to prophecy how the quarrel between the States would end, or to point out the probable effect of a disruption on the welfare of the States, or on their relations with this country. He was sure we all wished the dispute might terminate in that manner which was most likely to ensure the prosperity and welfare of that great and kindred nation. With regard to cotton, he entirely concurred with the conclusions of the noble Earl as to the desirability of extending the sources from which we derived our supplies of cotton. He thought the advice of the noble Earl was excellent. From political as well as other causes, it was not wise for us to depend for the supply of a great staple of trade on any one country. Cotton was a crop more dependent on the weather than any other; and there was no doubt that our own Colonies, as well as many other countries, were capable of furnishing us with an adequate supply. As far as they legitimately could, Government would give their encouragement and stimulus to an introduction or extension of the cotton cultivation in our Colonies; and they had already sent out circulars to our consuls in furtherance of a scheme with that object. But after all, it rested with the merchants and manufacturers particularly interested in the supply of cotton to take active and energetic steps in the same direction; for it was inexpedient that Government should actually engage in a work that could be better done by private enterprise. Coming back to Europe, the noble Earl opposite had alluded to that part of Europe which was exciting the greatest attention at the present moment—he meant Italy; and here he pronounced a most severe censure on certain acts of Her Majesty's Government, in reference to two particular despatches addressed by the noble Lord the Foreign Secretary to the Government of Sardinia, respecting the affairs of Italy. With regard to the latter of those despatches, the noble Earl made a statement which he (Earl Granville) had heard with great surprise. That statement was a most extraordinary one. It made an accusation, one affecting the constitutional character, or almost, he might say, the honour, of Lord John Russell, that he had disregarded constitutional usage in not laying a despatch before the Queen. He (Earl Granville) felt some difficulty in dealing with such a charge. He did not feel called on to state facts with regard to communications of such a character; but he thought he might say that, unless the noble Earl could bring some proof of his allegation—and he (Earl Granville) was at a loss to know what proof could be given—the noble Earl was not warranted in bringing so grave a charge against the Foreign Secretary of State. With regard to the despatches themselves, the noble Earl said he required no further information than the papers already on the table. Now, he (Earl Granville) could not help thinking that if their Lordships were to enter into a discussion of the entire question when the whole of the papers should be produced—and that would be as soon as they could be printed and distributed, for he believed his noble Friend had produced them that evening in the other House—it would be much better than dealing with a separate and isolated part of the subject, with only two despatches in their possession. When that time came Her Majesty's Government would not shrink from a discussion of their Italian policy. He hoped that discussion, however, would not turn on particular portions of that policy only, but that it would be directed to a practical end. He hoped that there would be no misrepresentations; and that noble Lords would not misrepresent, as he thought the noble Earl had done, one of the despatches of Lord John Russell. When a great question like this was going on, affecting the whole of European policy, it was impossible to judge every single act and the minute and technical details of international law. They must embrace a larger view of the subject, and a larger amount of details. The noble Earl had asked if an attack on Naples was justifiable, why not an attack on Venetia? Well, the answer to that was that an attack on Venetia would lead to a complication of a more extensive and serious character than attached to an attack on Naples, and produce a war in different quarters, without, perhaps, any advantage to the Italians themselves. The noble Earl did not point out what it was he wished to establish in that peninsula, or what he thought was the object of the Italians themselves. It was not his (Earl Granville's) place to vindicate all that had been done by the King of Sardinia, any more than it was to defend the Imperial Speech delivered yesterday at Paris. The noble Earl opposite had asked what are the state of our relations with France? adding that he did not wish to ask anything it was impossible to answer: and then he wished Her Majesty's Government to say when the present unhappy state of affairs in Europe is to cease. He (Earl Granville) regretted to state that it was entirely beyond our power to answer this question—nor indeed was it the province of Her Majesty's Government to do so. With regard to the noble Earl's question as to our relations with France, he (Earl Granville) had no hesitation in saying that our relations with France were founded on those principles which ought to guide those who administer the affairs of a great country; that they were founded neither on "a blind distrust," nor on "a blind confidence;" their belief was that when France and England acted cordially together they must act for the general good of Europe; that it would be very difficult for them to act in concert, without acting for the good of Europe; and that if they did not act for the good of Europe, they would not be acting in concert, but would be taking one side or the other. The Government feel they cannot be too anxious to increase the friendly relations between the two countries. The noble Earl had adverted disparagingly to the Commercial Treaty concluded between the two countries last year. He (Earl Granville) believed, on the contrary, it had been, and would be, of great benefit to both countries. The noble Earl exulted in the beneficial effect it had produced on French finance, and the disadvantage resulting from it to England. Whatever might be the case with regard to any question of despatches and foreign policy, he (Earl Granville) was quite convinced that in discussing any matter of finance it would be of considerable advantage to have all the facts and figures before them; but he believed that, notwithstanding this exultation of the noble Earl opposite, and notwithstanding that the treaty did not come up to the sanguine wishes of Mr. Cobden himself, yet, on the whole, with the exception of one great staple of trade with which he himself was connected, and some complaints on small matters, the general anticipations of the commercial and manufacturing public had been more than realised, and the convention had been carried out in a very liberal spirit on the whole—much more so than had been stipulated by the treaty contracted in January last year. He believed it would lead to very great commercial relations between France and England; and he believed also that it would lead to a general revision of European tariffs. France was actually engaged in negotiating treaties with other countries, and if those countries reduced their tariffs in order to extend their commercial relations with France, the principle of self-interest as well as justice would induce them to extend the advantage to ourselves. Thus, in reality, the treaty which had been so much sneered at would be most beneficial to our interest. He did not pretend to say for a moment that commercial treaties would prevent war, or that commerce unfitted men for making war; but of this he was sure—that commerce disinclines nations from entering into war unnecessarily. In regard to our co-operation with France, he thought it had been attended with the most beneficial results. In China he might refer to the cordial understanding that has throughout existed between the English and French commanders of the expedition. In Syria there had been a much more difficult question to deal with; cruelties of the most atrocious kind had been committed; and to put a stop to the violence, by an agreement between the European Powers, the country was occupied for a certain period. The accounts now received by Her Majesty's Government were more favourable. The local authority was now in the hands of a distinguished Turkish officer; and from the communications received, not by the English Government alone, but by those of all the European States, there was reason to believe it will not be necessary to prolong the occupation. In referring to our relations with France, the noble Earl asked whether we were to be taught by the French the best way of adjusting our finances? Although he (Earl Granville) thought that the Emperor of the French was deserving of credit for having introduced the system of free trade into France, where it was singularly distasteful, and although M. Chevalier and those who worked with him were entitled to praise for having firmly resisted the efforts of the people in opposition to free trade, he was not quite prepared to admit that the French Government was able to give us lessons with regard to protection and free trade, and he was sorry to say that the noble Earl himself, as a professor of political economy, had quoted from Sir Robert Peel a modified notion on the question to satisfy prejudices, and uttered much in the same way that George Stephenson stated to a Committee of the House of Commons, that he felt certain that a railway train would be able to travel fifteen miles an hour. Looking to the state of the whole world there was no doubt that much apprehension, uneasiness, and distrust everywhere existed, and there was a difficulty in knowing where all would end. Among the Governments there seemed a disposition to make liberal concessions to the governed who required changes; but many of those concessions were too small, and were made too late. If we looked to our own internal condition, he thought we had reason to be proud. He was not going to boast of it, for the recent events in the United States as well as the Indian mutiny, arising suddenly, when the best informed minds were unprepared for such contingencies, should teach them not to speak in a boasting tone ; but it was permitted to them to speak with grateful thankfulness of the state of this country in respect of political feeling. At no time was the general sentiment of loyalty so remarkable as at the present moment, and he believed the feeling of the country upon nearly all points to be of the soundest character. The noble Earl, in speaking of the financial state of the country, omitted, he (Earl Granville) thought, the consideration of certain circumstances which were calculated seriously to affect the finances, and over which the Government had no possible control. The noble Earl ought to have recollected that we had scarcely any summer last year—that we had a deficient harvest, and a winter of almost unparalelled severity so far as it had gone. The noble Earl lamented that there was not some stronger expression of sympathy in the Royal Speech for the suffering endured by a portion of our population. Now, with regard to those partial sufferings, it would be difficult to touch upon them without going into details which would be inconvenient to enter into in a Royal Speech. He agreed with the noble Earl in the admiration he had expressed of the noble spirit which had been shown by the more affluent classes towards their suffering fellow-creatures. Nothing could exceed the satisfaction which must be felt at the display of so noble a spirit, although he was afraid that in a great many instances that spirit had been shown in too great forgetfulness of the working of the old poor law, and from a want of due consideration of the extreme difficulty of dealing with questions of charity so as to secure the greatest permanent advantage to all parties. At the same time the grand feature of sympathy between one class and another remained in its fullest extent. At former times, when we had deficient harvests, and when people were thrown out of employment, such state of things had led to great political disaffection. At the present moment, however, he believed there never was a country more free from this feeling, and he thought that that result might be traced to the legislation of past years in favour of the community at large, and the disposition that had been evinced on the part of the governing body to yield as far as possible to public opinion, when it has been continuously and clearly shown to be the national will. The noble Earl appeared to express dissatisfaction at the amount of legislation effected last year. He (Earl Granville) thought that the noble Earl had greatly underrated what had been done last year. He was of opinion that a great deal had been done. Much had been done for the simplification of the tariff, for the improvement of the national defences, and in passing some Bills intimately affecting the prosperity of Ireland. There was, however, no doubt of the fact that business had not proceeded in the other House so satisfactorily as it might have done. Now their Lordships' House had much less to do than the other House of Parliament, and, therefore, he did not think they were open to the same accusation. The noble Earl last year pointed out some remedy for this evil, which he thought might be applied with advantage to the general proceedings of Parliament—namely, the appointment of certain Committees. He (Earl Granville) thought it desirable that a Committee, as suggested, should be so established, in order to effect a greater simplification of their proceedings, and if the proposal should meet with the general concurrence of their Lordships he should feel it his duty upon an early day to move the appointment of a Committee to consider how legislation in Parliament could be more easily accelerated. He hardly liked, on this, the first night of the Session, to close his remarks without making some allusion to a particular loss which that House had recently sustained. It would ill become him who had served under the late Lord Aberdeen during his Administration, to remain silent as to the character and merits of that deceased nobleman. He never knew in public life a more just and honourable man than Lord Aberdeen. On foreign politics, in which the late noble Lord took an especial interest, it might be said that his views were somewhat of a Conservative character. But in regard to the question of peace, Lord Aberdeen had learned in some of the great battle-fields of this century to prize peace for its own sake, and to show a love of peace, which perhaps was sometimes exhibited rather too strongly. With regard to all internal legislation—to all measures affecting the interests of the country at home—he thought the degree of liberality displayed on those points by the noble Earl was quite peculiar, considering his early education. He remembered the late Lord Aberdeen, on the occasion of some frivolous charge being brought against him out of doors, saying he thanked God that character was something in this world. He (Earl Granville) believed now that all party and political feeling had gone that their Lordships would feel that no man in that House could appeal with greater force to his own character and his own example. His straightforward views and honesty of intention were, he (Earl Granville) thought, a lesson for them all. Leaving that subject, he must say, in reference to what fell from the noble Earl opposite in regard to a better manner of conducting the business of Parliament, whether in minor matters or in great and important national questions arising in that House, their Lordships should endeavour to show the example, which he was happy to say they had shown that night, of unanimity in all things affecting the honour of Parliament and the happiness of the nation.

Address *agreed to, Nemine Dissentiente:* and the same was ordered to be presented to Her Majesty by the Whole House; and the Lords with White Staves were ordered to wait on Her Majesty to know when She will please to appoint to be attended therewith.

CHAIRMAN OF COMMITTEES.

The Lord REDESDALE appointed, *Nemine Dissentiente*, to take the Chair in all Committees of this House for this Session.

House adjourned at a Quarter before
Eight o'clock, to Thursday
next, Two o'clock.

HOUSE OF COMMONS,

Tuesday, February 5, 1861.

MINUTES.] NEW MEMBERS SWORN.—For Southwark, Austen Henry Layard, esquire; for Kirkwall, &c. (District of Burghs), Viscount Bury; for Honiton, George Moffatt, esquire; for Dartmouth, John Hardy, esquire; for Reading, Gillery Pigott, esquire; for Sussex (Western Division), Walter Barttelot Barttelot, esquire; for Notts (Southern Division), Lord Stanhope; for Newcastle upon Tyne, Somerset Archibald Beaumont, esquire; for Ripon, Reginald Arthur Vyner, esquire; for Pembroke County, George Lort Phillips, esquire; for Cumberland (Western Division, Honble. Percy Wyndham.

NEW WRITS ISSUED.—For Wilts (Southern Division), *v.* Right honble. Sidney Herbert, now Lord Herbert; for Bolton, *v.* Joseph Crook, esquire, Steward of the Manor of Hempholme; for Bradford, *v.* Titus Salt, esquire, Chiltern Hundreds; for Aberdeen County, *v.* Lord Haddo, now Earl of Aberdeen, in the Peerage of Scotland, and Viscount Gordon, in the Peerage of the United Kingdom.

PUBLIC BILLS.—1° Outlawries.

The House met at half after One of the clock.

Message to attend HER MAJESTY.

The House went;—and having returned;—

MR. SPEAKER acquainted the House,—that he had issued Warrants for *New Writs*:—For Honiton, *v.* Joseph Locke, esquire, deceased; for Boston, *v.* Herbert Ingram, esquire, deceased; for Dartmouth, *v.* John Dunn, esquire, deceased; for Reading, *v.* Francis Pigott, esquire, Lieutenant Governor of the Isle of Man; for Wick (District of Burghs), *v.* Samuel Laing, esquire, Member of Council of Viceroy of India; for Newcastle upon Tyne, *v.* George Ridley, esquire, Inclosure Commissioner; Southwark, *v.* Admiral Sir Charles Napier, deceased; Nott (Southern Division), *v.* Viscount Newark, now Earl Manners; Ripon, *v.* John Ashley Warre, esquire, deceased; Sussex (Western Division), *v.* Earl of March, now Duke of Richmond; Pembroke County, *v.* Viscount Emlyn, now Earl of Cawdor.

OUTLAWRIES BILL.

FIRST READING.

Bill "for the more effectual preventing Clandestine Outlawries," read 1°; to be read 2°.

HER MAJESTY'S SPEECH.

MR. SPEAKER *reported*, That the House had, this day, attended HER MAJESTY in the House of Peers, when HER MAJESTY was pleased to make a most gracious Speech from the Throne to both Houses of Parliament, of which Mr. Speaker said he had, for greater accuracy, obtained a copy, which he read to the House.

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.

SIR EDWARD COLEBROOKE (who wore the uniform of a Deputy Lieutenant) said:—Sir, I rise to move an humble Address to Her Majesty in answer to the gracious Speech we have just heard. Although, Sir, I cannot claim the indulgence of the House on the ground of want of experience in addressing it, yet, on the present occasion, from the nature of the task I have undertaken—although I have accepted the office readily, as a compliment to the important interests I have the honour to represent, and feel the privilege of being the first to address the House after the reading of Her Majesty's most gracious Speech—yet, at the same time, I experience the difficulty which must always attach to those who stand between the House and those Members of it to whom the House is accustomed to look with expectation for advice and information in the present important juncture of affairs.

Now, Sir, I believe I shall best consult the feelings and anticipate the wishes of the House if, instead of taking up the subjects in the order in which they were presented to us in the Speech, I were first to advert to that question which will naturally rise most prominently to the minds of all, since it has reference to the personal feelings of Her Majesty—I allude, of course, to that portion of the Speech in which Her Majesty expresses Her appreciation of the cordial manner in which the Prince of Wales has been received on his visit to the British American Colonies and by the people of the United States. I cannot but congratulate Her Majesty and the House on the success of that visit, and on the loyal and personal feelings of attachment which were manifested towards the Prince by a most important British province, which was formerly torn by rebellion, and in the administration of which so many difficulties exist, occasioned by the difference of the races which inhabit it. But the House will agree with me that a still deeper interest attaches to the visit which the Prince paid to the United States, and in regarding it as a most important historical event. We are all familiar with instances, both in ancient and modern history, in which dynasties having been overthrown or expelled, it has been found impossible that the members of those dynasties could return to the dominions where they once ruled except as conquerors; and so strong has this feeling been, that we know that in many countries laws have been passed forbidding the members of a Royal family from ever returning to a country whence their ancestors had been exiled. But here we have a Prince, the heir to the British Throne—the descendant of one to whom historians have attributed the severance of those dependencies from the mother-country—who has made a peaceful progress through a republican population, and who was received by them with a feeling of respect, and even of enthusiasm, without any compromise of the principle of their own republican institutions. Perhaps the most remarkable incident of that visit was the meeting between the heir to the British Throne and the sole survivor of the first conflict between the colonists and the mother country. We have thus seen that, in a period which is short in the history of a nation, and which, indeed, is comprehended within the period of one individual life, and has since been embittered by another war—all feelings of bitterness completely laid aside, and the old feelings of brotherhood which should bind two kindred nations revived. This result is to be attributed, of course, in a great degree, to the influence of commercial intercourse, and in no small degree to those ties of a common kindred, and a common literature. But they are also to be attributed in no small degree to the frankness of the policy we have invariably pursued when dealing with that country, and to the cordial desire we have shown in the midst of many difficulties and dangers to maintain a cordial alliance with that country. But the cordiality of the Prince's reception is not to be attributed wholly to political considerations. This reception has a more important significance, and a peculiar interest. We are told—and no doubt it is the fact—that it was intended as a personal tribute of respect to the son of our Sovereign—a testimony of respect for the manner in which the Sovereign has borne herself in all the relations of life ever since her accession to the throne. I think we may address Her Majesty with peculiar satisfaction on this point, when we recognise in our kindred on the other side of the Atlantic the same feeling of respect for the personal character of the Sovereign and of regard for her family which is so familiar and so widely diffused at home. Sir, I cannot pass from this topic without asking the House to join with me in the expression of the regret which we feel, in common with Her Majesty, that circumstances should have arisen to threaten the continuance of the union of these provinces. In their political career this country has a deep interest, being so closely allied with them in race and kindred ; and

I am sure, therefore, that the House will join with Her Majesty in the expression of a fervent hope that those dangers which beset the Union may be dispelled.

Passing now from this subject, and coming to the questions which are of more immediate interest to us, I will ask the House—and I anticipate that this part of my task will be an easy one—to join in congratulating Her Majesty on the success of our arms in China. I hope I shall be able to do so without reviving those differences of opinion to which Chinese questions seem destined to give rise. I confess that there are many circumstances in the past history of our connection with that Empire which I view with regret; and I must say I do not share in the sanguine opinion entertained by some, who anticipate that we shall find a solution of all our difficulties in a closer relation with the Court of Pekin. But I believe it was the general feeling of the House and of the country that the evasive policy of the Celestial Empire had left us no alternative but to prosecute the war with vigour, and that the best policy and economy would be found in carrying it on in a way that would afford a prospect of an early termination, and nothing can more strongly demonstrate the advantages of such a policy than the complete success of the expedition. I have no doubt that the House will express its admiration of the way in which the expedition has been handled. I, as a civilian, may be excused for speaking on military matters; but I know that great doubts were entertained amongst military authorities as to the possibility of successfully conducting operations against Pekin. I say, therefore, that to have conveyed a great expedition, fully equipped, and in the highest state of efficiency, to the gates of Pekin, with the sea, which was the base of their operations, open only for a part of the year to the naval forces, is a great triumph, and that gratification is to be found, not only in the brilliant operations of the different services, but also in the cordial co-operation that subsisted throughout between us and our Allies. I think we may now congratulate ourselves on the prospect now held out to us that the barrier which has so long kept out our commerce has been broken; but the amount of political and commercial advantage which will be derived from these successful operations will depend in no small degree upon the manner in which we use our victory. Our agents have not only difficulties to encounter in relations with a semi-barbarous Government, but there are difficulties also connected with the regulation of our intercourse with the various ports and with the different races that resort to them. But we have had experience of the same kind of difficulties in a similar government nearer home—I allude to the Government of the Sultan — and as by temper, and discretion, and moderation we are able to maintain friendly relations and to carry on trade there, I do not see why we should not be able to do the same with the Government of China.

I come next to questions in which the House feels a more direct and vital interest. All are looking with anxiety to the state of affairs in Europe, and therefore it is with no small satisfaction that we hear Her Majesty announce that She is on satisfactory and friendly relations with all foreign Powers. When we speak of foreign Powers our first thoughts naturally turn towards France, and I suppose that few of us are perfectly satisfied at having for our next neighbour a Sovereign who has the uncontrolled command of the resources of a country the power of which has so often preponderated in Europe, and who employs no small portion of those resources in raising his navy to an equality with, if not a superiority to, that of this country. These, and many other thoughts rise in the mind when we think of France, and the important part she has lately taken in the affairs of Europe. A deep feeling of anxiety has been aroused in this country, which has manifested itself not merely in the great Volunteer force which has sprung up, but in the large expenditure on fortifications, and the increased activity in our dockyards. But, on the other hand, the ruler of France, whose policy has in a great measure produced this feeling of anxiety, has not only declared his desire to enter on a new era of peace, but has evinced his anxiety to do so by the manner in which he has concluded the Commercial Treaty, which removed so many of the restrictions formerly existing on the commerce of that country. The treaty, indeed, though not yet in full force, may be regarded as an accomplished fact, and affording real evidence of the desire for peace which that remarkable man declared in the course of last year to be the policy which he desired for his empire. It is almost inconceivable that a Sovereign should embark on such a course, knowing as he must do the impossibility of carrying it out except with the aid of peace—that he should confront the jealousies of his own subjects, and at the same time be eager for war. I have been thus particular in referring to France from these different points of view, because I believe that the inconsistencies of its great ruler in some manner explain our own policy. There are persons in this country—and they have representatives in this House—who believe that our policy towards France ought to be one either of suspicion or of blind confidence. I do not believe that either of these attitudes would correctly represent the opinions of the people of England. Her Majesty's Government, when they saw a disposition on the part of the French Emperor to engage in friendly commercial relations with us, did most right in encouraging him in his design by meeting him half-way. It has been said that the opinion of the advantages of the treaty were a passing intoxication. I believe that it is a growing and strengthening feeling. I have taken particular pains to ascertain the feeling of my constituents, especially in the important commercial emporium of Glasgow, and I find there is a strong and growing belief on their part of the good faith with which the treaty had been entered into and carried out on the part of the French Emperor, and that the result of the treaty will be a beneficial and increasing commercial intercourse with France. These sentiments are not confined to persons engaged in a single branch of trade, and they are all agreed that the terms obtained are more favourable than they had expected, and that the benefits will result, not to one single branch of industry, but to many. If there is one branch that may be said to be not so directly benefited as the others, it is that in which my own constituents are more immediately interested—the mining interest; and, indeed, they entertain the feeling that the tariff was not so advantageous to them as it should have been. In many branches of iron manufacture the tariff is so high as to be an actual bar to trade. There is, of course, a general feeling in the country that the benefits which are anticipated from the Commercial Treaty will not be realised unless there is more stability in continental affairs. But, at the same time, the impartial and sober view which the country takes of the treaty with France in no way interferes with the attitude of watchfulness which is imposed on us by the state of the Continent, and which it is our duty to take wholly irrespective of the conduct or disposition of the head of the French Government. Perhaps there is nothing which creates greater anxiety in this country than the result of the exciting events which were now taking place in Italy, to which attention has been specially directed in Her Majesty's Speech. It is not, I think, the desire of the people of this country that our policy towards Italy, or towards the Continent generally, should be one altogether of indifference, or that, as is desired by some, we should isolate ourselves from the great events which are agitating the world. Any State adopting such a line of action would not merely fail to maintain its own security, but would probably lose its allies, and find its position untenable from weakness. The people of this country, on the contrary, desire that their Government should have its due weight in the councils of Europe, and should be able to offer advice with regard to the great questions of the day without compromising the general principle of non-intervention, or without risking the freedom of the different States on which their progress must ultimately depend. It is because I believe that the course pursued by Her Majesty's Government has tended to increase the influence of this country, and to aid in the maintenance of peace on the Continent, that I am disposed to view with confidence their conduct of foreign affairs. The deep interest taken in the events in Italy by the people of this country proceeded not merely from sympathy with the exciting struggle for freedom, but from the feeling that the strength which united Italy would possess must be of the highest importance to the balance of power in Europe; and I cordially trust that the issue of the struggle may be that the different provinces will merge into one common kingdom.

I have been induced to refer thus prominently to foreign affairs on account of their important bearing on the financial position of this country. It is probable that one of the first questions which will engage the attention of the House will be the state of the national finances. I know the strong feeling which many entertain as to the danger of a high scale of expenditure, and I entertain a hope that the Estimates to be laid before the House would show that they had been prepared by Her Majesty's Government with a due regard to economy. But, at the same time, I cannot fully agree with the sanguine opinions entertained as to reduction by some hon. Members. In the present aspect of foreign affairs the country will expect the House to scrutinize closely the items of expenditure, but it will never desire that economy should be carried so far as to weaken the efficiency of our establishments, or to abate from the attitude of watchfulness which the general condition of foreign affairs has imposed upon us.

With regard to our home policy, I think it a subject of especial gratification that some hope at last is offered of efficient steps being taken to promote law reform, to which subject our attention has been so pointedly directed in the Speech from the Throne.

And here I might have brought my remarks to a close, if it were not that censure may be passed on the Government by some for what they probably consider an important omission in the Speech from the Throne—I refer to the subject of Parliamentary reform. I should not, of course, have taken the prominent part I am filling on this occasion if I had thought that omission subject to censure. I know it will be viewed with regret by many who think that the time has arrived when they ought to be admitted to the privilege of exercising their votes at Parliamentary elections; but I do not think there is any disposition on the part of the country generally to blame the Government in respect of this matter, because there never was a time at which the country was more fully aware of the difficulties in the way of passing a comprehensive measure of reform. The experience of the last Session has strengthened this conviction. It may be said that those difficulties could easily be overcome if the Government showed itself resolved to act with determination, and to appeal to the country by a dissolution. But that implies enthusiasm on the part of the people out of doors; and it is useless to disguise the fact that at present such enthusiasm does not exist. There are many causes which contribute to this state of things; two, especially, which are only of a temporary nature:—First, the alienation between the middle and working classes which the late strikes have created. The other, and more paramount cause, is the absorbing interest of foreign affairs. It may, however, be deserving the consideration of hon. Members whether, if they cannot embark all their energies in one comprehensive measure, they may not apply themselves to the passing of partial measures that would confer immediate and practical advantages on the country. I shall not say more on this point, because I hope that on this occasion there will be no disturbance of that unanimity with which I expect to see the Address adopted; and I, therefore, trust that the House will defer to a future time the consideration of details on which there may be a difference of opinion. In conclusion, I am sure the House will concur in the prayer at the close of Her Majesty's gracious Speech. Her Majesty says:—

> "I confidently commit the great interests of my Empire to your wisdom and care; and I fervently pray that the blessing of the Almighty may attend your councils, and may guide your deliberations to the attainment of the object of my constant solicitude—the welfare and happiness of my people."

The hon. Baronet concluded by *moving*—

> "That an humble Address be presented to Her Majesty, to convey the Thanks of this House for Her Majesty's Gracious Speech from the Throne:
>
> "To express to Her Majesty the gratification with which we learn that Her Majesty's relations with Foreign Powers continue to be friendly and satisfactory; and humbly to assure Her Majesty that we trust with Her that the moderation of the Powers of Europe will prevent any interruption of the general Peace.
>
> "Humbly to thank Her Majesty for informing us that, believing that the Italians ought to be left to settle their own affairs, Her Majesty has not thought it right to exercise any active interference in these matters.
>
> "To thank Her Majesty for directing Papers on this subject to be laid before us.
>
> "Humbly to thank Her Majesty for informing us that temporary assistance has been afforded to the Sultan for the purpose of establishing order in Syria by the body of French troops who have been sent there to represent the Allied Powers; and to assure Her Majesty that we share in the hope that tranquillity will soon be re-established in that province, and the objects of the Convention fully attained.
>
> "Humbly to thank Her Majesty for informing us that the operations of Her Majesty's Forces in China, in conjunction with those of the Emperor of the French, have been attended with complete success, and that, after the capture of the Forts at the Mouth of the Peiho, and several engagements with the Chinese army, the Allied Forces became masters of the Imperial City of Pekin; to assure Her Majesty that we learn with satisfaction that the Earl of Elgin, and Baron Gros, the Ambassador of the Emperor of the

French, were enabled to obtain an honourable and satisfactory settlement of all the matters in dispute, and that throughout these operations, and the negotiations which followed them, the Commanders and Ambassadors of the Allied Powers acted with the most friendly concert.

"To thank Her Majesty for commanding that Papers on this subject should be laid before us.

"To express to Her Majesty our gratification at hearing that the state of Her Majesty's Indian Territories is progressively improving, and humbly to join in Her Majesty's hope that the financial condition of India will gradually partake of the general amendment.

"Humbly to assure Her Majesty that we fully concur in the hope which Her Majesty has expressed, that the measures which have been taken will speedily suppress the disturbances which have interrupted the peace of a part of New Zealand, and enable Her Majesty's Government to concert such arrangements as may prevent their recurrence.

"To express our full participation in the concern with which Her Majesty looks upon the serious differences which have arisen among the States of the North American Union as affecting the happiness and welfare of a people nearly allied to Her Subjects by descent, and closely connected with them by the most intimate and friendly relations; and our hearty concurrence in Her Majesty's wish that these differences may be susceptible of a satisfactory adjustment, and in the sentiment which Her Majesty expresses that the interest which Her Majesty takes in the well-being of the people of the United States, cannot but be increased by the kind and cordial reception given by them to the Prince of Wales during his recent visit to the Continent of America.

"Humbly to assure Her Majesty that we learn with deep gratification Her Majesty's warm appreciation of the loyalty and attachment to Her Majesty's Person and Throne manifested by Her Canadian and North American Subjects on the occasion of the residence of the Prince of Wales among them.

"To thank Her Majesty for informing us of the Conventions, supplementary to the Treaty of Commerce of the 23d day of January, 1860, which Her Majesty has concluded with the Emperor of the French, and of the Convention concluded with the King of Sardinia for the reciprocal protection of Copyright.

"To thank Her Majesty for having directed the Estimates for the ensuing year to be laid before us, and for having caused them to be framed with a due regard to economy and to the efficiency of the several Branches of the Public Service.

"Humbly to thank Her Majesty for informing us that measures will be laid before us for the consolidation of important parts of the Criminal Law; for the improvement of the Law of Bankruptcy and Insolvency; for rendering more easy the Transfer of Land: and for establishing a uniform system of Rating in England and Wales.

"Humbly to assure Her Majesty that, in common with Her Majesty, we fervently pray that the blessing of the Almighty may attend our councils and guide our deliberations to the attainment of the welfare and happiness of Her People."

MR. PAGET said, that in rising to second the Motion that an humble Address be presented to Her Majesty in answer to Her gracious Speech, he felt that he should best consult the convenience of the House and his own wishes, if he did not dwell on those subjects which had been so ably discussed by his hon. Friend who had proposed the Address. There was, however, one subject which, from the interest his constituents took in their brethren across the Atlantic—an interest founded both on commercial and social relations—he should make an exception; for he should not be doing justice to his own feelings, or those of his constituents, if he did not take that opportunity of expressing his hearty concurrence in the hope expressed by Her Majesty that the differences of the people of the United States might be settled amicably. The Treaty with France also was one of great importance to the commercial community, and one in which the country generally was concerned. During the last Session that treaty was treated with coldness, and sometimes with derision. It was represented that unworthy concessions—concessions that were against the interests of this country—had been made in order to obtain it from the French Government. He believed that the principles upon which the treaty had been negotiated and framed were perfectly sound, that not a single concession had been made on our part that was not of advantage to England, and that there was not a step which had been made towards free trade by France that would not equally tend to the advantage of the French people. That the Emperor of the French intended that the treaty should be the foundation of cordial commercial relations he believed from the spirit in which the details of the tariff had been negotiated.

Notwithstanding the greatest efforts of the protectionist manufacturers of France, the Council to whom the adjustment of the tariff had been entrusted, had given to the details laid before them a fair and candid consideration, and the result had been such as to satisfy every Chamber of Commerce in England. It was a matter of great satisfaction to see the votes of thanks that had been presented from the representatives of the commercial communities to the hon. Member for Rochdale (Mr. Cobden), and the other gentlemen who had negotiated the treaty for the ability with which they had represented the interests of England. He thought there was good ground for supposing that the treaty would be attended by satisfactory results. No doubt, the actual effect of the treaty would not be early appreciable. As a first effect the cheaper manufactures of France had been brought into competition with our own, and so far, that had been an injury to our manufacturers without counterbalancing advantages; but so satisfied were they that the treaty would lead to a considerable intercommunication, and ultimately tend to their own prosperity, that they were quite content with the progress that had been made; and it might be expected that, in the course of a few years, the treaty would be the means of more intimately uniting not only the Governments, but the people of the two countries. The present was a time of great trial to the people of the United Kingdom. After the coldest and wettest year on record, there was a harvest such as was naturally the result of such a season as had preceded it. However, it was consoling that that harvest had not been followed by the distress which had followed similar harvests in former years—by pestilence and famine; and he thought they might in a great measure attribute their escape from those calamities to the abandonment of the Protectionist system; but it was impossible, when the produce of the country was by many millions sterling less than usual, that the effect should not be manifested in a bad home trade and in the diminished resources of agriculturists. There could be no doubt, either, that the Chancellor of the Exchequer must feel its effect on the public income, and would have to tell them so in the statement he would have to make. The deficiency of the harvest, and the stagnation of trade which had taken place in consequence, made the constituencies exceedingly anxious on the score of economy. The House had been assured in the Speech from the Throne that the Estimates had been framed with a due regard to economy, and he trusted it might be so, because he believed it was by the heads of departments that economy could be fully carried out, and not by anything that could be done in that House when the Estimates had once been framed. Those who had been accustomed to discuss those Estimates must feel how empirical were all their present attempts to deal with them. It was quite impossible that the Members of that House could have the information that was necessary to enable them to amend the Estimates with efficiency when they had been once introduced, and, therefore, the only sure mode of effecting economy was to support those men in office who would be economical in their expenditure. But when he spoke of economy, he believed he only expressed the sentiments of the people of England when he required that the efficiency of the public services should not be diminished. He believed that to reduce our military and naval armaments below the point which was necessary for the safety and honour of the country would be a measure as unpopular as impolitic. He founded this opinion on the success of the Volunteer Rifle movement. The young men of this country had turned out during the past inclement season, and gone through cold, and wet, and darkness to their nightly drill till they had attained an efficiency which is the pride of England and the astonishment of Europe: and had done so not from any trivial love of dress or the gorgeous appointments of war, but from a strong determination that to no individual will or sufferance but to their own right hands they would owe their lives, and liberties, and their sacred hearths. This Rifle Corps movement was an emanation from the people, and he was convinced the same spirit would ever actuate the people, who would never deny the money that was necessary to maintain the independence and the position of the country. But in return for the sacrifices they made, the people demanded that the money so hardly earned and intrusted to the hands of the Government should not be profusely wasted. Let them ask themselves, however, what chance the House of Commons gave their officials for carrying out economical views. What was the life of a leading officer of state in this country? He rose in the morning after having been up late at night in that House, waiting, perhaps, for some Bill with which he was charged. He had to attend important Committees, he had to receive deputations, and had to prepare replies to the questions that were to be put to him in the House, and had to come down at five o'clock to answer those questions, and then had to sit out their almost interminable debates. What strength and vigour could be left to him after this for attending to the business of his department? Abuses thus sprang up, but it could not be expected that a remedy for those abuses would proceed from those who had long lived in the midst of them. It was with the reform of departments as it was with sanitary reform. They were told that to detect the corruption whence fever sprang they must come from a pure atmosphere, and he believed that those who had long lived among the abuses of departments would never originate a reform of those abuses. He would refer to the case of one who was not now among them, but who had held a conspicuous place in that House, and who by his courtesy, ability, and high principles had raised the tone of their debates. As Secretary for War, Mr. Sidney Herbert had signalized himself by great zeal for the public service, but from the operation of our public system his health was not sufficient for the duties he had to discharge in his office, and at the same time to fulfil the duties of a Member of the House of Commons; therefore he was obliged to resign the one that he might devote himself to the other. He admitted that it was necessary they should have in that House the power of asking questions of the Government, and bringing forward Motions on Supply, but still he thought they ought to feel the responsibility they incurred in so doing, and not take up unnecessarily the attention of the Government and the House. There were a few other subjects to which he wished to allude. The Speech from the Throne held out the prospect of reforms in the Bankruptcy laws, and for these the public mind was quite ripe. These were reforms for which the commercial community were exceedingly anxious. The existing state of the law upon that subject was an opprobrium to our statute-book, and he rejoiced that the acute mind of the Attorney General had been directed to a consideration of that question. The hon. and learned Gentleman had been in communication with the mercantile bodies throughout the country, and he trusted there would soon be laid before them such a Bill as would give satisfaction to the House and the country. Another Bill had been promised, which appeared to him to be an important preliminary to any future Reform Bill—he meant the Bill for uniform rating. All who heard the debates of last Session on the Reform Bill would agree that the greater portion of those debates turned upon the question what would be the effect of a £6 franchise? Now, if we had a uniformity of rating, discussions of that kind could not arise, for sufficient statistical information would be obtained to enable any Government to construct a measure which the House could intelligently discuss. He, therefore, thought that it had been wisely resolved by the Government not to introduce a Reform Bill this year which would result only in a repetition of the labour of last Session; but that they had agreed to bring in a measure which would, he thought, lay the foundation for a future Reform Bill by securing for them and the country authentic information on the subject. He begged to second the Motion for the Address.

Motion made and Question proposed,—That, &c. [See Page 52.]

MR. WHITE said, he could sincerely say that he was very reluctant to disturb the unanimity which appeared to prevail on both sides of the House. There were, however, some portions of, and some omissions from, the Royal Speech upon which he felt himself compelled to trouble the House with a few remarks, and with an Amendment, for he considered that he should ill-interpret the sentiments of his constituents if he were to remain wholly silent. He trusted he should be excused if he took exception, in the first place, to the omission from the Royal Speech of all reference to the great controversy which so many held to be still pending, as to the respective and distinctive functions of the two Houses of the Legislature. It was not, he could assure them, a pleasant position to be compelled to give utterance to opinions which might be distasteful to the majority of that House; but when it was remembered that they had been told—as they were told last Session by Her Majesty's Chancellor of the Exchequer—that there had been perpetrated "An innovation the most gigantic and the most dangerous that has been attempted in our time"—and when, too, the noble Lord (the Member for the City of London) also declared "that for 200 years there is no instance of the House of Lords having exercised such a power as that which it exerted on a recent occasion," he (Mr. White), armed with such deservedly great authorities, must be forgiven if he said that he disdained to ask pardon from that House for not consenting to leave this great question in a state of dastardly abeyance. He trusted, therefore, that the House would acquit him of a restless, reckless pertinacity of purpose for presuming to declare, as he now did, that this was the fitting time to re-open, if it was not the fittest time to re-argue, the great constitutional question which had been slurred over, but not settled, during the last Session. On the very last day of the last Session he had protested against the ignominious abandonment by that House of one of the most, if not the most precious privilege of the Commons; and he now seized the very earliest opportunity of renewing his protest against their quietly assenting to that "gigantic innovation" on one of the, till then, indefeasible, constitutional rights of that House —rights which we held in trust, as he thought for the good of the people. He need not, he was sure, now affirm that they who felt so strongly on this question had not the slightest desire to attempt to eliminate one of the Estates of the realm—neither did they wish to provoke a collision with the other House of Parliament. But still they could not, and, with all respect, they would not, rest contented when the immemorial, vital privileges of that House were over-ridden and trampled down by the irresponsible branch of the Legislature. Hence he would respectfully inquire of the noble Lord at the head of the Government whether he was now prepared to heal the wound which he last Session permitted to be inflicted on the Constitution? It was quite unnecessary for him to indicate, because the noble Lord well knew, how alone this great question could be satisfactorily settled, and right glad should he be to see the present painful antagonism of the two Houses effectually extinguished, and extinguished, too, through the happy instrumentality of the noble Lord himself. He, therefore, would beg to inquire of the noble Lord whether he was prepared to heal the wound that he had permitted to be inflicted on the Constitution? Should, however, the noble Lord, or his Government, evince no disposition to fill up this breach in the Constitution, then it was due to the noble Lord that he should now inform him that he must be prepared for this great question continuously springing up in season and out of season, until it was finally and irrevocably settled. He (Mr. White) would glance at that portion of the Royal Speech which referred to their relations with a neighbouring State, and here he was compelled to express his sincere regret at the absence of even the ordinary niggardly perfunctory praise which Ministers might have caused Her most gracious Majesty to accord to Her Majesty's personal friend as he thought; but certainly Her Majesty's faithful Ally—the Emperor of the French. That he might not be misunderstood, he would ask the House, had he ever been an adulator of the Emperor of the French? He had bewailed the *coup d'etat.* He did his best to defeat that un-English measure, the Conspiracy Bill; and he had, in his place, before avowed the loathing he felt at the fulsome praise which it was the fashion only two or three short years ago to lavish upon the Emperor of the French, by the party leaders on both sides of that House. The very distrust which so many of them formerly felt as to the intentions of Her Majesty's Imperial Ally, ought now to dispose them to be the more ready to acknowledge the unequivocal evidence the Emperor had since afforded of his sincere desire to cultivate the most friendly relations with this country. He felt bound, therefore, to mark his sense of the omission of this subject from the Queen's Speech. The incontestible advantages which must accrue to their country from the late Commercial Treaty, and the subsequent conventions with France, the abandonment of the French passport system as affected their countrymen, were great patent facts, which demanded, as he thought, a more generous acknowledgment and reciprocation than was to be found in the Royal Speech; for who could over-estimate the mighty, material, and social results which must spring from the intimate alliance of the two great neighbouring nations, which confessedly stand in the van of civilisation and progress. He wished it could have been announced that Her Majesty's advisers had endeavoured to come to some arrangement with the Government of Her Majesty's Imperial Ally, with the view to make an end, if possible, of the present deplorable rivalry in armaments which inflicted upon an already overtaxed people all the burdens of a war expenditure during a time of peace. He felt also constrained to refer to another paragraph of the Royal Speech, which told them that the Estimates would as usual be framed with a "careful attention to economy, and with a due regard to the efficiency of the several branches of the public service." Year after year they had this stereotyped, threadbare phrase, or its equivalent, repeated until the constituencies were heartily sick of this annual iteration. Moreover they called upon them (their representatives) to most strongly urge on Her Majesty's Ministers the imperative necessity of now making this periodical declaration—a truth. How many successive Sessions had they been told the same, same thing, and yet it had come to this—that each recurring year brought with it an augmentation of the public burdens, the aggregate weight of which had now become intolerable to a too patient and long-suffering people. Owing to the lavish disposition of that House, it was no exaggeration to say the world had never witnessed a Government so extravagant as the present; and they had even reached this point—that economy had not merely ceased to be practised, but had become despised—while those Members of the House of Commons who dared to stand up and plead for economy in the State expenditure were almost pointed at as entertaining a sordid, if not a vile appreciation of the true glory, honour, and greatness of their country. In the interest of the great national party to which he had the honour to belong, it was a positive kindness that he should now inform the noble Lord at the head of the Government that the people were beginning to find out that no Conservative Government would have ventured to bring in such Estimates as were voted last Session by that House. Or, if they had dared to bring in such enormous Estimates, would they not have encountered the opposition of the noble Lord and his thick-and-thin supporters, and would they not have been driven from office amidst the execrations of an indignant people? The right hon. Gentleman who now so worthily filled the office of Chancellor of the Exchequer—an office which, for the good of the people, he fervently prayed he might long occupy—that great Minister of State last Session, as the House would recollect, had honestly denounced their existing administrative system. They would remember it was Her Majesty's Chancellor of the Exchequer who then told them that "vacillation, uncertainty, costliness, extravagance, meanness, and all the conflicting vices that could be enumerated are united in our present system." Nor was this all, for the right hon. Gentleman continued, with a force of truth and eloquence for which he was unrivalled, to expose the ruinous expensiveness and the almost incredible absurdity of the present system, concluding with these remarkable and never to be forgotten words—"I believe," said the right hon. Gentleman, "such are the evils of the system that nothing short of revolutionary reform will ever be sufficient to rectify it." These words coming from such a high quarter had sunk deep, very deep, into the mind of the nation, and after such a candid and indignant utterance by Her Majesty's Chancellor of the Exchequer would not the people be justly disappointed at the omission of all reference to administrative reform in Her Majesty's most gracious Speech? He had never been behind the official scenes, and cared not to inquire how Royal Speeches were concocted, but he could imagine it might be after the approved fashion of the Witches in "Macbeth," when they compounded their "gruel thick and slab." And if so, he could in his mind's eye see the noble Lord the Member for the City of London putting in as his contribution to the Cabinet cauldron—*in memoriam* of his last year's Reform Bill—

> "Finger of birth-strangled babe."

But no, the noble Lord would not give even a "finger of birth-strangled babe" on the present occasion. Pursuing the same simile, having made their "charm firm and good" he could picture the noble Viscount at the head of the Government joyously accosting his colleagues—

> "Oh! well done! I commend your pains;
> And every one shall share i' the gains."

Now seriously by "every one," he would fain recognise as included that great industrial class now groaning under the weight of their present heavy imposts, and who had so long been deprived of the franchise which was their due. Despite the many sinister reports which had of late been in circulation, he quite counted on having to say he was glad to learn that Her Majesty's Ministers did intend to bring in this Session a Bill for Parliamentary Reform, and he had hoped that the measure would be found well calculated to meet the just expectations of the people—that whilst it would correct the acknowledged defects which exist in our present system of representation, it would also extend the franchise to those deserving classes which the noble

Viscount at the head of the Government, in the year 1857, most truly told them "were unmeritedly," he repeated the words, "were unmeritedly" excluded from that privilege. But he regretted to say that he was grievously disappointed, and hence the Amendment with which he should conclude. Yet, after so recent, so emphatic and authoritative a condemnation by Her Majesty's Chancellor of the Exchequer of their present system of administration, had not the people just grounds for looking forward to the announcement in the present Royal Speech of some comprehensive measure for administrative as well as for Parliamentary Reform? With regard to that part of the Royal Speech which referred to China, he could say much, having passed many years of his life in that country, but he was too sensible of the kindness of the House to trespass further on its attention than by now saying that any peace—not purchased by national humiliation—would always be gratifying to him. At the same time, he must add that any knowledge of the Chinese people—or, rather, any knowledge of human nature—forbids the expectation that the ratification of the Treaty of Tien-tsin, and the subsequent Convention of Pekin, could be regarded otherwise than as a truce, for it would be a gross delusion to believe that conditions and stipulations so extorted would be faithfully carried out when the military pressure which obtained them had been removed. The perversity, or rather the ignorance of their diplomatists on this, as on the preceding occasion, had sown the seeds of future China wars, unless future Home Governments, unlike, but wiser than their predecessors, sternly forbade the renewal of such costly, and, apart from the admirable conduct of the naval and military forces, such nationally disgraceful contests. He would now beg to thank the House for its attention, and, as an independent supporter of the Government of the noble Lord the Member for Tiverton—and as one who would regard the return of a Derby Administration at this juncture as a national calamity, he would, in conclusion, warn the noble Lord that the day would be a fatal one to the cohesion of the great Liberal party on which the people discovered that an Administration professedly Liberal persistently ignored and treated as obsolete the cardinal vital principles of the true Liberal faith—principles which successive Liberal statesmen had taught the people to believe and cherish; principles which were summarised by the late Lord Grey in his ever memorable, but now disregarded words—Peace, Retrenchment, and Reform. In conclusion, the hon. Gentleman moved as an Amendment, to add at the end of the last paragraph of the Address, these words—

> "Humbly to represent to Her Majesty that Her Majesty's Government should, on an early day, introduce a measure for the extension of the Parliamentary Franchise in the Boroughs and Counties of the United Kingdom, in fulfilment of the express pledges given by Her Majesty's Government when they came into Office, and thus adopt a course calculated to increase the loyal devotion of Her Majesty's Subjects to Her Majesty's Throne and Person, and also satisfy the long-deferred but just expectations of the Country."

Mr. DIGBY SEYMOUR said, he rose with great pleasure to second the Amendment of his hon. Friend. He fully agreed with his hon. Friend as to the necessity of applying steady economy to the finances of the country, for, according to the calculations of the right hon. Gentleman, the Chancellor of the Exchequer, they might look forward to an expenditure for the year of £76,400,000; and when they considered that of that sum so large a proportion as £61,000,000 must go in time of peace for the burdens of wars, or to pay the interest on loans contracted for previous military armaments, then it became important that the attention of Government should be drawn to the matter, and that some stop should be put at least in the beginning of this Session to this extravagant and wasteful expenditure. If they considered that these £61,000,000 exceeded by £5,000,000 the united exports of woollens, cottons and linens from this country for the year 1859—that they were more than double the amount of the gross rental of all the railways of the United Kingdom, that they exceeded the amount of the rental of all its landed property, including tithes, and also the rental of all the factories and houses used for trade or private dwellings throughout the breadth of the land—then some idea might be formed of the enormous expenditure thrown away in interest on the cost of former armaments, and in meeting burdens of former wars. When they considered that the expenditure last year exceeded the income by no less than £10,300,000, he thought there was sufficient to vindicate his hon. Friend in the observations which he had made on the desirability of increased economy in the national expenditure. As to Reform he entirely agreed with his hon. Friend that they would not be true to the principles upon which they were returned to that House if they remained silent and indifferent to the absence of all allusion to it in the gracious Speech from the Throne. He had himself personally particular reasons for complaining of the course which had been taken by Her Majesty's Government. When returned for the important borough which he had the honour to represent, he assured his constituents that he should not be carried away by faction, and that in Parliament he should look more to measures than to men. The first question upon which he was called upon to vote was whether he would concur in a Motion expressing want of confidence in Lord Derby's Administration, which was based upon the assumption that they could not obtain so unequivocal an extension of the franchise from the Ministers then in office as from a Liberal Cabinet. After hearing the pledge of the noble Lord the Member for the City of London, he voted for the Motion, and helped the present Ministers to office. Now in what position was he placed at the present moment? How had the noble Lord at the head of the Government and his colleagues fulfilled their promises, and how had they satisfied him and others, who gave them a generous support? How could they (the Liberal party) come to any other conclusion than, to use a vulgar expression, that they had been "sold" by Her Majesty's Government? Unless Her Majesty was to be made the vehicle of uttering general common-places, unless Her most gracious lips were to be made the means of conveying expressions which had no meaning, the extraordinary omission of all allusion to Reform could not fail to strike their attention. In 1852, in 1854, in 1856, in 1859, and in 1860, during the Administrations of the noble Lord, the Member for the City of London, of Lord Aberdeen, of Lord Derby, and of the noble Lord, the present Prime Minister, Her gracious Majesty had informed them that the time had arrived when their attention ought to be directed to the amendment of the representation of the people, and yet, with all the pledges which had been made, no excuse was offered now for this marked and extraordinary omission. The only thing which resembled an excuse was an allusion by the hon. Gentleman who seconded the Address to a proposed Bill for equalizing rating in the country. They did not know the principles upon which that Bill was based, and they did not know what the change in the mode of rating would cost. But if the Government were really in earnest it would not be necessary to refer to an intended measure which might never pass as a reason for postponing indefinitely the subject of Reform. They must all recollect with what apparent sincerity the noble Lord the Member for the City of London expressed himself in introducing the Reform Bill of last Session. He admired the eloquent speech of the veteran Reformer whose name had been so long connected with the cause, and who had so long been one of the responsible advisers of the Crown. Although by some the measure was thought too simple in its framework, and by others too restricted in its objects, he felt confident at the time that the noble Lord would persist manfully in the determination to make concessions to the just demands of the country. Neither, he was certain, could they forget the evident emotion under which the noble Lord laboured when he withdrew the Bill. If the noble Lord was full of sanguine zeal and earnest hope when he introduced it, he seemed sinking under a burden imposed by others when he withdrew it. Not only was the Bill withdrawn,—but there was no pledge or assurance that it would be introduced again, and Reform now reminded him of the mirage in the desert, which deluded the parched traveller with the belief that in the distance he would find healthful and refreshing waters. So the pure waters of Reform were held up to the people, but withheld from their lips. This was a state of things against which the House ought to protest. He did not second the Amendment in a spirit of hostility to the Government. He regarded the foreign policy of the noble Lord the Member for the City of London with admiring wonder and hearty respect. He thought that with the difficult position of affairs in China and Italy the Foreign Department could not have been filled by a more able, fit, or honest Minister. He rejoiced at the victory which had crowned the united arms of France and England in China, and at the success which had been achieved by an army of patriots in oppressed Italy. But if Italy had won increased liberty, that was no reason why increased liberty should be denied to England. Whenever there had been complications in public affairs the unenfranchised people of England had shown no desire to take advantage of those difficulties, and to exact unreasonable terms from Her Majesty's Ministers. Instead, therefore, of turning their eyes to the possibility of European complications or financial difficulties or commercial distress, the Government would have done well to choose the present time to admit large masses of the community to the benefits of the Constitution. In the words of the Amendment, by so doing they would have best consulted the safety of the Throne and the security of those institutions which they all loved and admired. In that spirit, and without wishing to show hostility to Her Majesty's Government, yet anxious to obtain from some member of it satisfactory reasons which would enable him to feel that he had not done wrong in assisting them to office, he cordially seconded the Amendment which had been proposed by the hon. Gentleman.

Amendment proposed, at the end of the last paragraph, to add the words,—

"Humbly to represent to Her Majesty that Her Majesty's Government should at an early day introduce a measure for the extension of the Parliamentary Franchise in the Boroughs and Counties of the United Kingdom, in fulfilment of the express pledges given by Her Majesty's Government when they came into Office, and thus adopt a course calculated to increase the loyal devotion of Her Majesty's Subjects to Her Majesty's Throne and Person, and also satisfy the long deferred but just expectations of the Country."

MR. DISRAELI: Sir, we reassemble under grave circumstances, and I should wish that Foreign Powers should understand that, at a crisis like the present the Sovereign of these islands is supported by a devoted people and an united Parliament. I will not, therefore, criticise the Amendment which has been offered to the Address. I would, however, say in vindication of Her Majesty's Government, although it is certainly not my office to defend them, that the reception which was given to the comprehensive measure which they introduced last Session by a great many of their own supporters, was not of a character calculated to cause them to hold it a matter of duty on their part again to come forward and solicit the opinions of the House on the subject of Parliamentary Reform. To the second reading of that measure those who sat on this side of the House offered no opposition; and, therefore, secured for it every opportunity which could be afforded of improving, altering, and amending it. Yet, notwithstanding the forbearance and moderation of the Opposition, the great majority of the speakers on the benches opposite to us, including many hon. Gentlemen representing capital cities and considerable communities, expressed decided hostility to that measure of the Government. I think, therefore, that those who now find fault with the Government for their reluctance in again bringing forward a measure of Reform should reflect what were the chief elements of the opposition to the former measure. I do not think it open to hon. Gentlemen opposite to accuse the Government of having betrayed the interests intrusted to them. A measure for the reconstruction of this House should not be introduced at a time when there is no probability of its being accepted, and a Minister would incur a great responsibility who again introduced such a subject from a mistaken sense of honour to a party which was anything but unanimous in supporting his original proposal. As far as those matters are concerned, to which the hon. Mover and Seconder of the Amendment have referred, I am perfectly content to give a general support to the Address. I should not have troubled the House with any observations to-night, had it not appeared to me that since we last met several subjects have arisen on which great perplexity exists in the public mind, and on which we should hardly be doing our duty to the country if on this occasion we did not make some inquiry of the Government.

The mind of the country is extremely bewildered as to the general state of Foreign Affairs, and the policy and the course which has been pursued by the Government. I know it may be said that, as the Government have in the Speech from the Throne very properly undertaken to produce the papers on the subjects I refer to, and that however eager we may be to obtain more satisfactory information on these topics, the regular course would be to wait till those documents have been laid before us; but the peculiar circumstance of the present state of affairs is, that the perplexity in the public mind concerning our foreign relations, and the policy of the Government in regard to them, does not arise from want of information. It is rather in consequence of the information we possess that the public mind is so bewildered. Therefore, on account of the general mystification which prevails, I think this is the constitutional occasion which should be taken for addressing some inquiries to the Government on the matter. Sir, I remember some two or three years ago that there was a strong feeling in the country against what was called secret diplomacy. To secret diplomacy was attributed many, if not all, of those evils to which States are subject — unnecessary and expensive wars, costly establishments, the burden of excessive taxes, often the dishonour and sometimes the humiliation of nations. The cry was that if the Minister would only take the public and Parliament into his confidence, allow them to know how things were going on, and what really were the points at issue between us and Foreign Powers, he would then be so guided by the judgment, and so encouraged by the support of Parliament and the country, that he would be preserved from falling into those errors, or committing those mistakes, to which he would otherwise be generally liable. It was satisfactorily shown, that the proper way to win the game was to show our cards. Such were the maxims of what may be called the school of candour. It is greatly to the credit of the Government that, since their accession to office, they have acted with great frankness to the House of Commons upon the subject of our foreign relations. I give them entire credit for a candour which has been often excessive, and sometimes even unnecessary. There was no project which had failed, no scheme in which they had been disappointed, no occasion on which they had been deceived, that they did not in the most ingenuous manner reveal to the House, and make them partakers of their grief, mortification, and chagrin. Indeed, it may be said that during the last year the House of Commons were really admitted to the brooding meditations of statesmen. The noble Lord the Secretary for Foreign Affairs came down to the House one evening, and with an appearance of much alarm, which he successfully imparted to the House, declared that the time had come when it was necessary to look out for new allies for Her Majesty. What in old times—in the days of secret diplomacy—would have been a soliloquy in Downing Street became a speech in the House of Commons. That, Sir, was the manner in which our foreign relations were conducted by the noble Lord during the whole of last Session; and certainly it was highly complimentary to the House of Commons. There were not wanting, however, some ignorant cavillers and malignant spirits who attributed the candour of the noble Lord to the very worst motives, such as are always imputed, and nearly always falsely, to public men. It was said that in the nice balance of parties it was the aim of the noble Secretary to conciliate, perhaps to cajole, the House of Commons. The House of Commons was easily cajoled, for nothing is more flattering than to be admitted into the secrets of State. But subsequent events have vindicated the character and conduct of the noble Lord, and proved he was not influenced in the open course he followed by any of the improper motives imputed to him. Because, when the Session was over, and during that interval in which Ministers, and especially the Secretary of State for Foreign Affairs, are supposed to have the privilege of acting with the least possible sense of control, the same candour was exhibited by the noble Lord. We were told at the end of August—a most unusual period of the year for disclosing a political secret—the policy then pursued by the Crown. Not satisfied with that, at the end of October we had further revelations on the same subject. Hence it is not true that it was merely during the Session, from an improper desire unduly to influence the House of Commons, but from a pure love of candid behaviour on the part of the noble Lord, that the old habits of secret diplomacy were exploded, and the public admitted to the confidence of the Government. It is extraordinary, however, that, notwithstanding all the candour of the Government—notwithstanding all these confidences respecting almost every phase of their policy—the public are more perplexed, more bewildered as to the real state of our foreign relations, and the real character of the policy which the Government have pursued, than they ever could have been under the old system of secret diplomacy. At the present moment there is no one who really knows what is the policy of the Government with respect to our foreign relations—the subject which now entirely engrosses the public mind—or what are the prospects of the country with regard to any of those great questions which arise out of them. I would, therefore, ask from the noble Lord answers to a few natural inquiries. I should like, for example, to learn from the Government what is the real state of our relations with France. I should like to know whether we are still conducting our external affairs generally by an alliance with France, or, what is equivalent to an alliance, by that cordial and confidential understanding of which we have heard so much. Are we doing that, or have we found new allies? Or are we attempting to find new allies? And if we have found new allies, or if we are trying to find new allies, I should like to know what is the principle upon which the new alliance is to be formed. Is it to be a disturbing or a tranquillizing principle? Is it to be a revolutionary or a Conservative principle? Is it, or is it not, a fact that the King of Sardinia, as we were told at the end of August, entered into a public engagement with our own Sovereign not to attack the dominions of the King of the Two Sicilies? Is it, or is it not, a fact that the King of Sardinia, as we learnt at the end of October, having attacked the dominions of the King of the Two Sicilies, received the meed of approbation from Her Majesty's Government? Was there a public engagement between the King of Sardinia and Her Majesty, as the Secretary of State assured us at the end of August, not to do an act which only two months afterwards that King of Sardinia did, and received from Her Majesty's Government their thanks and congratulations? Have we now or have we not interests in the Adriatic which it becomes us vigilantly to guard and watch? Or, on the other hand, are our interests in the Adriatic, like the law of nations, at the bottom of the Bay of Naples? Is the policy of England, as we were informed at the end of August, to maintain the power and the dominion of Austria in Venetia? or is the policy of England, as we learnt at the end of October, to preach the principle of insurrection and promulgate a theory of rebellion? These are subjects upon which the people of this country naturally require information, and, without giving an opinion one way or other as to these contrary policies, still it is extremely desirable that we should at least be informed by the Government which policy it is that they are pursuing, because, in consequence of the frank and candid manner in which Her Majesty's Government have conducted their affairs, and the elaborate methods which they have adopted to prevent secrecy as to their intentions and as to their schemes, the public mind is so mystified and bewildered that I am not surprised that there are many who almost regret that the old system of secret diplomacy should have been superseded. Under that system, although Parliament did not become acquainted with the conduct of a Minister until the events of which he had the control were completed, yet then that conduct, even though some might think it erroneous, was at least consistent. There was, then, at least some sense of decorum and some sentiment of dignity in the management of public affairs; some regard for the interests and feelings of our Allies, and some respect for the law of nations. I just now ventured to ask the noble Lord, as the organ of the Government, what were the nature of our relations with France. It appears to me that there is no subject upon which a clearer conception ought to prevail in Parliament than as to our relations with a Power so considerable as France—relations of which we hear so much, and which can exercise so considerable an influence upon our own interests and policy and upon the affairs of the world in general. Why, Sir, there is no man in this House who has a clear perception what are our relations with the French Government. If we were to be guided by the authentic publications that have appeared in the shape of despatches—if we were to be influenced by the speeches and communications which have been made by the Secretary of State and by the First Minister in this House, one might be tempted to believe that our relations with France were not, as they are described in the gracious Speech from the Throne, friendly and satisfactory, but very unfriendly and highly unsatisfactory. Now, if there be still a cordial and confidential understanding between the two countries, the noble Lord or some member of the Government will be able to inform us what policy this country is pursuing with respect to these important affairs of Italy; nay, more, he will also be able to tell us what is the policy which the French Government is pursuing with respect to them. Sir, I have on more than one occasion upheld in this House what is called the French alliance, and I see no reason whatever to regret the principles which I have endeavoured to impress upon the House with reference to that subject. The most eminent statesmen have been of opinion that a cordial and confidential understanding between the Governments of France and England was a combination most conducive to the peace of the world, and, therefore, to the progress of civilization. They have believed that such a combination was not only politic, but that it was also practicable. I will not go back to remote or to comparatively distant times. I will not remind the House that that was the policy which was favoured alike by

Bolingbroke and Walpole, or, at a more distant period, by such great Sovereigns as Queen Elizabeth and Cromwell. I will confine myself to modern times, and I say that ever since the Treaty of Vienna all statesmen who have at all influenced the Government of either of the two countries, all statesmen of eminence, have believed in the policy of such a combination, and also in its practicability; that that has been the great object and, generally speaking, the successful object of modern politics with respect to the foreign relations of those countries. But it was quite clear that so far as France was concerned that cordial and confidential understanding depended upon two assumptions. It depended, first, upon the assumption that France, profiting by experience, was convinced that by the development of her unrivalled resources, and by the multiplication of her highly gifted population, her power would be more securely increased than by any forcible accession of territory; and, secondly, upon the other assumption, that that noble weakness of the French people, that "last infirmity of noble minds," the love of glory, might be fairly satisfied by feeling that whenever there was any international difficulty, their opinion would be solicited, and would greatly and in the main be decisive. But Sir, it was perfectly obvious to both French and English statesmen, that even if these assumptions were well founded, that alliance could not subsist without the exercise on both sides of great forbearance, and occasionally the making of great sacrifices. For example, England was not a country that sought any increase of territory. During the revolutionary war she had obtained all those outworks which were necessary for her maritime and colonial empire. France, on the contrary, had lost a considerable colonial empire, and was slowly constructing another. France had also for a time, though but for a brief space, been in possession of great additions to her original territory, and had lost by arms what by arms she had obtained. It was clear, therefore, that there would be occasions when in the course of international embarrassments and difficulties that might arise France would be called upon to sacrifice the hope of any increase of territory. What was the commensurate sacrifice that England would be called upon to make? England would be called upon to make the concession that she would at least not promote a policy which rightly or wrongly France believed to be adverse to her best interest. Now, Sir, the noble Lord assumed the office of Secretary of State, as I believe, an avowed and ardent supporter of a cordial understanding with France. I understood the noble Lord, when seeking to excuse conduct which might have been considered somewhat precipitate, to state at the time he acceded to office that he believed by so doing he had prevented a war between England and France. Her Majesty's late Government are still profoundly unaware of the circumstances to which he referred, and labour under the impression that the relations between England and France were cordial when they quitted office. But I mention that to show the tone and temper with which the noble Lord entered on the duties of his position. Taking office, however, as the warm supporter of this cordial and confidential understanding with France, the noble Lord—whose sense of duty I do not question—immediately felt himself called on to pursue on Foreign Affairs a policy exactly contrary to that which France was favouring, and one which, rightly or wrongly, France believed to be hostile to her best interests. What has been the result? The noble Lord avowed himself an advocate of the unity of Italy. France declared that she was entirely opposed to the unity of Italy. The policy of France and the policy of the noble Lord were contrary and contradictory. The noble Lord may, perhaps, say that he preferred the policy which he pursued—that he valued the unity of Italy more than intimate relations with the French Government. This is not the occasion, nor is it my desire, to enter into any argument on that point. It was perfectly open to the noble Lord to follow the policy which he preferred. But has the noble Lord obtained the unity of Italy? He may be in that situation with the French Government that he is obliged to look out for new allies. But having forfeited—if he has forfeited—that cordial understanding with them and that opportunity of pursuing the same policy, has the noble Lord succeeded in the policy which he preferred? Have his efforts effected the unity of Italy? We know that a powerful French army is powerfully intrenched in the centre of Italy. We know that the contemplated capital of Italy is not in possession of the Italians. In this age of jubilant nationality Rome is still garrisoned by the Gauls. We know that Venetia is bristling with Austrian artillery and swarming with German and Sclavonian legions. We know that even the King of the Two Sicilies, deprived of his crown by universal and unanimous suffrage, unfortunately followed by frequent insurrections, and martial law, is even at this moment in possession of the two prime strongholds of his kingdom. We know that in the south of Italy they have combined the horrors of revolution with the shame of conquest. These are not the characteristics of a united Italy. But the noble Lord may say, perhaps, "All this is undeniably true, the unity of Italy is not effected, but great results like these are not accomplished with the rapidity you seem to expect; you must wait, we are only in the beginning of the operations; much has been done, and the rest will be accomplished." The noble Lord may say that the elections to the Italian Parliament indicate a most hopeful temper on the part of the people as to the means by which union may be ultimately effected. Sir, I will not depreciate the possible advantages which may accrue from these public elections. Unfortunately, history shows us that new political institutions have very little power in times as critical as these. Old institutions that have existed for centuries, possessing an authority which has been gradually conceded to them as public necessity rendered it advisable—institutions which have aggregated round them the power of prescription, more important than armies or police, may control and even create events in an age of revolution; but we have, unfortunately, no instance, so far as history can guide us, of new political institutions exercising this influence in an age and in a country where revolution prevails. But I do not want to argue on these points. In order to obtain as accurate a view of our situation as we can, after the bewildering communications that have been made to us, I am ready to offer every concession, as far as argument goes, to the noble Lord and to Her Majesty's Government. I will grant that the union of Italy, if not already accomplished, may in time be effected. But how is this result to be attained? I will admit that, manipulating what is called the spirit of the age, with all the adroitness of English diplomacy, you may produce such a state of affairs that the Emperor of the French, whatever may have been his original, or may be, present policy, may say—"On the whole, this unity of Italy seems to be a result that is practicable, and I will consent to it." But on what terms will the Emperor of the French, or any one who represents French policy, consent to such a result? It will not be the moral influence of England that under these circumstances will have accomplished the unity of Italy—it will be the will and the sword of France. It is the will of France that can alone restore Rome to the Italians; it is the sword of France—if any sword can do it—that alone can free Venetia from the Austrians. If the unity of Italy is to be effected by such influences and by such means, are we to suppose that a Sovereign who is described as profound and crafty, and a people whom we know to be ambitious and quick-witted, will be prepared to make such an effort, and to endure such a sacrifice—such a surpassing sacrifice and such an enormous effort, without obtaining some result? Why, Sir, it would belie every principal of human nature. We cannot impute it to such a Sovereign, and to such a people as the French, that they would not after such exertions expect to obtain some great political and public advantage. And it is obvious what that result would be. Those who, under the circumstances I have stated, will free the nation will make their terms, and will be justified in making their terms. They will have an alliance offensive and defensive with Italy, and the Emperor of the French will then appear in the character which he has himself shadowed out, for which he has prepared the world; which the policy he has hitherto pursued with regard to Italy has shown that he has not too anxiously sought to fulfil, foreseeing its difficulties as well as its glory. The Emperor of the French will then come forward as the natural head of the Latin race. He will find himself the emancipator of Italy at the head of a million of bayonets. A million of disciplined and even distinguished soldiers will be at his command; and then it will be in his power—you having forced him to a policy in Italy which, at first, he was unwilling to pursue—to make those greater changes and to aim at those greater results which I will only intimate, and will not attempt to describe. In offering these considerations to the House, I am merely trying to place the state of affairs in its real light, after all the bewilderment which the public mind has undergone from the speeches and from the despatches of Her Majesty's Ministers. I do not want in any way to underrate the object which Her Majesty's Ministers propose to themselves in effecting the unity of Italy; I am perfectly willing to admit that if the unity of Italy be practicable it would add greatly to the strength and splendour of Europe. But, Sir, if a British Minister did conceive such a consolidation of territory to be of paramount importance, if he believed it to be a policy of that sovereign character why, then, I think he ought to have attempted his object by other means than those which are called moral influence. If we had really interfered in Italy with a material agency, if we had ourselves assisted the Italians in achieving their freedom, their independence, and their unity, we should then have had claims on their gratitude. We should then have been in a position to look on them as our natural and our grateful Allies. But we have not taken that course; we have had before us a large but misty object, we have expended upon it a puerile and declamatory diplomacy, which we have elevated with the barren title of "moral influence." I am not counselling the House to go to war to free Italy, nor have I ever counselled the House to such an object. I think, as a general rule, we should leave countries to make out their own freedom; but, when the freedom of a particular country is made the great political object on which the rival claims and the rival systems of great empires are concentrated, I say it is of importance the House should understand that the country whose sword and will free the enslaved land is the country which, obtains its future support, and commands its future resources. Such is the position in which it appears to me we are placed by the policy of Her Majesty's Government. I shall wait with patient curiosity, for the papers which they have promised on Italy; but when I recollect the speeches which the Members of Her Majesty's Government have made in this House, when I recollect the despatches distributed throughout Europe on this question of Italian independence, and when I see what the state of affairs is, I do not feel so much the want of information, as the want of an explanation of our present position. I fear it will be found to be one of great danger, perhaps, of great disappointment; but whatever the result may be, I am clearly of opinion that the case is one that demands the gravest attention of Parliament. By the conduct of the Government we are placed in this dilemma—and it is a serious one—either we must be content to fall back on an arrangement similar in principle to that of Villafranca, that settlement against which, for the last twelve months, Her Majesty's Government have been agitating in every Court in Europe; or we must be prepared to meet that far more dangerous situation which is open to us when Italy is united—united by the sword and will of France—and has necessarily placed at the disposal of France all its resources. As to the first case, I think it would be disgraceful to this Government; but the second is much more dangerous — more dangerous, indeed, than one would at this moment attempt to describe. The settlement suggested by the preliminaries of Villafranca was not one that would have realized the youthful dream of a poetical statesman. That, I admit; but it secured many interests which this country has always considered most important and regarded with care. No doubt, it substituted French for Austrian influence in Italy. Who denies that? That was a natural consequence of a war between France and Austria, in which France had been signally victorious. We did not interfere in the war, and we had no right to question the arrangement, so far as it substituted French for Austrian influence in Italy, however much we might deplore it. The preliminaries of Villafranca, however, secured a great southern barrier to Germany, and that I believe is an object which no English statesman should despise. If it did not secure, it did not destroy the independence of the Pope, a consideration which the most eminent English statesmen of all parties have always held to be important. The preliminaries of Villafranca did not violate, endanger, or destroy the independence of Switzerland; Savoy and Nice remained still an appanage of the King of Sardinia. There is a great responsibility on the Ministry, who, by efforts, active efforts, influential efforts, I believe none will deny, mainly defeated the accomplishment of that settlement. Now, I say, we are in this position—either we must fall back on a settlement similar to that of Villafranca, or we must encounter a state of affairs so dangerous that before its difficulties are solved every throne in Europe may be shaken, and which appears to me to be inevitably and logically brought about by the policy which Her Majesty's Government have steadfastly, but, as I think, most injudiciously pursued. And, Sir, how do we know that it is in the power of the English and French Governments, if they come to an understanding, to fall back on Villafranca arrangement? Great influences have been at work during the last year—influences more powerful than French Emperors and British Ministers. They had been slumbering in chaos; but you called forth those anarchic elements, one of which alone may be sufficient, as it has done before, to produce a European war. What are those questions which are now agitating Europe? They are the questions which we had hoped would never again trouble the peace of Europe, from the agitation of which men shrank, shuddering, because they felt that, unless they were controlled, they must lead to the horrors of universal war? You have the rival claims of priests and kings, you have the rights of races and the boundaries of empires—questions, one of which alone caused a war of thirty years. All these questions have now been called forth while Her Majesty's Government have been pursuing the phantom of a united Italy. You have produced all those elements of anarchy, and he is a bold man who would say that it is in the power of Cabinets any longer to control them. Such is the grave position of affairs in which we stand. It is one on which we have a right to expect from Her Majesty's Government some information. They have been treated by this House on the subject of their foreign policy with, I will say—speaking for both sides, and claiming no party merit — generosity. The House has believed that the Government, on their part, have treated it with candour. I will not deny it; but I say that that candour has in its effects been unfortunate, because it has been of a bewildering nature. The more the Government told us the less we knew. What was one day explained to us as the policy of Her Majesty's Government was followed the next day by an exactly opposite one, and with contradictory speeches and conflicting despatches. I am using no exaggerated language when I say that the public mind of this country is utterly uninformed as to the precise nature of our foreign relations. I cannot find in the Speech from the Throne anything which gives us that information which I think we have a right to expect. On the question of our relations with France it will be satisfactory to us to have some clear announcement from the Government. Are we pursuing with regard to Italy the same policy as is being adopted by that Power? And if we are not, what, in the opinion of Her Majesty's Government, must be the natural result? Is there rivalry with regard to Italy, or is there harmony? These are questions to which the House has a right to invite the attention of the Government. I think it idle to say that we ought to wait for the papers before we do so. When we read those papers we shall be able to form a judgment on the conduct in detail of Ministers with regard to particular transactions; but their policy has been described by themselves, and it demands explanation. We have their despatches, and we have Vattel, "that eminent jurist." That quotation from Vattel is the basis of the policy of the Government; and as it is only four lines I shall read it to the House. In October the noble Lord informed us that,—

> "That eminent jurist, Vattel, when discussing the lawfulness of the assistance given by the United Provinces to the Prince of Orange when he invaded England and overturned the throne of James II., says:—'The authority of the Prince of Orange had doubtless an influence on the deliberations of the States General; but it did not lead them to the commission of an act of injustice; for when a people from good reasons take up arms against an oppressor it is but an act of justice and generosity to assist brave men in the defence of their liberties.'"

Now, Vattel was a Dutchman, which the noble Lord is not, and, therefore, he had a right to quote William III. I do not depreciate Vattel's authority. I think that on a diplomatic instrument, or a diplomatic procedure, or on some principle of the law of nations, he is an authority and a correct and lucid writer; but when it comes to a question of the political conduct of men, I think that the noble Lord is as good an authority as Vattel, or better, and that there are men in this House who may use their judgment on such a subject with confidence, though they do not agree with Vattel. However, what I object to in this celebrated quotation is, that it is not complete. This opinion of Vattel is followed immediately afterwards by a qualifying statement, which I shall read to the House. He says,

> "But we ought not to abuse this maxim, and make a handle of it to authorise odious machinations against the internal tranquillity of States. It is a violation of the law of nations to invite those subjects to revolt who actually pay obedience to their Sovereign, though they complain of his Government."

Why, that is the conduct of Sardinia sketched by one not influenced by the passions of the hour, as he has long passed away. That is exactly what has been done by the King of Sardinia. A necessity of

State may, in the opinion of the King of Sardinia, and in the opinion of the noble Lord, justify the conduct he has pursued —I will not enter into any arguments on that point at this moment,—but certainly it was a most unhappy and maladroit quotation from Vattel which the noble Lord selected for his despatch of October 27. I have placed before the House, without attempting to argue on the practicability of a united Italy, and without attempting to argue upon the propriety or impropriety of the conduct of the King of Sardinia, my views upon this subject, and, looking at all the questions in controversy, I have endeavoured to bring those views to a single object:—If the unity of Italy is to be effected, it can be effected only by a power which occupies Italy in great force, not by a Power which has no force there whatever. That unity cannot be effected under such auspices without results dangerous, in my opinion, to the repose of Europe. That unity can only be effected in such circumstances by placing the Emperor of the French at the head of a million of of armed men, and making him master of all the resources of Italy. I want to know whether, with the probability of such a result as that, with such dangers as these impending over Europe, and more than Europe, inquiries and explanations have passed between the Governments of England and France as to the intentions and policy of the French Emperor. I want to know whether the Government can inform the House what is the exact state of affairs in that respect, what are the true relations of France with Italy, and what are the prospects on this all important question which Her Majesty's Government can hold out to the people of England.

LORD JOHN RUSSELL: Though the right hon. Gentleman has a perfect right on this first night of the Session to ask for an explanation of the views of the Government with regard to its foreign policy, and to express his own opinion as to what that policy ought to be, yet he is hardly justified in complaining of want of information, when we have laid papers on the table of the House which to-morrow morning would enable him to settle all those doubts and obscurities of which he complains. The right hon. Gentleman, however, having stated his views of the foreign policy of the Government, I have no objection to state in general terms what is the course which we have pursued, the opinions we have expressed, and the principles on which we have acted, with reference to the Italian question. With regard to this mystery, of which it is curious enough the right hon. Gentleman should complain, the policy of the Government was proclaimed about a year and a half ago by my right hon. Friend the Secretary for the Home Department at the Lord Mayor's feast, and everybody knows that what is told to the Lord Mayor is proverbially told to the whole world. My right hon. Friend on that occasion said it was the policy of Her Majesty's Government not to attempt to impose any form of government on Italy, but to allow the Italians to settle their internal affairs in the way they thought best. That principle has been declared over and over again. It was declared in Her Majesty's Speech at the end of the last Session. It has been declared at the beginning of this Session, and it has pervaded all the despatches and documents that have been laid on the table of the House. Now I want to know whether the right hon. Gentleman considers that a right principle or a wrong one. The right hon. Gentleman has gone into this subject at length, but he has not given an opinion or uttered a word as to whether he thinks it right or wrong that the people of Italy should be left to manage their own internal affairs. The right hon. Gentleman must have known, and known perfectly well, that that was the principle on which Her Majesty's Government has all along acted, and that the doubts and obscurities which he has conjured up have no existence in fact. When, some years ago, my noble Friend and myself were in opposition, we declared ourselves in favour of Italian freedom and independence. But the right hon. Gentleman was always the leader of those who derided such notions as visionary, who contended that the best government for Italy was that of Austria. If at any time an eulogium ever fell from his eloquent lips in favour of any King, it was in favour of the late King of Naples and his system of government. Such was the view which the right hon. Gentleman took of Italian affairs before the present complications arose. Two years and a half ago the right hon. Gentleman was in office. It was then said openly by the Italians—I remember being told of it by some Italian friends—that they had no hope of obtaining any assistance from England, but that they did look for assistance from France for the liberation of Italy, and that they believed they would obtain it. At that time the Government of the day did not expect war, but as soon as they gained information which led them to expect that war was impending, they used their utmost efforts to prevent it. They were not successful. I never blamed them for their want of success. I never said their conduct was tardy or unskilful, but I always regarded their conduct as prompted by the best intentions and by a due regard to the policy which this country ought to pursue. But their efforts were not successful, and the war took place. Information at length reached them that it was the intention of the French Emperor to liberate Italy from the Alps to the Adriatic, and that Savoy and Nice were to be transferred to France. Earl Cowley was instructed by the Earl of Malmesbury to inquire of the French Government if that intelligence was true, but he obtained no answer from the French Government. Soon after the French army was increased, and entered Italy, and those events took place which are familiar to the House. We were told at various times that if Sardinia were greatly increased, the French nation expected that Savoy and Nice should be transferred to the French Government. But we were also told that no such agreement had been made. After this came the Treaty of Zurich. That treaty stipulated one thing, while the French Emperor declared another thing, which, though not totally inconsistent with the treaty, was practically adverse to it. The Treaty of Zurich said that the Duchies of Tuscany and Modena should be restored to their former rulers. The French Emperor, however, also said no troops — Austrian or French—should be allowed to effect that restoration, and in consequence of that declaration, the article in the Treaty of Zurich was not fulfilled. Her Majesty's present Government then declared, not that the unity of Italy was their object — I shall show presently that from time to time that was not our object—but that we only wished the Italians to be free to choose their own rulers; that if the Grand Duke of Tuscany or the Duke of Modena were received with the consent of the people, our Government would see their restoration with pleasure, but that they could not approve and would protest against any attempt to impose on the Italians any government by force. Was that principle right or wrong? I ask the right hon. Gentleman who is so eager for an explanation, whether he approves or disapproves that policy? Does he maintain that it would be right to force upon Italy a government not approved by the people? The right hon. Gentleman knows that Austria, seeing that the French Government had declared against the use of force, and that England had also entered her protest against it, declared in the most authoritative manner that she will not go beyond her own frontier to interfere in Italian affairs—that she will be satisfied with the territories left to her by the Treaty of Zurich, and that she was willing to abandon her ancient policy of interference in Italy, which, under a desire to serve the interests of law and order in Italy, she had undertaken, but which, so far as Austria was concerned, had been exceedingly detrimental to her. This has been the policy which Her Majesty's Government has endeavoured to act upon; and, so far as it has been in accordance with the policy of the Government of France, it has been successful.

But now as to the unity of Italy. We have declared from the first, that we have no wish that the Grand Duke of Tuscany and the Duke of Modena should not return to their dominions. Again, I have stated with regard to Naples, both in this House and in my communications with the Government of the Emperor of the French, that in our opinion the happiness of Italy would be better secured by the establishment of two kingdoms of Italy than one, and that if the King of Naples would have granted a constitution, and obtained the confidence of his subjects, we should have been glad to see two constitutional kingdoms in Italy. But still that was a question for the Italians themselves. It was for them to consider whether the Prince having hereditary right on his side was a Prince whom they could trust with perfect confidence to maintain their liberties, and they had the perfect right to regulate their internal affairs in such a manner as to secure their own happiness. Was that a wrong principle? We may have been wrong in our opinion that it would be better there should be two kingdoms in Italy, but we said that the Italians only ought to be the judges on that point. Well, Sir, other events occurred, and the right hon. Gentleman speaks of two despatches of mine which have obtained some notoriety. With regard to the first, it was published without my knowledge. I saw it translated into the *Cologne Gazette.* It was communicated by me to the Government of Sardinia, and I do not know to this day by what means it became public. But with respect to its contents, I may say there have been three objects which Her Majesty's Government have kept steadily in view throughout these negotiations. One was that Italy should be left free to settle her own concerns. Whether she succeeded in obtaining two constitutional monarchies, or became one united Italy under one constitutional monarchy, we declared that it would be satisfactory to us to obtain either of those results, and that in our opinion in either case additional security would be given to the other States of Europe. Another object we had in view was that the peace of Villafranca, with the conditions of which we had nothing to do, should be maintained as a security for the peace of Europe. I confess I am utterly unable to express to this House the importance I attach to the maintenance of the peace of Europe. No one can say how far a war once begun for the acquisition of Venetia, or for some other and perhaps minor object, may extend, what changes of Governments may not be produced, what alterations in the position of various Powers may not be caused, and how difficult it may not be for any country in Europe, and particularly this country, which we are bound to cherish more than any other, to keep itself disengaged from such a war. Not only, therefore, from a general hatred to war and unnecessary bloodshed, but for reasons connected with the dreadful aspect of such a war, we have been most anxious that the peace of Europe should not be disturbed. On the 31st August, therefore, I wrote in strong terms—some may think too strong, although I think what I wrote was calculated to do good at the Sardinian Court—recommending that, for the benefit of Italy herself, Sardinia should not rush rashly and madly to war, thereby bringing on herself great evil, and the risk of final subjugation to one power or another. The result might be much the same as that described by Cicero as the termination of the civil war in Rome—"*Si victus eris proscribere, si viceris tamen servias.*" The triumph of the Sardinians if gained by foreign interference would have been perhaps a triumph for the Italian arms, but not for Italian independence. It was therefore in the interest of the Sardinians, I urged, that the obligations of good faith bound them to keep the treaty of peace that they had concluded so lately—a treaty into which they had entered with their eyes open and under which they had given up Venetia while they had obtained Lombardy. Every consideration of regard to their own interest prevented them from leading their newly-formed and not numerous legions against the tried armies of Austria. In the same despatch I said Her Majesty's Government trusted that the King of Sardinia would not make war on Naples. But other events happened without, as I believe, the knowledge of the Sardinian Government, but with the strong impulse of the people. An expedition went out from Genoa to Sicily. Sicily was conquered. The people declared in favour of Garibaldi. He had only some 1,800 men to lead against 20,000 or 25,000 soldiers of the Neapolitan army; yet he marched from one success to another. Garibaldi then landed in the kingdom of Naples. He went to Naples in a railway carriage, with ten or twelve of his companions. He entered the town with those ten or twelve companions, although there were 3,000 or 4,000 troops of the King of Naples in the city. He was welcomed with general applause, and proclaimed himself Dictator. Now, if I look at a statistical account of the kingdom of Naples, I find that the King had 100,000 soldiers belonging to the regular army, and a reserve of between 40,000 and 50,000 men; that he had two sail of the line of 90 and 80 guns, and a great number of other ships, making in all, 40 men of war. Here was, then, a Sovereign who, one might have thought, would have laughed to scorn the attempt of a chief, who has been talked of in this House with much undeserved contempt, who, with nothing but his own valour and patriotism to counsel him, went with 1,800 men to assail so strong a kingdom. It might have been thought that it was madness to make such an attempt—that the ships, frigates, and corvettes of the King of Naples would enable him utterly to destroy such a force. Yet we all know the result. Well, the inference to which I came, and that every man made for himself, was that the King of Naples was not very strong in the affections of his subjects. I venture to suppose, not that 100,000 men were not able to defeat 2,000, but that they had no heart for the enterprise; that the accounts of my right hon. Friend the Chancellor of the Exchequer and others of the dungeons of the King of Naples, and the descriptions given by our Consuls, were true; and that the cap of silence and the other tortures imposed on them had disgusted the subjects of the King of Naples, and had led them to welcome as a deliverer any man who came, with however small a force, to free them from that rule. I do not mean to defend the whole of the conduct of the King of Sardinia, but it was a question for him and his Ministry to consider what they should do. The right hon. Gentleman thinks little of that potentate. I will, however, mention an opinion to which the right hon. Gentleman may attach more importance, It was given by a Minister of this country at a critical period and seems to me to contain sound doctrines. In 1821 the position of affairs in Italy afforded a great contrast to its present state. The Sovereigns of Europe met at Verona. They laid down certain principles, from which no nation was allowed to depart. Those principles were that Sovereigns might introduce improvements into their own dominions, and that if it pleased them to improve their laws they were at liberty to do so; but that if it did not occur to any Sovereign that arbitrary imprisonment, that caps of silence, and dungeons where prisoners might be confined without trial for several years, were objectionable, he need not introduce any improvement in those matters. It was, however, laid down that any improvement introduced by the people was an offence against the divinity that hedges a King, and was not to be permitted. Lord Castlereagh, on the part of England, did not think it necessary to declare on this account an armed resistance on the part of this country, and I think he acted wisely. This country had carried on a very long war, and the efforts she had made had been very costly. We had retained at a great sacrifice the ancient limits of Europe. The sovereigns who met on that occasion were chiefly sovereigns in alliance with Great Britain. They were sovereigns for whom and with whom we had encountered these perils and incurred these costs. But while Lord Castlereagh did not advise his country to go to war, he protested against the principle of this general supervision, and he said what, if the House will permit me, I am about to read. His words appear to me to be so sound that they are worth the attention of the House, although the extract is not a short one:—

> "After having removed the misconception to which the passage of the circular in question, if passed over in silence, might give countenance, and having stated in general terms, without however entering into the argument, the dissent of His Majesty's Government from the general principle upon which the circular in question is founded, it should be clearly understood that no Government can be more prepared than the British Government is to uphold the right of any State or States to interfere, where their own immediate security or essential interests are seriously endangered by the internal transactions of another State. But, as they regard the assumption of such right as only to be justified by the strongest necessity and to be limited and regulated thereby, they cannot admit that this right can receive a general and indiscriminate application to all revolutionary movements, without reference to their immediate bearing upon some particular State or States, or be made prospectively the basis of an alliance. They regard its exercise as an exception to general principles, of the greatest value and importance, and as one that only properly grows out of the circumstances of the special case; but they, at the same time, consider that exceptions of this description never can, without the utmost danger, be so far reduced to rule as to be incorporated into the ordinary diplomacy of States or into the institutes of the law of nations."

Now, according to this opinion, in which I entirely concur, the question for the King of Sardinia and his Ministers was whether the essential interests of Sardinia and of that part of Italy over which he was then the ruler were so endangered by what had taken place in Naples that he could not remain a tranquil spectator of those events. What was that situation? Garibaldi, as I have said, had made himself master of Naples and the greater part of the country. But he had not been able—even if he had the talents for government, which he does not appear to possess—to found a solid Government in Naples. Everything was falling into anarchy. What would have been the consequences of that state of things? Not that that anarchy would have continued, but that other Powers would then have said, "We are willing to allow Italy to arrange her own affairs, but see what a condition of anarchy exists in Naples. A king unable to maintain his authority, a military chief master of the State, everything in confusion. Now is the time, certainly, for Europe to interfere to establish the Pope in his dominions, to place Austrian garrisons in several of her provinces, and to show for ever that that dream of Italian independence has been a mere illusion which can never again be revived." Well, in that position I really think the King of Sardinia could do no other than declare himself at once to be so deeply interested in what had happened, as well for himself and his States as for Italy, whose champion he avowed himself to be, that he would march with an army into Naples and establish that unity of Italy which had long been the wish of so many of the people in all parts of that country. But, Sir, this act of his did not pass unnoticed. The right hon. Gentleman says that on the 27th of October I wrote a despatch justifying that proceeding. But that was not the first thing that had taken place. The Powers of Europe very frequently when it suits them adopt that practice which the right hon. Gentleman says was so new in this instance—namely, although their affairs are generally conducted with the utmost secrecy, they put forth declarations of principles signed by their Minister of Foreign Affairs, and which are intended to have an influence on the events of Europe. In this case Russia and Prussia had both thought it necessary to administer lectures to the King of Sardinia—to point out to him that he had departed from the law of nations, and that such an outrage had never been known in the history of Europe. Well, these proceedings were calculated to have a great effect. The Emperor of the French at the same time had withdrawn his Minister from Turin. Well, I certainly felt myself, and I found that Her Majesty's Government were also of opinion, that the King of Sardinia was defending a just cause when he had so taken up arms; and it was impossible, I think, with any regard to the dignity of England, that we should maintain entire silence while Russia, Prussia, Austria, and France were doing all in their power, as far as their moral influence would extend, to extinguish the freedom and independence of the new Italian State. That, therefore, was my reason for not only writing the despatch to our Minister at the Court of Turin, but, as the Russian paper had been published, for allowing the despatch, I had written to be published likewise. The right hon. Gentleman says that the Italians owe us no gratitude, but I believe their own feeling is very different. I believe their feeling is that the moral influence of England in their favour, while they had the moral influence of almost every other Power in Europe against them, was of great weight and importance. Sir, I have already said that we never put forward the principle of the unity of Italy; but if this unity, if one constitutional monarchy is the form of government which the Italians think best fitted to secure their independence, we should be the last persons to say we would interfere to prevent them from accomplishing their wishes. The right hon. Gentleman tells us we are now between two dangers; that those dangers are either that the Treaty of Zurich should be carried into effect, or that, on the other hand, the sword of France will decide in favour of the unity of Italy, and thereby great results will follow—results so great that he does not venture to specify what they may be. But he is now talking, not of the actual state of things, not of anything that is apparent on the face of Europe, but he is borrowing from his imagination schemes and designs which he thinks will be carried into effect. Now, I disagree with him on that subject. The danger against which we wish to provide is the breaking out of war in Europe. We may succeed in this. If we are fortunate enough to succeed, we shall be most happy. We may fail; and then I only hope we may be treated by the right hon. Gentleman with the same candour with which we treated him and his colleagues when they failed in maintaining the peace of Europe in 1859.

But now, as to those two alternative contingencies of which he speaks, one is, that a confederation should be formed in Italy; that the King of the Two Sicilies should be restored; that the Pope should get back all his dominions except, I believe, Romagna; and that an Austrian Archduke should reign in Tuscany and Modena. Well, if there be any truth in what we hear, this would be very inconsistent with Italian feeling. It is not likely that this could be done except by force of arms, and against doing it by force of arms the Emperor of the French, as well as ourselves, is most deeply pledged. He has renewed that pledge no longer ago than yesterday. He has said, what is perfectly true, that acting on the principle of non-intervention may not exactly give rise to, but may allow of excesses which those who confine themselves to looking on may deeply deplore; but that, notwithstanding these excesses, notwithstanding the responsibility which may be thrown on other Powers, he means to keep steadfast to that policy. Well, then, on this high point Great Britain is entirely agreed with the Emperor of the French. The right hon. Gentleman questions us as to our policy. I will say at once, in one word, that we are not now divided upon any great question, such as the war of 1793, or the war of 1804. On a main principle of policy, then, we are entirely agreed with the Emperor of the French. We are at the same time in close alliance and intimacy with the other great Powers of Europe, and if there were any other question on which it should appear to us that France was in the wrong, or was acting in that spirit of encroachment which has sometimes actuated a great military nation, then we should appeal to that alliance to combat her designs. And so, I believe, that the second alternative which the right hon. Gentleman has mentioned is not likely to come to pass. The Emperor of the French has declared his strong disapproval of any attempt on the part of Sardinia to break the Treaty of Zurich and attack Venetia. I believe the French people will entirely support him in that declaration. I believe he has no intention of marching an army into Italy with a view of aiding the Italians in that attempt. But, if a war were made, it is impossible to say at this momant what part France might take as new events arose. But let me state, in regard to this same question, that while I wrote that despatch of the 31st of August which the right hon. Gentleman saw in the *Cologne Gazette*, I wrote about the same time a despatch to our Minister at Vienna to say that we should entirely disapprove an attack by Sardinia on the Austrians in Venetia. We should entirely disapprove any aid given by France to such an attack; we should take care to have our opinion known at Turin and at Paris; we trusted our influence should have its due effect, combined with other considerations which must be in the minds of the Sovereigns of those countries; but, mind this, I added, we can go no further; it is not our intention to take part in such a war if it should arise; we confine ourselves to what we have stated. Now, Sir, the right hon. Gentleman has asked me what are our relations with France. Sir, I agree with my hon. Friend who seconded the Address with so much good sense and so much practical sagacity. The hon. Gentleman said that the Commercial Treaty would have this effect—that it would make an alliance not only between the Governments of France and England, but between the people of France and England. I believe that will be the case, and I render due homage to an hon. Friend not now in the House,—I mean Mr. Cobden, who has devoted so much labour, and, I am sorry to say, so much of his valuable health, in order to complete that work, and to unite these two nations in commercial relations which may tend to future peace and future alliance, and which I trust may be an enduring memorial to future generations. Such, then, are our general relations with France. But I stated in this House we did not mean to keep apart from other Powers, and that declaration, I remember well, was received with great favour on the other side. We have acted on that declaration. We have always communicated confidentially with Austria, Prussia, and Russia, with regard to any affairs of Europe that arose. We have communicated our opinions to them; they have communicated theirs to us. On some questions we were in entire accordance; on others we had various opinions. But there is nothing in our relations with any of these Powers that should make any of them entertain any feeling of estrangement, far less of hostility, towards this country. Sir, I can only end this part of the subject by saying that my hope and my belief is that, notwithstanding the dangers that menace us—and affairs wore a far more dark aspect some time ago—notwithstanding these dangers, the peace of Europe may at this time be preserved. It will be for Austria to settle her affairs with Hungary, as it is for other Powers to settle their own internal affairs; it will be for Prussia and for Russia to settle the difficult internal questions which are now occupying their attention, but I do trust that none of the dangers which menace us may lead to actual conflict in arms. For, although some are sanguine enough to believe there might be a great war in Europe, in which we could take no part, yet I have the melancholy conviction that although that war might be begun without us—although we might declare we had no concern in it—yet, in the course of that war events might take place which would so seriously menace the independence of nations in which we take the deepest interest that we should hardly be able to be free from its complications and dangers. For this reason, therefore, I pray most earnestly that peace may be preserved; and, whatever the right hon. Gentleman may think of the inutility or utility of my exertions, I can only say, such as they are, they shall be devoted to that purpose— the almost sacred purpose in my eyes — the maintenance of peace.

Sir, I will now say a few words as to the Amendment. With regard to the question of Reform, I will state at once that I think it is perfectly clear no measure could have been brought forward with a chance of its being carried, except a measure of a very trifling character; and I believe, for my own part, that it is altogether better for the Government to leave that question entirely untouched than to bring forward a measure which would create great disappointment among its supporters, many taunts on the part of its opponents, and which, whether carried or not, would occupy a great deal of valuable time without any valuable result. There is another consideration, which is, that on this question of Reform I have always had considerable dread of what persons might be induced to do by way of compromise. We had franchises by the Reform Act which are secured to us so long as that Reform Act is not touched; but if, by way of getting certain provisions, you give up certain other provisions, your loss is certain, while it is not so certain you would gain anything like an equivalent to it on the other side. Therefore, Sir, I come to the opinion—we have had eight years now to arrive at that judgment—that in order to carry a Reform Bill that shall be actually of use to the country—and I should call no Reform Bill of use that did not admit great numbers of the working classes—in order to carry such a Reform Bill there must be a great and favourable breeze of public opinion that will enable us to carry it in this House, and with a swelling tide over the bar of the House of Lords. Now I come to consider what has been the state of opinion during the last year. The right hon. Gentleman (Mr. Disraeli) has said truly that a great part of the opposition against the Bill we brought forward last year was not on the ground that it did not go far enough, but on the ground that it was too extensive, and that it came from Gentlemen who sat on this side of the House, and who represented great bodies of constituents. There was one hon. Gentleman, a friend of mine, the Chairman of Ways and Means (Mr. Massey), who, addressing his constituents at Salford, said he was in favour of a £5 franchise. I thought if I produced a £6 franchise there was one Gentleman in the House of Commons who would not think I had gone too far; but my hon. Friend made a speech entirely against it. Then, more extraordinary still, there was the hon. Gentleman the Member for Edinburgh (Mr. Black)—he made a speech almost against the extension of the franchise. There was clearly an indisposition of Members of the House of Commons on this subject. If these speeches had been made in 1831 by hon. Members representing great bodies of constituents, there would have been what the Americans call "indignation meetings" among their constituents protesting that they had been misrepresented. But not a bit of it; the country was quite dead on the subject. My hon. friend the Member for Edinburgh had to undergo some severe schooling from his constituents, but scarcely anything was said about the Reform Bill, their attention being almost entirely confined to the Annuity Tax Repeal Bill. Well, then, I say if such is the state of public opinion—if the Governments of the Earl of Aberdeen, the Earl of Derby, and my noble Friend, have brought forward different plans of Reform, and they have failed, from the general dislike that seems to affect them, I must come to the conclusion that at the present time—and I speak only for the present time—there is no such disposition in favour of the further amendment of the representation as ought to induce the Government—I might say to justify the Government, in proposing a measure for the reform of the representation. However, the country has the matter in its own hands. It is not too late for indignation meetings. If nothing will satisfy the country but a Reform Bill which, to use the language of the hon. Gentleman, shall satisfy the just expectations of the people demanding it, they have only to insist that the hon. Gentleman who moved this Amendment shall take the place of my noble Friend, and he, no doubt, will carry the Reform Bill to their entire satisfaction. That would show completely the state of the case; and till that is done I shall believe we are in the right, and justly judge the disposition of the people. Well, Sir, with regard to my personal part in these Motions I may be allowed to say one word. With respect to Reform Bills, I have had enough of them to induce me not to be very eager in introducing another Bill. I began with a Motion on this subject in 1819, I am sorry to say 41 years ago. I had an examination in this House with regard to the corruption at Grampound. Everybody agreed the case was proved. It was proposed to give the two members to Leeds, with a £10 suffrage. That was met with universal horror. "What" it was said, "only think of giving the representation to a new place, that is revolution! that is democracy!" Well, Sir, I was glad to find that opinion became more favourable to Reform, and that Mr. Canning, although he opposed me in an eloquent and brillant speech in 1822, yet at the end of that speech gave me great hopes and encouragement that if I went on I should succeed in my endeavours. Accordingly, in the course of time, Earl Grey was placed at the head of the Government, and having from the beginning of his Parliamentary life been a consistent Reformer, he desired those who were associated with him to frame a Bill, which should be introduced into Parliament. My right hon. Friend the Member for Carlisle, Lord Durham, Lord Bessborough, and myself were named for that purpose. We prepared a Bill, and after a great struggle we were enabled to carry it in 1832. Am I, then, to be told that it is any mortification to me to find at the end of 30 years that the country is so well satisfied with the Bill of 1832 that it does not ask for anything else? Surely it can be no great humiliation to me that the amendment which I then introduced into the Constitution has been so successful, has produced such contentment, has given so much fairer a representation to the great seats of industry, that at the present moment the people think of other objects—of foreign politics, of commercial treaties, of church-rates, of various questions of detail—rather than lend their support to any plan of organic change. All I can say, therefore, is that when any further amendment is proposed I hope it will go, as all the Bills I have had the honour to introduce have gone, upon the principle of making a supplement to the Bill of 1832 rather than of attempting to disturb the foundations of an arrangement which was then established with the almost universal assent of the people. At all events, for this year I certainly believe our best course will be to give our attention to those various amendments which Her Majesty has referred to in her Speech. They will occupy most usefully the time of this House; and if the right hon. Gentleman opposite, after having read the papers upon Foreign Affairs, wishes further explanations from me I shall be always ready to give them, feeling as I do that it is a great security for the people of this country that the Government should be their organ in foreign politics, and that it is a great security for the Government to know that they have the support of the people in the sentiments which they express and the principles which they uphold.

Mr. BRIGHT: Sir, I have to thank my hon. Friend the Member for Brighton (Mr. White) for the course he has taken in bringing the question of Reform, to which the noble Lord (Lord John Russell) has so recently alluded, before the House. I think my hon. Friend did it in a speech which was full of matter, and which has very favourably impressed the House. I am glad, too, that his speech has brought from the noble Lord a true expression. I take it, being the last, it must be accepted as the true expression of his sentiments upon this great question. At the same time, I would have given a great deal rather than to have heard that speech from the noble Lord, and I feel a grief which I cannot well express, in being compelled to understand that the noble Lord means precisely what he has said. He reminds me of cases which are often exhibited in the commercial world, where men for many years submit to pecuniary obligations and burdens which they are unable to satisfy, and at last call their creditors together, acknowledge a state of bankruptcy, and feel perfect happiness in having got rid in some way of the obligations that they have contracted. Now, that seems to me precisely the tone in which the noble Lord has addressed the House to-night. I would have admitted some force in what he might have said as to the difficulty of his position, as to the difficulty of handling this question, or of carrying it to a successful issue. Why, I have seen him shed tears on that very spot, when he was withdrawing a Reform Bill, where to-night he has done it with a jocularity that was absolutely contemptuous to those who placed him on that very seat that he might advocate that very measure. Now, Sir, I shall not, because I think it utterly beneath the feeling which I have with regard to this question, to expose the errors of the noble Lord and show him where I consider he has failed with regard to this question in a hostile and unfriendly spirit, because, notwithstanding what he has said to-night, it is just possible that the noble Lord may again find this question of use to his political objects. But, Sir, I will turn rather to the House, and ask the House what is its position with regard to this question?—for that matter is infinitely more to England and the people of England than the consistency of conduct of any particular Member of this House, however old in its service and however eminent he may be. The noble Lord has led us back to the year 1819. Well, I will not ask the House to go back so far. Surely the time of the Reform Bill was far enough. But I will ask you to go back only to 1851, just ten years ago. That was the period when the noble Lord, the Foreign Secretary, first announced to this House his departure from the principle which it was supposed he had avowed, but which I believe he did afterwards repudiate—namely, that the Reform Bill of 1832 was a final measure in reference to the representation of the people. In 1851 the noble Lord stated one day, in answer to Mr. Hume, then an honoured Member of this House, that he was prepared to consider the question with a view of introducing some Bill to extend the principle of the Reform Act. Well, in 1852, the noble Lord did introduce such a Bill. But there happened what happens continually. There was a quarrel, an estrangement at least, between himself and the noble Lord (Viscount Palmerston), who was First Minister, and the result of that difference was that the noble Lord (Lord John Russell) retired from office. Immediately afterwards there came in that wonderful exhibition which struck the country with surprise;—the first Government of Lord Derby, in which the right hon. Gentleman opposite (Mr. Disraeli) held office as Chancellor of the Exchequer and leader of the House of Commons. They did not commit themselves on the question of Reform at all. Lord Derby said — I speak from memory — it was a part of his great duty "to stem the tide of democracy." Whether they stemmed it or not time will show. That Government which undertook the fearful obligation of stemming the tide of democracy was overthrown, because the House disagreed with the not very successful Budget of the right hon. Gentleman opposite. When that Government fell, there came in the Government which was called a "Coalition Government," over which a man of singular moderation, of singular love of justice, and of singular liberality—the late Earl of Aberdeen—presided. That Government contained the noble Lord the Member for the City of London, and in accordance, I presume, with some of his colleagues—for it does not appear that all of them agreed with him—he brought in a Bill to extend the right of suffrage, and to amend the laws relating to the representation of the people. That Bill was not withdrawn, because the expression of opinion was against it either as to principle or detail; but it was withdrawn because the two noble Lords who now sit together on that bench unhappily succeeded with their colleagues in involving the country in war with Russia, and it was owing to the excitement on that subject that it was thought better not to proceed with the Bill, and it was withdrawn. But by-and-bye the Government of the Earl of Aberdeen was overthrown. I need not allude to the circumstances which attended that overthrow further than to say that it was followed by the Government of the noble Viscount who is now at the head of the Administration; and not long after the termination of the war, the noble Lord the Member for the City of London admitted, in answer to a question from the hon. Member for Finsbury (Mr. T. Duncombe) that the time was come to improve the state of the franchise, and he promised that in the succeeding Session the Government would be prepared to introduce a Reform Bill. In the succeeding Session something happened which was not expected in the preceding Session, which I find to be nearly always the case. In the Session of 1858, almost immediately after the House met, the noble Viscount made a stumble in some matter connected with the French Government, and on a Motion brought in by the hon. Member for Ashton-under-Lyne (Mr. M. Gibson), the noble Viscount was ejected from office. Well, he had not brought in the Bill; in fact, he had not time in that Session. But, when my hon. Friend the Member for Finsbury asked him whether the Bill had been considered, or whether a Bill had been prepared, it came out at last—I will not say that it had not been considered—but that there was no Bill ready to be laid on the table of the House. Well, the noble Viscount had not quite kept the promise which he made to the House, but he might plead that circumstances had been rather against him, and that politically he had been cut short rather unexpectedly. Then came the second apparition of the Derby Government, and the right hon. Gentleman opposite was again leader of this House and Chancellor of the Exchequer. Well, so convinced were Lord Derby, the right hon. Gentleman, their colleagues, and the party whom they represent, of the necessity of something being done in the matter of Reform, that they promised in the ensuing Session to bring in a Bill to amend the representation of the people. Assuming that altering is amending they kept their promise, and brought in a Bill. The right hon. Gentleman (Mr. Disraeli), speaking of the Bill the noble Lord the Member for the City of London brought in last Session, said that all the Members on this side were not in favour of it. Well, with regard to the Bill which the right hon. Gentleman himself brought in, nobody on his side of the House was in favour of it. They certainly voted for the second reading, but it was notorious that if it had depended for passing upon their votes, the right hon. Gentleman would have gone into the lobby accompanied only by his official supporters. I am not finding fault with Lord Derby or his party for the character of that Bill. It was a Bill which altered the franchise and conferred some fresh qualifications. But it would not have amended the representation of the people. The right hon. Gentleman told us that the Bill would add 500,000 to the borough voters. Now, the right hon. Gentleman did not understand what he was saying. No doubt there was a monstrous exaggeration. I should think the number he mentioned would be seven or eight fold what would have been added. But seeing that the first Government of Lord Derby was established to stem the tide of democracy, and that the second Government brought in a Bill which the right hon. Gentleman declared added considerably more votes than the Bill which the noble Lord the Member for the City of London brought in, then, I think, the Gentlemen opposite will come to the conclusion that the second Government of Lord Derby was worse than the first. Well, they proposed that Bill, and the House of Commons rejected it, on the special invitation of the noble Lord the Member for the City of London. The Government of Lord Derby, then, did one of two things which are imperative on the Governments of this country, according to constitutional practice. They did not resign. They were not bound to do so. But they advised the Queen to dissolve Parliament, and the Queen took that advice, and Parliament was dissolved. They appealed to the 1,000,000 of electors of the United Kingdom—the 1,000,000 of electors whose position is cooked and manipulated in so many curious and antique fashions that you do not even get the opinion of that 1,000,000 electors that you appeal to. I am told that the great united Italy of which the noble Lord (Lord J. Russell) has spoken so enthusiastically to-night—that that united Italy got rid of its rulers, and chose Victor Emmanuel King of Sardinia as its governor, for the main object that it should have a Parliament in which Italy should be freely and fairly represented. And I understand that it is represented in this manner,—that every 50,000 inhabitants of the kingdom are represented by one Member in Parliament. They will have nothing like a great West Riding, or Lancashire, or this mighty Metropolis, or Liverpool, or Manchester, or Glasgow, or Birmingham all neutralized by representatives from handfuls of people, a score of whose whole constituencies would not make a single ward in some of these towns. But, as I said, the right hon. Gentleman opposite, his colleagues, and their chief, Lord Derby, did what to my mind was honourable. They dissolved Parliament to see if the country would support their Bill. The country did not support it. A Motion was brought forward when Parliament met, which had the effect of overthrowing the Government of Lord Derby. And then the noble Lord the Member for the City of London again came into the Cabinet of which the noble Viscount the Member for Tiverton is the chief. Well, the proposition of a Reform Bill by that Government was considered certain. There were public and private pledges of the most explicit character given. The Government were not called upon that Session to introduce a Bill, but the noble Lord the Member for the City had very fairly described what would be the character of the measure which he would propose. He described it, I believe, on the very night when the right hon. Gentleman opposite (Mr. Disraeli) announced the dissolution of Parliament; so that the electoral body fully understood what they were to vote about, and what the noble Lord intended to do if he came into office. Well, we went to the election; the return was made; and the result was to place the right hon. Gentleman on that side, and the noble Lord and his colleagues on this. We did not urge them to go on with the Bill immediately they came into office. The Session went over, and last year a Bill was introduced. Now the noble Lord the Member for the City knows, at least, that I am not one of those who treated him with indifference in reference to that measure. I have never, in public or in private, endeavoured to depreciate it; and this, I think, every Member of the House who heard me speak upon the subject will admit. I did regret that more had not been done in reference to the distribution of seats. I said that it merely touched the fringe of that question. But the public mind regarded as more important the question of the suffrage; and, as far as the feeling of the great body of the people at this time goes, I believe that to be the most important matter. I do not say important as referring to the ultimate condition of the representation, but important as representing the feeling of the people. I said it was a measure which was a considerable advance for all Reformers who wished for an amendment of the law of representation, and that it would give great satisfaction to the country—that it would operate advantageously on the sentiments and feelings of the great body of the unrepresented population of this country. I thought that with the great improvement which, if the noble Lord's anticipations as to peace are fulfilled—if the fruits of the industry of the country are not wasted on war as they are too much wasted on armaments—will take place, the best portion of the working men might raise themselves up to that line which the noble Lord laid down when he took a £6 rental as the basis of his franchise. And I said further that I looked forward to the day when we ourselves, when we became older, or those who came after us, might find ourselves in a position to bring down the line fixed by the noble Lord's Bill to a still lower level. Well, the noble Lord brought in the Bill, and I am not going to blame him for what he did. I know you cannot get twenty waggons at once through Temple Bar; and I know that you cannot get such measures as the great beneficent Budget of the right hon. Gentleman who sits on the Treasury Benches and the Reform Bill—both measures distasteful to a considerable party in this House—I know you cannot get both through in one Session. But the noble Lord failed to pass his measure, and he specified two hon. Members—one the hon. Member for Salford (Mr. Massey), and another the hon. Member for Edinburgh (Mr. Black), as having contributed to that result. Now, of the former I will say nothing, except that I believe he was generally supposed in the borough which he represents to be enthusiastically in favour of the very Bill against which the noble Lord says he made one of the ablest speeches that was delivered last Session. As to the hon. Member for Edinburgh, I can only say that at his election he made a distinct statement, to the effect that although he entertained some doubts as to the expediency of making any very large extension of the franchise, yet that, if the question of a £6 rental were raised, he should, with respect to it, not take a course opposed to that which might be adopted by the party with which he acted. I therefore leave the hon. Gentleman to satisfy his own conscience upon this point; but this I may be allowed to observe, that we learn from the public papers that when the hon. Gentleman presented himself the other day to address a meeting of his constituents, which was supposed to have been made safe by his friends, he was subjected to one of those unpleasant examinations and cross-fires which, when I consider his high character, the long time he has resided in Edinburgh, and the great respect in which for so many reasons he is held by his fellow-citizens, I can scarcely account for upon any other ground but his conduct with respect to this question of Parliamentary Reform. Now, there is one very unfortunate circumstance connected with the Bill of the noble Lord to which I did not refer last Session, and to which I should not allude now but for the speech which we have to-night heard from him. The noble Lord at the head of the Government addressed the House on the second reading of the measure in what I regarded as a frank and statesman-like spirit for the purpose he had in view —namely, to induce the House to assent to the second reading, and I certainly do not seek to accuse him of any want of fairness or honour in the matter. Unfortunately, however, the belief prevailed throughout the House that the noble Lord, though he supported the Bill, was not in favour of Parliamentary Reform; that the measure was introduced by the noble Lord the Member for London as a pet project of his own, and that some of his colleagues would not regard with any feeling of regret or pain any cruelty which the House might inflict upon it. I do not charge this on the noble Lord as true, but such was the idea which unhappily floated through the minds of many hon. Members, and the consequence was, I cannot help thinking, an opposition to the measure more persistent than that which it would have otherwise experienced. But what was the fate which awaited the Bill after all? Nobody made a Motion in direct opposition to it. The hon. Member for Berwick (Captain Gordon) indeed, gave notice of his intention to do so, but he was so worried on the subject by the right hon. Gentleman opposite and the members of his party that he shrunk from the task. They, of course, desired to see the Bill strangled, but they deemed it much more politic to leave the accomplishment of that object to the hon. Member for Rye (Mr. Mackinnon) than to commit it to the hands of a Gentleman on their own side of the House. [An Hon. MEMBER on the Opposition side of the House: The hon. Member for Salford (Mr. Massey) gave notice of a Motion against the Bill.] Yes, but he also ran away from it as your man did. And now let me say a few words to you. You know that our system of representation is imperfect, and that in many districts it is a mere sham. You know that 6,000,000 of men as intelligent as yourselves in all the common affairs of life are excluded from the exercise of the franchise. I, for one, undertake to say that I could find you 500 men from among that number who when brought into this House could debate this question of reform with as much solid information, as sound logic, as much courtesy, and as great general ability as we now discuss it. Such are the men you exclude from the exercise of political rights. The noble Lord the Member for London wrote despatches to the King of Naples, advising him to do certain things, which he did not, and he is now suffering the consequences of his non-compliance, and instead of being in Naples with a loyal people around him, he is shut up in one of his own fortresses. It does not of course follow that the same state of things which has taken place in Naples will be brought about in England; but depend upon it the same principles are at work in the minds of the people of all nations, and do not think that great questions are to be disposed of by ejecting one set of men from office and putting others in their stead. After such a speech as we have heard from the noble Lord to-night, after ten years of trifling with this question of Reform, I can well imagine some peace-loving Sovereign abroad asking his Minister to write a letter of advice to him on this subject, advising him of the consequences of his actions. Now I appeal to the House this evening—I appeal to the knowledge and the conscience of the House—is it right that the representation should be amended some time, or is it not? If it be right some time, is not it better even for your—what shall I call it—your timid and Conservative policy—that it should be done gradually now, than that it should be done as it was in 1832, and as it will be done again if you persist in the course that you are now taking? Surely, when one reads or remembers what is recorded of Lord John Russell, the leader of the Government at one time; of Lord Aberdeen, the leader of the Government at another time; of Lord Derby, the chief of another Government; and of Lord Palmerston, the latest in the service of the country—that they have all declared that the representation of the country is so far imperfect that it is desirable it should be amended, I ask the House with confidence whether it is desirable that small questions, such as that of Savoy and Nice, and questions, if possible, even smaller than this, but to which we have been treated at such length to-night, are of as vast and permanent importance to this country as this great question, "What does the House of Commons, as now constituted, think of the people of England, and what are the people of England likely to think of the House of Commons?" Now, the House itself recollects that it passed a Resolution in favour of the working classes being enfranchised. The noble Lord's Bill did not propose to enfranchise, I undertake to say, more probably than from 100,000 to 120,000 of that class. I have stated at a public meeting that I lately attended in the town of Leeds, that there are commercial undertakings in the town in which I live—a small town comparatively, of less than 40,000 inhabitants—to the amount of more than £400,000 a year, which are managed entirely by three committees of working men, composed of thirty-two individuals. There are eleven on each committee, but one person is on two committees. Of these thirty-two men—and I know many of them and their worth—of these thirty-two men, under your present system, which you now refuse to alter, there are but two that voted for my hon. Friend the Member for Rochdale, or voted for his predecessor, or that can vote at all in that borough or that county. One of these men is in the employ of the firm in which I am a partner. He has the care of a large steam-engine, and is a man of great labour, of considerable intelligence, of great economy, and as respectable a man as I see before me or around me. Well, that man has succeeded in obtaining a vote. He is in this position—he has not a large family. I believe he has but one child, which makes a great difference to a man who lives on 30*s*. a week. He has, therefore, secured by his resolution and industry a county vote; and another member of these committees has obtained a borough vote. Now you think that I—no I doubt whether you do think it—but some of those who pretend to speak in your name, and some of the less judicious of your own body sometimes speak as if you did think—that I am advocating changes (such as that which the noble Lord proposed as moderate) which would revolutionize and be likely to bring harm to the country. These 6,000,000 of men will not always be content to be excluded from any influence in the affairs of this House. I should despise my countrymen as much as I might despise the most selfish people that breathe on the face of the earth, if I could think that the course which you think is the safe course is one that can be permanently maintained. The noble Lord has gone back to 1830, and he says that you thought—some of you—at that day that the £10 pounder was a revolutionist. Well, it is proved that he is not. But is there any doubt of this, that in the last thirty years—thirty years nearly of peace, and one-half of that time—fifteen years—of free trade—is there anybody can doubt for a moment that the class of persons the noble Lord proposed last year to admit to the suffrage are not equal, at least, to the £10 pounders whom the noble Lord admitted in 1832? The last thirty years have seen an age of improvement in the condition, the character, and the intelligence of the people of England. I speak not, of course, of those with whom hon. Gentlemen must be better acquainted than I am—their agricultural labourers—but I speak of the artisan—the man whose industry is the foundation of all that greatness which comes to this country from the wonderful manufactures of the counties of Yorkshire and Lancashire. It is for these men that I speak:—but not more for them than for you; for if it be good for them that they should be represented here, depend upon it is not good for you that they should be permanently excluded from the franchise. The noble Lord has told us to-night, and with a jocular air, as if he really enjoyed it, that England appears not to care about this question. Now, from that I will give the noble Lord a warning—no, I do not need to give it to the noble Lord, for I am not sure that he has not on one or two occasions given it to the House himself—but I believe, if you turn back to the records of the years between 1819 and 1831, you will find that for the last six of those years there was not one solitary petition presented to the House of Commons in favour of Parliamentary Reform. The noble Lord brought it on in 1819, and I think after that; but for several years previous to 1831 so little was said about it that not a single petition appeared on that table in its behalf. What did your predecessors say with regard to that?—for the majority who are here now were not here then—why, that if an angel had come down from Heaven he could not have framed a better Constitution, or one more admirably suited to the people, and that the country was contented with it. That was the sort of delight which I am sorry the noble Lord exhibited to-night, when he said, "Have I not reason to be proud that my handiwork of 1830 is so prized in 1860 that nobody wishes to alter it?" But that time of tranquillity passed away, and in 1831 you were running for your lives. Consider the danger you ran. You were within twenty-four hours of a revolution; there would have been a good many things besides that if that had happened. You were in a state of terror. You—the Tories—could not travel through the country. You went to a general election—you were swept away—and the other House which I am charged with wishing to humiliate—the other House kissed the very dust before the people whom for years before they had been speaking of with the utmost contempt. And when the Monarch found it necessary to threaten at last the exercise of a power which, though constitutional, I should be very sorry to see exercised, your party in that House abased itself altogether, and you see now—what? Why the painter has given the whole story in that engraving which hangs in thousands of houses in this country, where the Royal consent is given to a great Bill denominated the Charter of the Liberties of the People of England, and on one side the House is filled with Peers belonging to a certain party, and the benches of the other side are altogether vacant, as if they that occupied them had vanished into space. Will you learn nothing from this? Will the noble Lord learn nothing? I believe that the consciousness that there is in the heart of the House of Commons that this question cannot remain where it is, and must before long be settled, would have enabled the noble Lord at the head of the Government and his colleagues to have passed—I will not say a wholly—but to some extent a satisfactory and useful measure, if they had taken the course which was taken by Lord Derby's Government. If, as I suppose, we shall not this year have an extensive Budget, such as we had last year, though I can express a hope to the right hon. Gentleman the Chancellor of the Exchequer that it will be a worthy successor of it—if we are not to have this great Budget—if we are to have nothing but the Attorney General's Bankruptcy Bill, and one or two other measures which are mentioned—if we really are not going to interfere with the Italian strife—and the noble Lord says we are not—well, then, this Session was, of all Sessions, that in which a moderate, a short, but a useful measure might have been presented to the House. And, if the noble Lord the Prime Minister had stated that the Government considered that Bill to be the cardinal measure of the Session—by which the House would have understood one of three things—either that it would pass, or there would be a change of Government, or there would be a dissolution of Parliament, in pursuance of the honourable course taken by Lord Derby's Government—I will undertake to say there is not a shadow of a doubt that that Bill would have passed the House. But the noble Lord (Lord John Russell) says it wants a great tide to carry it over the bar of the House of Lords. Well, doubtless it does. But still there are men in the House of Lords not wholly oblivious to the past, and not wholly wanting in foresight as to the future. The Government of the noble Lord the Prime Minister, last Session, of course, made a submission to the House of Lords, which may have made them less reasonable upon this question than they otherwise would have been. Whether or not that is the case, still I do not think a measure of this kind would have been treated with contempt and ignominy in the other House, and there was good reason to believe that last Session, if that Bill had passed this House, the House of Lords would not have refused also to pass it. The speech of the noble Lord has placed this question, of course, in a very different position. So far, at least, as those Members of this House who were instrumental in placing the noble Lord in the office he now holds are concerned, they at least, as far as that question goes, are absolved from any supposed obligation to consider themselves supporters of the Government of the noble Lord. Well, I grieve very much at this, because I was most anxious that at least we need not have a change of Government and a dissolution of Parliament every two years, but a Government which the majority of the House might have enabled to pass that one measure for which it was particularly returned to power; and that on this side of that House, where so many schisms have existed—schisms as bad as those which exist on the other side. I was in hopes these schisms might have been healed, and that we might have gone on more comfortably together, with advantage to the real interests of the country. But now the noble Lord repudiates all this—and not with sorrow, but with satisfaction. He got a resolution of Parliament, and he got a majority of the Members of the House in favour of the proposition which he made. He brought it before the House; he has never stood a single division upon it, the principle of the Bill having passed by a unanimous vote of the House, and it was withdrawn, on the ground that last Session there was so much to be done that that could not be done. He comes now in the opening of the Session, in which almost nothing is to be done, and refuses to attempt to do that for which alone, for which, I venture to say, he was seated on the Ministerial Bench. Well, now, I shall only say this further. I am, with the noble Lord, quite content to wait for the time when this measure shall receive what I call a more honest, and more statesmanlike attention from this House. I believe that the time is not distant when the country will insist that something is done with regard to it. The working classes are not like Members of this House, and some million people in the country who have a little time to spare morning and evening, and a good many who have time during the day. They work from six o'clock in the morning until six o'clock, and sometimes later, in the evening—they have not the time—except when they are out of work, and when they are in great distress—they have not the time to make great political demonstrations. The million to whom you have given the franchise declare in favour of the extension of the franchise; do you mean to say that the majority which they exhibit are not a fair representation of the enormous majority which would be exhibited if you could poll six-sevenths of the people to whom you refuse the franchise? And yet what does the noble Lord want, and what do you want? You want these six millions of the people to make a demonstration which you put it out of their power to make in any peaceable fashion. You won't poll the nation; you won't refer the question to the people of the country and let them decide it; you confine the franchise to the million, whom you *hocus pocus* until their votes are of no value even to themselves, and then say, "Why don't these six millions show they want it?"

How are they to show it, except by great meetings? and, for the most part, in a state of political excitement they must go into tumultuous meetings. And if you should have those tumultuous meetings—if my hon. Friend the Member for Glasgow should come here and say, "Mr. Speaker, I left Glasgow, and there were 100,000 people assembled, and this resolution was passed;" and if my hon. Friend the Member for Manchester, and my hon. Friend the Member for Leeds and his colleague, could come up here and tell the same story, what would you do? Your difficulties would vanish. You would play the part you played thirty years ago. Your Ministers who are now so calm, and now so Conservative (especially if they were on that side of the House) would take the popular side; the other House would become as obsequious as it was in 1832, and a Bill would pass, perhaps more extensive than many of us would wish to see passed, and changes would take place which you dread. Now, I speak this to the House from an honest conviction. I am giving the House wise counsel, and I am warning them of dangers, which even though they be in some degree distant, as they may be—for I forget not the gift of prophesy as to time—are dangers which are ahead. They have overtaken the statesmen of every one of those countries who have disregarded these warnings, and overwhelmed not a few of them; and I say that after the course which the House of Commons has pursued on this occasion, which Ministers on both sides of the House have pursued, and after the statements you have made, you run the risk of losing, first, your own self-respect; and, secondly, the self-respect of the country, and when that once has happened in this kingdom, rely upon it that a more unpleasant and a more unhappy time will have come than can possibly come as the result of such a judicious and moderate measure as Government might this Session have proposed, if they were courageous in their duty, and such as the House of Commons, with great satisfaction, in my opinion, might have passed.

Question put, "That those words be there added."

The House *divided*:—Ayes 46; Noes 129: Majority 83.

Main Question put, and *agreed to*.

Committee *appointed*—

To draw up an Address to be presented to Her Majesty upon the said Resolution:—Sir EDWARD COLEBROOKE, Mr. PAGET, Viscount PALMERSTON Mr. CHANCELLOR of the EXCHEQUER, Lord JOHN RUSSELL, Sir GEORGE LEWIS, Sir CHARLES WOOD, Sir GEORGE GREY, Mr. MILNER GIBSON, Mr. CARDWELL, Mr. VILLIERS, Mr. ATTORNEY GENERAL, Mr. PEEL, and Mr. MASSEY, or any Five of them.—To withdraw immediately.

Queen's Speech *referred*.

House adjourned at ten minutes to Ten o'clock.

HOUSE OF COMMONS,

Wednesday, February 6, 1861.

MINUTES.] NEW WRITS ISSUED.—For Cork County, *v.* Right honble. Rickard Deasy, Baron of the Exchequer in Ireland.

NEW MEMBERS SWORN.—For Boston, John Wingfield Malcolm, esquire.

PUBLIC BILLS.—1° Qualification for Offices Bill.

ADDRESS IN ANSWER TO THE QUEEN'S SPEECH.—REPORT.

SIR EDWARD COLEBROOKE *brought up* the Report of the Address in reply to Her Majesty's Speech from the Throne.

THE INDIAN LOAN—TRADE MARKS—FOREIGN AFFAIRS.

MR. SLANEY said, he would venture to say a word on one topic to which Her Majesty had addressed herself in Her most gracious Speech from the Throne, and which was adverted to in the Address. Her Majesty stated that She viewed with deep regret the unfortunate differences which had arisen between various States in the American Union, and expressed Her hope that those differences might be adjusted. She also added that Her desire in that direction was much increased by the friendly and kind reception which was given to the Prince of Wales during the period of his late visit. Her Majesty also expressed Herself most graciously to Her Canadian subjects for the reception which they had given the Prince. Perhaps he (Mr. Slaney) might be permitted, as the only Member of the House who was present on that occasion, to bear his humble testimony to the handsome and enthusiastic reception which was given to the Prince, both in the Canadas and in the United States, where he had the pleasure of witnessing the enthusiastic reception that was given to His Royal Highness at Washington, Philadelphia, New York, and other places. The enthusiasm which had been manifested arose from the high respect which our Transatlantic cousins entertained for the Queen herself, and for the many virtues which adorned Her character. He would also say that the reception given to visitors from England at that time in consequence of that feeling was most agreeable. It was, perhaps, not inopportune for a Member who was there to bear witness to the kind reception given to the Prince, the enthusiastic expression of attachment to this country, and that they were proud to belong to the same race as ourselves; and he thought that Englishmen might return the compliment and say they were proud of such descendants. He hoped and trusted that the unhappy differences which now divided the States would be amicably adjusted, and he cordially echoed the iteration in the Address of those sentiments of goodwill which were expressed by Her Majesty in Her gracious Speech from the Throne.

ADMIRAL WALCOTT said, he rose solely for the purpose of giving expression to the liveliest feelings of satisfaction with which he had listened to the flattering terms in which Her Majesty was graciously pleased to express Her approbation with the manner in which the navy and army had rendered, in conjunction with Her Allies, their services in the campaign in China, and he could only regret that the Navy had not been afforded more enlarged means of retrieving their former most heroic but unsuccessful efforts against the Taku Forts. He was firmly convinced that the nation would accept no false economy in the administration of the Navy. A more vigilant supervision of expenses and a more responsible execution of the duties attached to the Board of Admiralty it undoubtedly required, but it would view with suspicion and indignation any measure which in effect would lower the efficiency of the Navy, or endanger the loss of that strength and name which had ever been regarded as the palladium of the Empire. While on that subject he would ask the indulgence of the House in the expression of his sincere sorrow in the withdrawal from among them of that gallant old seaman Sir Charles Napier, who, on every occasion, raised his voice with energy and earnestness, in behalf of those measures in which, in his judgment, the interests of the naval profession could be advanced—a profession which he, in his own person, so largely adorned.

Mr. Slaney

MR. CRAWFORD said, that as reference was made in the Address to India, he might be allowed to ask a question of the Secretary of State for India as to the proposed loan. The question which he wished to put was, whether the necessity for raising a loan of £3,000,000 in London, for the service of the Government of India, was owing to circumstances connected only with railway receipts and expenditure; or whether it arose from the falling off of the available sources of income or increase of expenditure in India?

SIR CHARLES WOOD said, he was very happy to be able to give to the question an answer which he thought would be considered satisfactory, not only by his hon. Friend, but by the House generally. As, however, the subject was one not of public interest only, but affected private interests also, he hoped that he might be permitted fully to explain the circumstances in which the loan was made. The House was aware that, as far as the public expenditure of the Indian Government was concerned, a considerable amount of money was disbursed in this country on account of India. The only source from which that money could be provided was the revenue of India, and under ordinary circumstances a considerable amount had to be remitted from India to this country for the purpose of defraying that expenditure. On the other hand, since the construction of large lines of railway in India had been undertaken, the money for which was subscribed principally in this country, large remittances to India would have been necessary, looking to railway interests alone. Of late years the remittances from India on account of the expenditure of the Government, and to India on account of the railways, had nearly balanced each other, and there was no remittance either way. The mode of effecting a balance was this. The railways paid into the Home Treasury of the Indian Government the whole amount of their subscriptions. The portion necessarily required in this country for the purchase of materials and similar purposes was withdrawn from the Home Treasury. The expenditure incurred in India for railroad purposes was defrayed from the Indian Treasury. The Government of India, instead of remitting that which was required for Home Government purposes to England, paid the money for railway expenditure in India; and the money paid in England on account of the railway expenditure in India was applied to the payment of the expenditure of Government at home, thus avoiding the whole expense of remittance. Of course, while the expenditure in both countries was about equal, there was no necessity for any remittance either to or from India. Hon. Gentlemen who took an interest in the finances of India would remember that towards the close of last Session he stated that probably the payment of the railway companies to the Home Treasury in the course of the year 1860-1, would amount in round numbers to £7,000,000. Of that amount, he estimated that £2,500,000 would be required for home expenditure, leaving £4,500,000 available for railroad expenditure in India. He added to that £250,000, the amount by which he thought he could reduce the balance in the Home Treasury, and that gave a total of £4,750,000 to be expended in India in the year. The home expenditure of the Indian Government in this country was more than that, and he expected that the Indian Government would remit about £1,250,000. If the expenditure in India on railway account, and if the payment by the railway companies into the Home Treasury had been what he had anticipated, he should have had no occasion to use the power of borrowing, which he obtained from Parliament last year. But at that time even there were symptoms that the expenditure would be greater and the receipts less, and he thought it necessary to arm himself with that power. The expenditure had been greater in India because, amongst other reasons, the Government had been anxious to afford as much employment as possible to the people in the North-Western Provinces, who had been suffering from famine. According to the best estimate the Indian Government could form, the expenditure in India for the year ending the 30th of April next would be £6,000,000 instead of £4,750,000. Therefore, in the first place, the Government, who would otherwise have been in a condition to remit £1,250,000 for the home disbursements, was unable to remit that amount in consequence of that increased expenditure on the railways in India. The excess of expenditure beyond what was anticipated was £1,250,000 in round numbers. On the other hand, the railway companies here, owing probably to the state of the money market, had, up to the present time, paid into the Home Treasury only £4,500,000, and giving them credit for paying in, up to the 30th of April next, £1,000,000 more, which he was afraid was as much as they could do, only £5,500,000 would be received in this country instead of £7,000,000. That would leave the Government here short of money to the extent of £1,500,000, and adding the excess of expenditure in India to the deficiency of payments here, there would be a total deficiency of £2,750,000, entirely on railway account. In point of fact some of the railways, and among them the company with which his hon. Friend was connected, had paid in the full amount anticipated, but others had paid considerably short of the amounts estimated, and the deficiency of payments added to the excess of expenditure gave, as he had stated, a total of £2,750,000. He, therefore, found it necessary to exercise the power which Parliament was good enough to give him in the last Session, and apply for a loan of £3,000,000—little more, probably, than would cover the deficiency in the railway accounts in the course of the year. The answer, then, to the first part of the question was, that the necessity of raising the loan was entirely owing to circumstances connected only with railway receipts and expenditure. With regard to the public receipts and expenditure in India, he was happy to say there was no need whatever for borrowing a single sixpence. There might be a little falling off of revenue, owing to famine and drought in the North-Western Provinces; but, on the other hand, he was happy to say the expenditure had been considerably reduced since he had last had the honour of making a statement on the subject to the House. When Mr. Wilson spoke, about that time last year, in proposing his Budget to the Indian Council, he estimated the probable reduction in military expenditure at £1,700,000 for the year. He stated later that the reduction would be about £2,500,000, and it had actually been about £800,000 more. Therefore the reduction for military expenditure for the year had been £3,300,000 following a reduction of £3,500,000 in the year before, and showed a total reduction of £6,800,000 in the course of two years. He hoped it would be seen that the Government had fairly set their shoulders to the wheel, and that they were bringing down the expenditure much more rapidly than he had reason to anticipate when he last addressed the House. He could not speak confidently as to what the produce of new taxes might be, but if the produce of the new taxes came up to the estimate of the Indian Government, and if the reduction next year was equal to the reduction of this year, there was every reason to believe that the expenditure and income next year would be balanced. Mr. Wilson had been confident that such would be the case, and he, too, felt the same confidence, although no one could correctly estimate the income and expenditure for two years. Therefore, in answer to the second part of the question, he could say that the loan was not owing to any falling off of income or increase of expenditure in India; and if, by the blessing of Providence, peace was preserved and no other unforeseen circumstances arose, he entertained the sanguine hope that they would be relieved from the necessity of any further loan for the purposes of the State.

Mr. VANSITTART said, he understood the right hon. Gentleman to say that £1,250,000 had been spent on railways in India. In the month of November the Governor General published a financial minute, in which it was stated that all public works would be suspended, including works calculated to produce an increase of revenue, to which the Government was pledged. He wished to know whether these works had been prosecuted to the extent of £1,250,000, or whether they had been entirely deferred.

Sir CHARLES WOOD said, he thought he had stated that the expenditure this year would be £6,000,000. They expected that it would have been only £4,750,000. Therefore there had been no postponement whatever of railway works.

Mr. NEWDEGATE said, he wished to know when the right hon. Gentleman the President of the Board of Trade would be prepared to lay on the table the returns relating to trade and navigation.

Mr. ROEBUCK said, that before that question was answered, he wished to observe that there was a Bill in the right hon. Gentleman's office with regard to trade marks. The right hon. Gentleman was aware that the manufacturers of this country lost credit by the forgery of persons who put the trade marks of English manufacturers upon foreign goods. The predecessor of the present Attorney General, as he (Mr. Roebuck) had been informed, had framed a Bill to prevent that practice, and he wished to know whether the Government were prepared to bring in a Bill during the present Session for the purpose of preventing the forgery of trade marks upon goods.

Mr. MILNER GIBSON said, the trade and navigation returns for the month of December had been delayed for the purpose of affording time to make up the landing accounts of all the cargoes properly appertaining to the trade of the year 1860, but they would be laid on the table in the course of a week. A Bill had been prepared on the subject of trade marks, and would shortly be brought either into that or the other House of Parliament. He believed it was thought better to commence in the other House of Parliament. The Bill was intended to amend the law relating to fraudulent remarks upon merchandise, and would impose penalties for using trade marks in order to commit frauds in the sale of goods.

Mr. HADFIELD: Will the Bill give powers to the Government to negotiate with foreign States to obtain a reciprocity of protection on this subject?

Mr. MILNER GIBSON said, the object of the Bill was to alter the English law. Of course, it must be left to Foreign States to say what protection they would give to English manufacturers. The Government would undoubtedly be very glad if Englishmen could obtain protection in all foreign countries against a fraudulent use of their trade marks. This country gave foreigners national treatment with reference to trade marks; and, as the Bill would render our law more efficient, it might induce other Powers to give national treatment to Englishmen in foreign countries.

Mr. SEYMOUR FITZGERALD: Sir, I am deeply sensible of the inconvenience of making observations on what passed last night in the absence of the noble Lord who presides over Foreign Affairs, but I learn from the Secretary to the Treasury, that the noble Lord is on his way to the House, and as this is the only opportunity, and as probably the noble Lord will arrive before I am very far advanced in the observations which I have to make, I trust the House will grant me its indulgence. I am also sensible of the inconvenience of reviving a discussion to-day, which might have more fitly been taken last night; but the fact is, that the hon. Member for Birmingham (Mr. Bright), by his speech, devoted to a subject of paramount domestic interest, so entirely changed the tenour of the discussion, that I abstained from reverting to the subject of foreign policy.

The tone of the hon. Member for Birmingham was so earnest, and so fairly indignant at the course of the Government, that I felt it a very difficult matter for me to recall the attention of the House to the less exciting topics of a diplomatic correspondence. I may briefly say in passing, that I can well understand the curt and indignant feeling with which the hon. Member for Birmingham spoke, because the noble Lord the Member for the City not only buried Reform, but had not the delicacy to apply his handkerchief to his face to conceal the smile which was upon it as he stood in the position of chief mourner. Sir, I wish to recall the attention of the House to the answer which the noble Lord gave my right hon. Friend the Member for Bucks with reference to two despatches addressed to the British Minister at Turin on the 31st of August and the 27th of October. With reference to the Speech which Her Majesty has been counselled to address to the House, I was inclined, until I heard the speech of the noble Lord, to complain of a grave omission. I believe that if there is any one subject upon which the heart of the people is set, it is the maintenance of general peace—not merely from economic and prudential motives, not only from a sense of the burdens which a state of war imposes upon all who are included in it, or have to prepare against it, but I believe from higher motives, springing from a conviction that war, not rendered necessary by the honour and interests of the country, is not only a grave political error, but a high moral crime. What I thought the Speech ought to have contained—and what it does not contain—was an assurance on the part of the Government that they were alive to the dangers which menaced the peace of Europe, that no efforts would be spared, and that no stone would be left unturned to secure the maintenance of general peace. The Speech says that Her Majesty trusts that the moderation of the Powers of Europe will contribute to the maintenance of the public peace; but whether Her Majesty's advisers mean that they trust the Powers of Europe will be moderate, or that if they are moderate, general peace will be secured, seems on the face of the Speech left as a matter of conjecture. In reply to my right hon. Friend, the Member for Buckinghamshire, the noble Lord, so far as the Government are concerned, made a very satisfactory statement—namely, that at the present moment, in concert with our Allies, they are using every exertion in their power, and directing the whole energy, and the whole weight and influence of this country to the maintenance of the general peace of Europe. I believe that if the Government sincerely work for that object, peace may possibly be maintained, but at the same time I am sure that it is impossible those efforts can be successful if the noble Lord and his colleagues publish to the world such documents as those of the 31st of August and the 27th of October. It is with regard to those papers that I more particularly wish to address the House. The noble Lord, in reply to my right hon. Friend, was certainly more adroit than candid, and his reply in reference to the second of those papers—if I may use the word, not in an offensive sense—was almost evasive. The great claim which the present Government has on the confidence of the House in the guidance of foreign politics is, that they hold fast by the principle of non-intervention. Certainly, hon. Members on the Opposition side, are not the persons who by any possibility can complain of the adoption of such a policy, because I always remember with satisfaction that the Government to which I had the honour to belong in a subordinate capacity, was the first Government which proclaimed and adhered to the principle that we ought not to pursue—as for years we have pursued—a meddling policy in every petty as in every great affair in which nations with whom we have communications become involved. Gentlemen on the Opposition side are not likely, therefore, to complain of the present Government adopting and firmly adhering to the policy of non-intervention. The contrary is the fact. The complaint against the present Government is that, proclaiming themselves firm adherents to the doctrine of non-intervention, in the first place they do not practise it, and in the next that they publish documents totally inconsistent with it. The noble Lord, who is now the champion of non-intervention, wrote a letter upon the 31st of August in not very courteous terms. I am not going to criticise that despatch, but I think it was unnecessarily offensive in its tone, and that it mixed up subjects in a manner far more likely to irritate than to conciliate, to estrange than to influence, the persons to whom it was addressed. At the same time I think the noble Lord was perfectly justified in writing that despatch, because it is clear there was a great ferment and crisis in Italy at the time, and therefore, although the language was unnecessarily strong, the object was good—namely, to throw the whole weight of the Government into the scale for the maintenance of peace. The letter sent to the King of Sardinia was to the effect that if Sardinia stirred in a certain direction she would have England against her, and that the noble Lord had reason to think that the great Powers of Europe would also interfere. The words menaced intervention on the part of this country, and all the remark I will make on that despatch is that it was not one on which the Government could rest its claim of acting on the principle of non-intervention. But with regard to the second despatch the noble Lord did not deal frankly with my right hon. Friend. My right hon. Friend spoke of both despatches. The noble Lord detailed the circumstances under which the first despatch was written. He referred to its terms, and he justified its principles. He adhered to all it contained, and he so far dealt candidly with my right hon. Friend. But when the noble Lord came to deal with the second despatch his answer was not satisfactory. He adverted to its terms, to the circumstances under which it was written, and to the course taken by the King of Sardinia, but he did not justify that course on the ground stated in the despatch, but on another ground totally different and absolutely inconsistent with it; and, then, carrying war into the enemy's country he called on my right hon. Friend the Member for Bucks to say whether he objected to the statement which the noble Lord had made of the grounds on which the Government justified the course of the King of Sardinia. It was not the grounds now taken by the Government, but the grounds taken in the despatch of October 27, that the noble Lord was called upon to vindicate, and yet about them he said not one single word. Now, what is the despatch on which the Government claim the character of a non-intervention Government? I regret extremely that the noble Lord is not yet in his place, but as the despatch in question is one for which the Cabinet must have been collectively responsible, I have, at least, the satisfaction of addressing the noble Viscount at the head of the Government and two other Members of the Cabinet. My right hon. Friend the member for Bucks seems to have been not the only person who has been bewildered as to the policy of the Government, for the Government of one of our Allies was thrown into a state of even greater confusion and perplexity on the subject. Nor is this to be wondered at; for I defy the ingenuity of man to reconcile two such contradictory documents as the two despatches of the noble Lord, or to discover how they could have been written by the same hand. The noble Lord, as we know, attended Her Majesty upon her visit to Germany. He there had an interview with Baron Schleinitz, the Foreign Minister of Prussia, immediately after which the Prussian Government, desirous of reassuring their own people, published the following statement in their official *Gazette*:—

> "The cordial relations which have ever existed between England and Prussia will continue to exist if the two countries do not mutually misunderstand their true interests. These relations have become more deeply rooted, and have acquired increased firmness and extension by the conference at Coblentz, and by the ready exchange of views which then took place between the leading statesmen of the two countries. In view of the present great complications in the European political system, the more satisfactory it is to be enabled to state that there was a coincidence between the views and opinions of England and Prussia on the great and important questions of the day."

I can readily conceive the surprise and bewilderment of the Prussian Minister when, after having come to the above conclusion, and discovered as he thought a perfect coincidence and accord between himself and the noble Lord on all the important subjects of the day, he read, only five days after, in the journals, of the letter of the noble Lord, the special object of which was to find fault with the important step which the Government of Prussia had taken in regard to the affairs of Italy, and to express, on the part of Her Majesty's Government, not accord of opinion with that of our Ally, but utter and entire disapproval of everything that had been done. But passing that by, I wish to call the attention of the House to the real danger of that despatch, for a document of more dangerous tendencies than that despatch of the noble Lord has never issued from the pen of any statesman in any country of Europe. The doctrine of non-intervention is popular in this country, not merely because it tends to keep us out of war, but from our moral conviction that the adoption of that principle is a great gain to international law and international morality. It proceeds on the principle that neither on one side or the other is it right that a State which has no concern with the particular circumstances should interfere with the domestic relations of another state. It is not merely from the idea of self-security, or to avoid dangers to ourselves, but it is absolutely necessary in the cause of international law and morality to establish that general principle. Now what is the principle the noble Lord lays down in his second despatch—the noble Lord, as a Minister of non-intervention, and claiming credit as a Minister of non-intervention, what does he there lay down with all the authority of his name and position? [Here Lord John RUSSELL entered the House.] I pass by the reference of the noble Lord, whom I am glad now to see in his place, to Vattel, because in the present day the opinion of a British Minister is of a great deal more weight than the *dictum* of a writer who has been dead more than a century. The position of the noble Lord, as I understand it, is that a Foreign State has the right to interfere in support of a people against their ruler, when the people have good cause of complaint. But, as he holds that the people are not only the best, but the sole judges of the justice of their complaint, and as no insurrection ever takes place without the insurgents believing they are very ill-used, I do not think I overstate the doctrine of the noble Lord when I say that it amounts to this—that, in every insurrection that occurs, it is the part of a country wishing to pursue a liberal and generous course to lend the rebels the support of their arms. Is that doctrine consistent with the principle of non-intervention? It is exactly the reverse. There is no State in Europe, there is no conceivable circumstances in which, according to the noble Lord, it would not be the duty of a liberal and generous Government directly to interfere by force of arms. I ask the noble Lord to consider what must be the result of such a principle? The noble Lord is surely of too logical a mind not to perceive that it cuts two ways, and that it may be adopted equally in favour of a people struggling for liberty and a dispossessed Sovereign struggling to regain his throne. It is impossible for the noble Lord to say that this country, which loves liberty and hates tyranny, can interfere in behalf of a people struggling for freedom, and that a despot shall not say, "I think my brother despot is very badly used by his rebellious subjects, and in a spirit of liberality and generosity I will assist my brother sovereign to put down all attempts at insurrection." It is perfectly clear that if the noble Lord's principle holds good, it not only justifies but almost obliges a country, in a spirit of liberality and generosity, not to adopt that principle of non-intervention for which the Government claim credit, but directly to interfere, and if they are to do so it is quite clear that the example would be followed in a totally different sense. Again, look at the danger of the doctrine. The noble Lord, who with his means of information at command, knows what is passing all over Europe, cannot fail to be aware that nothing is more easy at the present time than for a Sovereign, with aggressive designs, to stir up insurrection in the dominions of their neighbours. The noble Lord, I believe, is perfectly well aware that at this moment, throughout many countries in Europe, there are scattered emissaries of foreign powers who are there certainly not with the object of maintaining or contributing to the public peace. He is perfectly well aware that what I will call machinations are going on in many countries of Europe, by means of which, if war occurs, it is possible that an aggressive Sovereign may find his arms assisted—his attack from without assisted by disorders within. It is easy as I have said for a Sovereign, with an aggressive object, to stir up insurrection in the territories and dominions of his neighbours? We have had examples of that in Italy; and when that takes place the aggressive Sovereign will find a pretext ready shaped for him in the words of the noble Lord. "See," he will say, "there is an insurrection in the dominions of my neighbour; the people are the best judges—the only judges—whether they have a right to complain of their government or not; and, therefore, in no spirit of aggression—for I have no ambitious feeling—but in a spirit of liberality and generosity I feel myself called upon to assist those who are in arms against their Sovereign." But there is another and more serious danger to be apprehended from the doctrine of the noble Lord. Nothing, I am satisfied, is so calculated to interfere with the cause of constitutional reform, and with that tendency to constitutional reform which was steadily and happily spreading over the whole face of Europe—as these unfortunate declarations on the part of a Liberal Government, which gives strength and force, not to the cause of constitutional reform—not to the advancement of constitutional liberty—but to the cause of insurrection and revolution, by encouraging the leaders of such movements to expect assistance from abroad. I can give the House a curious illustration of this. I had the pleasure of spending a considerable time in Hungary, and there became acquainted with all those illustrious men who are, at the present time, struggling to establish constitutional freedom in that land. Shortly after the appearance of the noble Lord's despatch, I received a letter from one of the most distinguished of that party. The noble Lord will see, from the sentiments contained in the passage I am going to read, that it is impossible to make public the name of the writer. I will only say that he is one who is now engaged heart and soul in the struggle for constitutional liberty in his country. He writes as follows:—

> "You, who have been among us and know the difficulties of our position, can well understand how they are increased by this wonderful letter of your incomprehensible Lord Russell. It has already in effect given such courage to the Separatists that we, who hate the Austrians as much as they do, must either side with the Government or see our country the prey to anarchy and insurrection. Alas, indeed! that it is an English Minister who thus makes elsewhere constitutional action impossible, revolution almost inevitable."

I cannot add any additional force to these words. Their force lies in their truth. The doctrine of the noble Lord is the most dangerous which has ever proceeded from the pen of a public man, and its first fruits will be felt in the country for which it was addressed. It is remarkable that the doctrine of the noble Lord has not the mark of originality. It is dangerous, but it is not new. Not much more than half a century ago the same language was held by the National Convention of France. They, too, declared, just before the establishment of the Republic, that France, as a liberal and generous nation, offered the assistance of her arms to any people who were struggling against a tyrant. There was this difference, however, between the Convention and the noble Lord, that they were ready to back their words by deeds, and the noble Lord is not. That is an essential difference, I grant, but the principle is the same. And, now, after the lapse of somewhat less than seventy years, we have the Minister of an English Sovereign, a Member of a Constitutional Government, adopting the sentiments, and almost the very language of the National Assembly of 1793. I have felt it my duty thus to call attention to the despatch, not only on the ground that it is perilous and dangerous, but, I repeat, because the noble Lord last night adroitly evaded any allusion to its contents. He spoke of the circumstances under which it was written, and justified the course of the King of Sardinia. But did he place that justification on the ground that the King had only done that which was liberal and generous—on the ground that in a spirit of liberality and generosity he had assisted those who were struggling for freedom? No; not at all. He justified the King's conduct on the ground that it was an exceptional case, and that the continuance of anarchy and disorder in the South of Italy menaced the peace and security of Sardinia. He referred not to the authority of Vattel, but to the authority of Lord Castlereagh. He never attempted to justify the dangerous doctrine contained in his despatch. By the way, I may refer to the charge of the noble Lord that my right hon. Friend the Member for Bucks was an Austrian in sympathy, and had spoken in high eulogium of the King of Naples. My right hon. Friend did not think it worth while to contradict the noble Lord, but he might have said that, at a distant period of time, he may have spoken as the noble Lord and others have spoken, of the importance of maintaining Austria as one of the Powers of Europe, but that the idea that he ever praised the King of Naples is a mere hallucination on the part of the noble Lord, and he might have defied him to adduce a single speech which contained such an allegation. I am not now saying a single word that can have a bearing on the right or wrong of what is called the Italian question. I believe it possible that events may not turn out as happily, or if as happily, certainly not until after a great lapse of time, as the noble Lord anticipates; but that is in the bosom of time. It is, however, not worth while now to discuss the character or conduct of the persons engaged in those important affairs. I will only say that I can well understand the cordial sympathy entertained in this country towards the illustrious man who has shown commendable moderation, singular purity of conduct and character, and the most distinguished bravery, even although the course he has pursued in

Italy may have been somewhat irregular. I can well understand, also, the feeling of disgust which prevails at the falsehood and treachery which have characterized the other party. I do not yield to the noble Lord in my sympathy for those who are struggling for freedom, nor in my attachment to the cause of constitutional liberty. I hope and trust the time will come when it will be enjoyed by all nations of Europe as freely and fully as by ourselves; but there is a wide difference between such feelings and the doctrine of the noble Lord. That doctrine tends not to spread the flood of constitutional liberty or a love for constitutional institutions, but rather to engender a suspicion of constitutional States, and a belief that their institutions will not prevent them from becoming as dangerous to the peace of their neighbours as States of a despotic character. I do not propose to go further into the matter. I believe the doctrine of the noble Lord is a dangerous one, and I am glad to have an opportunity of expressing my dissent from it, and I hope that if other Members do not express a similar dissent, they do not the less cordially disagree from that doctrine than I do. At present it has the sanction of a great Minister, and is regarded in Europe as the principle of the English Government. It is not, however, a principle of non-intervention. It is a principle sanctioning, and not only sanctioning but encouraging throughout Europe, the position that in a spirit of humanity and generosity it is right to give support and assistance to rebellion. My right hon. Friend last night endeavoured in vain to elicit from the noble Lord a clear explanation of our relations with France. I have always held that a cordial understanding between France and England was essential to the peace and happiness, not only of the two countries themselves, but of Europe at large That is an axiom in European politics, but I want to know what the present Government mean by a "cordial understanding," If the noble Lord can assure us that Her Majesty's Government had the cordial assistance of France in their laudable efforts to preserve peace, he will make a most satisfactory announcement. That is an alliance which will be thrice blessed. But if the noble Lord means by a cordial understanding such relations as we had an example of last Session, when at the first the noble Lord assured us of the most friendly intimacy between the two States, and afterwards informed us that we must look for an alliance elsewhere—we are to be called upon, as then, to stand by and watch the progress of events, to see the development of a policy we believe to be injurious to our interests and dangerous to the peace of Europe, and at the same time he told that we can only maintain our understanding with France by fresh concessions, then, I say, that such an understanding is not a ground of security, but a cause of disquiet and alarm. We shall have the noble Lord coming down again as he did last year, and telling the House that he has renounced the understanding, and must look for alliances elsewhere, in language and manner more calculated to irritate the French Government and the French people than any language I have ever heard used since I have been in this House. Sir, I want to have more ample explanation than the noble Lord gave last night. The noble Lord refers in one of the despatches to a cession of territory—meaning of course Liguria—by Piedmont to France. The noble Lord refers to it, and he assumes that he has received an engagement from the King of Sardinia that such a cession should not take place. I think it is clear that the noble Lord would not have made that inquiry, and would not have snatched at that assurance if he had not had reason to think that such a cession was likely to be made. I wish to ask the noble Lord whether he is now satisfied that there exists no ground for apprehending a cession of Liguria to France in the event of the King of Sardinia receiving assistance from the French arms. I should also be glad to receive some explanation from the noble Lord with respect to the state of affairs in Syria. The noble Lord said last night that that question would come under the consideration of the great Powers of Europe. The time has already passed when the French troops in Syria ought to have been recalled under the terms of the convention by which they entered that country; and I believe that their further continuance there will not only be dangerous to the existence of the Turkish empire, but will also form a great obstacle, if not one of the greatest perils, to the continuance of peace in Europe. I fear that if concession is made on this subject, and that if that occupation is prolonged, the youngest man among us may not live to see the French troops withdrawn, and I think, therefore, it is incumbent upon the noble Lord not only to tell us that this matter is to come under the consideration of the European Powers, but to declare what is the opinion of the British Government in reference to that occupation. I have now concluded the few observations I desired to make; and I must only apologize to the noble Lord for having availed myself of this opportunity of addressing them to the House, and for having at the same time found it necessary to commence them in his absence. I certainly should not have taken such a course if I thought I should have been enabled to deal with the subject upon any other occasion.

Lord JOHN RUSSELL: Sir, I do not rise at all for the purpose of complaining of the course the hon. Gentleman has followed. I could have wished, perhaps, that he had given me some notice of his intention to make the observations he has done to-day; but as to the substance of his remarks I think it is an advantage to the Government, as well as due to this House, that if a despatch has been totally misconstrued—if an interpretation has been put on it which is totally foreign to its purport and to its words—full explanations on the subject should be given by the Government. The hon. Gentleman condemns the despatch of the 27th of October as affording a general countenance to a people who are in insurrection, and as entitling them to expect the support of Foreign Powers who are imbued with liberality and generosity. Now, I think, the hon. Gentleman must choose one of two courses—either he must deny that there should be any power of interference by a Foreign Power, — that intervention should never take place, or he must show that in this particular case of Italy and the invasion of the State of Naples the intervention of Sardinia was unjustifiable. As far as the general question is concerned, it would be the greatest absurdity to lay down a rule that those who rise against a Government are in all cases to be placed in the same category, that they are all guilty or all meritorious, all deserving of the scaffold, or the cross of honour, or the diadem. To tell me that because I admire Washington I must therefore admire Wat Tyler, that because I approve the brave deeds of William the Silent I must therefore approve of Massaniello, would be utterly absurd. All I contend for is that each case must be judged by its own merits. You cannot say that there should never be any intervention by a Foreign Power at any time without condemning our own conduct in various instances, and without sapping the very foundation of the Constitution we now enjoy. Take the cases that have happened since the peace of 1815. There was an insurrection in the States of the Sultan which lasted for four or five years. The Sultan was the legitimate Suzerain of Greece; acknowledged by many — probably by all the Powers of Europe. His power was assailed by insurrection, and three of the Powers of Europe interfered to put an end to the struggle. Were those Powers of a revolutionary democratic character akin to the Jacobin Convention of France? The first of them was the Emperor of Russia, who interfered to protect the rebels from the vengeance of the Sultan. The other two were the Constitutional Powers of France and England. They agreed that a force which the Sultan had despatched under Ibrahim Pasha, one of his Generals, to suppress the insurrection should not be allowed to continue its operations, and, though the instructions given were not very precise, they were pretty sure to end as they did end, in the forces of the three Powers under Admiral Codrington totally destroying the Turkish fleet and preventing the Sovereign of the country from reducing his subjects to obedience. Does the hon. Gentleman mean to say that intervention was there unjustifiable; and that the people of Greece should not have been supported in their insurrection? Another instance occurred not very long after, in which my noble friend (Viscount Palmerston) took a very conspicuous and distinguished part—I mean the insurrection which took place in Belgium. The people of that country were discontented with the rule of the Dutch Sovereign under whom the Congress of Vienna had placed them. Their grievances in regard to the distribution of patronage were, no doubt, very considerable; but they enjoyed freedom of representation, and were allowed to make what representations of those grievances they chose, and if I were to compare their wrongs with those which the people of Naples and Sicily have suffered, they would appear as nothing. The whole people of Belgium rose. A gentleman with whom we are all acquainted, and who, by his conciliatory manners, great acquirements, and experience in diplomacy, is generally respected in English society,—I mean M. Van de Weyer, the present Belgian representative, signed a document on the subject, commencing with the words "To arms, to arms, to arms"—a document which must be called of a revolutionary character; but the gentleman whose name was attached to it believed he was justified in publishing it. On that occasion France and England interfered not only by counsel, but by arms and by action. The Prince of Orange was sent by his father, the King of the Netherlands, to quell the rebellion. I believe he would have taken Brussels, and for the time, at least, quenched the insurrection in blood, had he not been checked by the information that a French army was on its way to occupy Brussels, and to encounter the Dutch troops. An English fleet went nearly at the same time to establish a blockade of the Texel, so as to prevent the King of the Netherlands from making any further effort to recover that sway over his revolted subjects, which was his by the sacred right of treaties. Does the hon. Gentleman say that that was a wrong interference? He can hardly do so. But there are other instances of intervention. There is that upon which, as I have said, all our constitutional liberties rest, namely, the interference—and that without an insurrection, but merely upon the suggestion that the people of this country were discontented—of the Dutch Stadtholder, at the head of Dutch forces, to invade the kingdom of England, and dethrone the Sovereign who then ruled it. That, I suppose, the hon. Gentleman can hardly say is an event which we ought to repudiate; because, although I have heard a noble Lord in this House call King William III., our glorious deliverer, by no other name than that of the Dutch Stadtholder, I suppose that we all now acknowledge that to him we owe it that that real liberty and that Constitution, which had been matter of doubt and of contest for 50 or 100 years, was at last established. Take also an instance further back, which has lately been recalled to our recollection. Those who have read the interesting volumes of Mr. Motley, in which with great research and with great ability he has explained the causes which led to the rise and the establishment of the Republic of the Netherlands, will recollect how he shows that, notwithstanding the great power of Spain, and notwithstanding the formidable nature of the war in which the adoption of such a course would involve her, the lion-hearted Queen who then ruled over England did not scruple to give her assistance to the Dutch, but that, in order to enable them to establish their independence of their legitimate Sovereign, she encountered all the perils of a great war and all the dangers which were threatened by the formidable armada prepared by Philip II. Perhaps, after hearing of these instances, the hon. Gentleman will allow that there may be cases in which intervention is legitimate, and may be justified by the interests of the country or the importance of the object. The hon. Gentleman, however, may take issue upon the case itself which is stated in the despatch. He, like the right hon. Gentleman who spoke last night (Mr. Disraeli), who also wished to fix my attention to that despatch, has evidently paid no attention to it himself. Both he and the right hon. Gentleman evade and avoid all its arguments. They evade the statement of facts which it contains, and they say, "Here is a general declaration in favour of insurrection, and an assertion that it is an act of liberality and generosity to assist it." I am almost ashamed to read any part of the despatch; but it begins with stating these questions:—"Were the people of Italy justified in asking the assistance of the King of Sardinia to relieve them from Governments with which they were discontented?" and, "Was the King of Sardinia justified in furnishing the assistance of his arms to the people of the Roman and Neapolitan States?" These questions are argued in the despatch. Shortly, indeed, but as completely as I could within the limits of such a document, I state in it all the principal reasons which in this instance justified the people of the kingdom of Naples in asking for the assistance of the King of Sardinia, and the circumstances which justified that Sovereign in complying with their request. Am I to go over that ground and those reasons again? I have no objection to do so, and I will state again that in the year 1821 Austria, in compliance with a decree of the principal Powers of Europe—happily England excepted—sent a very considerable army into the kingdom of Naples, where the people, under their legitimate Sovereign, under a Bourbon King, had established a regular representative Constitution, and where we know by the undisputed testimony of Lord Colchester, who was there at the time, and who, Sir, was one of your predecessors in that chair, the Parliamentary discussions were then conducted in a most orderly and most decorous manner. The wish of the people was to establish under their legitimate Sovereign a Government somewhat resembling that of this country, under which people might speak freely of their own affairs, and under which any one who was arrested should have a right to an immediate trial, and should either be proved guilty of some crime or be at once declared to be innocent. Such were the desires of the people of Naples, and it was to suppress such a system, it was upon the declaration that it was impossible that Lombardy should continue to be governed as it then was if there was anything like freedom or constitutionalism in Naples, that a large army was sent into that country, and that 40,000 men were left for, I think, three years in Naples and Sicily, and re-established a system of unjust imprisonment, of the suppression of all freedom of opinion, and of the application of torture to political offenders. Another attempt to obtain free institutions was made by the people under apparently favourable circumstances in the year 1848. The King solemnly swore to the Constitution, and it was apparently established on a safe basis. I have seen some of the men who took part in the establishment of that Constitution, and one who was a Minister under it. At that time the King made one reservation. It was that the National Guard should have no artillery, and the Minister, thinking that this was only a Royal whim, agreed that none but the regular troops should have that arm. There came a fatal day, however, when this reservation made by the King had its effect, when his oath was set aside, when all its obligations were scorned, when the artillery of the regular troops was used to destroy those who were struggling for the Constitution, and when the men who had endeavoured to carry it out, and who as Members of Parliament had been among the most conservative, were arrested and imprisoned for having relied upon the good faith of the Sovereign whom they served. One of them told me that he, at the personal desire of the King, accepted a seat in the Chamber of Deputies. He wished not to sit there, but he had been elected as one of the members, and the King prevailed upon him to accept the seat. A Committee of Public Safety was appointed. He said that he could not approve it; but he was asked by the immediate friends of the Sovereign to take the chair of that committee. He took the chair, and he told the members that a Committee of Public Safety could have no good effect; and that operations would be dangerous; and he begged them to dissolve, and to report to the Chamber that they could not act with advantage to the country. They took his advice, they dissolved, and he received the thanks of the King for what he had done. As he retired from the closet, after having an audience of His Majesty, one of the King's chamberlains said to him, "Did the King receive you very graciously?" "Yes, he did." "Did he praise you very much?" "Yes," replied the Minister, "I never before received such gracious words, and such assurances of favour as I have received this day from the King." The chamberlain said, "Well, take care; I was in the closet this morning when the Minister of Justice was present, and I saw the King sign an order for your arrest." The Minister knew the man with whom he had to deal. He had before been twelve or thirteen years in prison in consequence of a breach of faith on the part of the King. He immediately went to the English mission, and thence on board an English ship, and thus avoided the dungeon which had, no doubt, been prepared for him by his Sovereign. It came to be a question the other day whether or not the son of that King was to be entirely believed when he declared that he was in favour of a Constitution, and that he would observe it, and it was said that he had sworn to it. "To be sure," said one of these Ministers, Poerio, in the Sardinian Chamber of Deputies—"To be sure he swears, for how else could he be forsworn? He must swear first, in order that he may be forsworn afterwards." These were bitter words, but they were not without justification, because all those who in 1848 trusted the promises or believed in the oaths of the Sovereign were condemned by him by virtue of his superior force to expiate their credulity by ten years' imprisonment. Well, Sir, I ask, are not these circumstances which may induce a people to rise against a Sovereign, and to declare that they would rather be under the sway of a King who, whatever may be his faults—and that he has many faults I am ready to admit—has, at all events, been true to his people, who has never made a declaration in favour of their constitutional liberties which he has not observed, and who has taken no oath that he has not kept? What reason I ask is there for wonder or surprise that the millions of people who were under the sway of the Neapolitan Bourbons should declare that they could bear the burden no longer, and should ask the assistance of the King of Sardinia in order that they might enjoy the benefits of constitutional government, without suffering from a constant fear of Royal perjury? The hon. Gentleman has put me upon the defence of this despatch. I have not gone into details, but I have suggested certain topics, and I think that the reasons which I have adduced were such as completely justified the Neapolitan people in the course which they took. Had not the hon. Gentleman forced me to do so, I should not have recurred to these subjects, because I cannot forget that the successor of the late King has expiated these faults and crimes of his predecessor. These, however, were the causes to which I attributed the insurrection of the Neapolitans aiding the invasion of Garibaldi, and I will say that they having so risen, and having called upon the King of Sardinia for aid, he was, for the reasons which I gave last night, justified in going to their assistance and placing himself at their head. Because, as I said, had he not done so, there would have been no restoration of the King of Naples, but there would have been in that kingdom such a state of total anarchy and confusion that it is very likely there would have been other intervention—an intervention hostile to the objects and the cause which the people of Italy had in view. I likewise stated in the despatch which has been referred to, that besides the wants which had taken place in the Papal States and in the kingdom of Naples, there had during the last five or six years been growing in the minds of Italian patriots a conviction—I know not whether Mazzini or who may have been its author—that there was no chance of defending Italy against those who wished to prevent its being independent except by its being an united State; and how was it to become a united State, except by the King of Sardinia taking up arms to make it so? It was not a republic they sought to set up; it was a constitutional monarchy. And let me here observe that there are now in Europe, as there have been at various periods, three parties. There are those who are for despotism, there are those who are for disorder, and there are those who are for constitutional monarchy; and I say that it is not unbefitting the English Government to declare that when there is a contest among these principles they cannot favour despotism, they cannot show any countenance to disorder; but that with the cause of constitutional monarchy and of representative institutions, under the ægis of a king who can keep his word, they do feel sympathy, and that they are glad to see such a cause flourishing in a country which is so glorious for its ancient recollections, and so distinguished for the existing ability, industry, and activity of its sons as is Italy. Therefore it was that when Russia and Prussia, and impliedly Austria and France, expressed their disapprobation of any attempt to establish an independent Italy, I thought that the voice of this country might be heard on the other side, and that it might be shown that one constitutional monarchy at least would be glad to see the Italians free themselves by their own exertions. Not that we meant to interfere to promote that cause, but that we were ready to favour with our approbation the meritorious and glorious efforts which were then being made in its favour. Does it follow that because we approve these efforts in Italy we are therefore, like the French Convention, to declare that wherever a people rise, wherever they are discontented with their rulers, we are in their favour? On the contrary, as I have said before, if such an instance is a case of real disorder, if it is a case of causeless discontent, breaking out in riot, we are not the least bound to favour or to express admiration of such an event. Every case must be tried by its own merits. That is the purport of what I said, and the whole of my despatch was confined to the elucidation of that principle, and the quotation from Vattel was introduced, as I have said, as an answer to the continual repetition of the statement that the conduct of the King of Sardinia was against the law of nations, and that such a thing had never been heard of before. "The law of nations," it was said, "has been violated by the King of Sardinia, and we, Austria, Russia, and Prussia"—a little forgetting the old story of Poland and the more recent story of Cracow—"are the sole interpreters of international law. We are the only doctors who know what is right and just, and we declare from our supreme tribunal, from our high court of appeal, that he has offended, and is therefore condemned." In my despatch, therefore, I stated the case of the King of Sardinia and that of the Italian people; and, at the same time, I stated, that the severance of the ties which bind together a Sovereign and his subjects is in itself an insurrection. I have to-day said that if Belgium was justified in severing the ties which bound her to her Sovereign because undue partiality was shown to the subjects of the King of the Netherlands—if she was justified in setting at nought the Treaty of Paris and the Treaty of Vienna, by which Belgium was given to the Netherlands, ten times more, I might say 100 times more, were the people of Naples and those of the Two Sicilies justified in severing the ties which bound them to a Sovereign from whom they got no justice, and from whom they received none of the protection which a Government owes to its subjects. Towards the end of his speech the hon. Gentleman said he would say nothing about the rights or wrongs of the Italian question; but the rights or wrongs of the Italian question form the whole matter in dispute. If the Italians have been right in their revolution, in their insurrection, they and the King of Sardinia must be absolved together. If they have been in the wrong then they must be condemned for destroying Governments so excellent and so worthy of support as those which they have lately overthrown.

I have sometimes had in this House to find fault with a Government which I have not mentioned to-day—namely, the temporal government of the Pope. Now, while I do not think that that Government provided for the temporal good of his subjects, I cannot but see in the Pope himself a Prince animated by the most benevolent designs, warm-hearted and kind, and with an Italian heart in his breast, feeling for the Italian people. It remains for him now—and more for him even than for the Emperor of the French, or the King of Sardinia—to solve this Italian question. At the commencement of his reign he showed—and showed most amply—his desire to govern his States in unison with the wishes and in unison with the wants and interests of his subjects. I trust that the feelings which then inspired him will recur to his mind, and I do not at all despair of seeing him again show his sympathies for Italy, and make some agreement with the King of Sardinia, who has been chosen by the almost unanimous voice of the Italians to be their temporal Sovereign, by which, while resigning his secular power, he shall retain the homage which is due to him even from those who are not members of the Roman Catholic Church, and the spiritual authority which must belong to one who is the head of a faith which is professed by so many millions of Christians. It appears to me that the exercise of the spiritual authority of the Pope is perfectly compatible with Italian independence; and I believe that now, at the close of his reign, if the Pope should make such an arrangement by which his spiritual authority shall be entirely preserved, and his dignity as a sovereign prince shall be acknowledged, he will earn, as first of Italian patriots—even preceding those who have done so much for Italy—such a meed of gratitude from his country as none of his predecessors have ever been able to command. We all know that it is constantly said by Roman Catholics who are in favour of the maintenance of the temporal sovereignty of the Pope, that it was assumed in days of difficulty and trial; that it was not sought for as an object of ambition, but that it was undertaken by a Pope who was respected by the people of Rome in order to preserve that city and a great part of Italy from the evils of the anarchy which would otherwise have resulted from the desertion of the Emperors of the East and the incursions of the barbarians of the North. If such was the case, and if it is true, as it is also alleged, that that temporal sovereignty was for centuries useful, not only to the people of Rome, but to the rest of Europe, and if a time has now come when it can no longer usefully be exercised, let it be laid aside, and I am convinced that all Europe will admire such a noble and disinterested relinquishment of authority.

Lord John Russell

The hon. Gentleman likewise asked me some questions with regard to our relations with France; but I must, I confess, decline to enter into the particulars of relations which are going on from day to day. He asks me with regard to Syria, and upon that subject I have to tell him that the French Government have said—and have said, I think, not unreasonably—that it was at the request of Europe that they sent their troops to occupy a part of Syria, that alarms have reached them that the massacres may be renewed, and that, as the occupation was begun at the instance and with the consent of Europe, it ought to finish at the same instance and with the same consent. They have made that declaration at Constantinople, and the Sultan has said that, although a Conference is not in his opinion necessary, and although he has no doubt that the occupation may cease without any danger to the people of Syria or the Lebanon, whom he is willing to protect, yet that he has no unwillingness to send a representative to a Conference at Paris. Our consent was dependent upon that of the Sultan. We have said that we would go into no Conference at which a representative of the Sultan should not be present, and we say now that the Sultan having given his consent we shall be ready to go into a Conference. The practical thing to be considered in that Conference will, in my mind, be what is the disposition of the Sultan with respect to his own territory. Syria belongs to no Power of Europe but the Sultan; it belongs to no Conference, it is a dominion of the Sultan. Therefore, though it is perfectly reasonable that the Powers in Conference should ask the representative of Turkey, "Has the Sultan provided means for preserving tranquillity in Syria?" still, if the Sultan said, "I am willing to undertake the responsibility of governing Syria without the occupation of foreign troops, and I can answer for the means which I have taken to secure its tranquillity," I believe that not one of them would wish to press the continuance of foreign occupation. That, however, is a matter into which we cannot enter, because it is to be the subject of a Conference, and our Ambassador must, of course, hear what is said by the representatives of other Powers in that Conference. When anything is decided I shall be ready to inform the House of the determination which has been come to.

With regard to our general relations with France, with reference to which a question was put by the right hon. Gentleman (Mr. Disraeli) last night, that right hon. Gentleman made, as I have heard him do upon former occasions, allusions which were hardly appropriate to his argument. He has more than once alluded to the close connection and alliance which we maintained with France in the time of Elizabeth, in the time of Cromwell, and in the time of Sir Robert Walpole. In the time of Elizabeth and in the time of Cromwell, but more especially in the time of Elizabeth, there was another danger to the independence of the States of Europe, and in the opinion of those great and wise Sovereigns a more formidable danger than that which arose from the preponderance of France—it was the danger naturally arising from the immense possessions and the ambition of Spain, and those great and wise Sovereigns sought to counteract that ambition, and to meet the schemes of supreme dominion over Europe, and above all, the danger of the extinction of the Reformation, by looking to France, many of whose subjects were then Protestants, as a counterpoise to the ambition and the preponderance of Spain. That reason for an alliance with France has, at all events disappeared. Sir Robert Walpole likewise most wisely maintained a close alliance and connection with France; but with whom did he maintain that alliance and that connection? He maintained it with Louis XV., the most unambitious of Sovereigns, and Cardinal Fleury, the most peaceable of Ministers. I say give me again the days of Louis XV. and Cardinal Fleury, and my noble Friend will be ready to act the part of Sir Robert Walpole, to write the most amiable letters to the Court of France, and to be in most intimate correspondence with it. But the days are not similar, the Sovereigns are not similar. We must do all we can to keep on the best terms with France, and we have this satisfaction, that our objects can always be avowed; they are perfectly legitimate; they are to maintain the peace of Europe, and to secure that every Power should be allowed its independence as at present enjoyed. We ask nothing more than that. This House, this country, asks nothing more than that. We have no projects of ambition. We wish not to annex any country or any part of any country in Europe, and, therefore, we can boldly avow our meaning, and can constantly maintain it. That is all that I can say with regard to our own position. The Emperor of the French also knows the value of peace, and I trust that he will despise the counsels of those who tell him that the greatness of France must be promoted by any projects of war or of ambition. It was the opinion of the Powers who entered France in 1814 that for the security of Europe France ought to be great—France ought to be strong. Since that time she has increased in greatness and in force. Her territory is large, her population intelligent. The works of her industry and those of her intellect are appreciated in Europe, and I may say in all the countries of the world. It appears to me that a Sovereign of France cannot better consult her interests than by following the paths of peace, and by maintaining that great and glorious country in the position which she holds—a position which we need not envy, but which we must all admire, as that of a country containing a population as brave and as intelligent as any that has ever existed on the face of the globe. With all these advantages, I see no reason why we and all the other Powers of Europe may not act together in peace with France. I certainly do not share the apprehensions which have been expressed by a Sovereign who has lately come to the throne, that we are immediately on the eve of great convulsions. I trust that such evils may be averted; I trust that peace may be maintained; but, under any circumstances, I hope that this country will always be prepared to maintain its own dignity and independence.

Address *agreed to*:—To be presented by the whole House.

Privy Councillors humbly to know Her Majesty's pleasure when She will be attended.

THE QUEEN'S SPEECH.

Her MAJESTY's Speech to be taken into consideration *To-morrow.*

[QUALIFICATION FOR OFFICES.

CONSIDERED IN COMMITTEE.

(In the Committee.)

Resolved, That the Chairman be directed to move the House, That leave be given to bring in a Bill to render it unnecessary to make and subscribe certain Declarations as a Qualification for Offices and Employments.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. HADFIELD, Sir MORTON PETO, Mr. KERSHAW, and Mr. BAINES.

Bill *presented* and read 1°.

House adjourned at a Quarter after Three o'clock.

HOUSE OF LORDS,

Thursday, February 7, 1861.

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.

THE LORD STEWARD *reported,* That Her Majesty has appointed this Day, at Three o'clock, to receive the Address of this House, at Buckingham Palace.

House adjourned at half-past Two o'clock 'till To-morrow a Quarter before Five o'clock.

[And the House proceeded to Buckingham Palace to present the Address of Tuesday last to Her Majesty.]

HOUSE OF COMMONS,

Thursday, February 7, 1861.

MINUTES.] PUBLIC BILLS—1° Church Rates Abolition; Charities.

The House met at Two o'clock.

THE ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.

The Queen appoints to be attended this day, at Three o'clock, at Buckingham Palace.

Mr. SPEAKER and the House went to attend Her Majesty;—and being returned;

THE ADDRESS.—HER MAJESTY'S ANSWER.

MR. SPEAKER *reported* Her Majesty's Answer to Address, as follows:—

"Your loyal and dutiful Address has afforded Me much satisfaction.

"I rely with confidence on your careful consideration of the measures which will be laid before you for the improvement of the Law, and for other purposes of public usefulness."

THE DOCKYARDS.—REDUCTION OF WORKMEN—QUESTION.

SIR FREDERIC SMITH asked the noble Lord, the Secretary to the Admiralty, Whether a considerable reduction in the number of shipwrights and other workmen in Her Majesty's Dockyards has taken place since the close of the last Session of Parliament, or is now contemplated; and, if so, whether it is in consequence of any intention to substitute iron for wooden ships of war, or to employ private builders more extensively than heretofore?

LORD CLARENCE PAGET replied that up to the present time there had been no reduction in the number of artificers employed in the dockyards, except such as had resulted from the omission to fill up the vacancies which had been caused by men leaving voluntarily. It was, however, the intention of the Admiralty that, on the 23rd of this month, a gradual reduction should commence, and should continue until the number of men employed in the dockyards was brought down to the fixed establishment. The men who were discharged would have railway passes given to them to return to their homes, and every other reasonable indulgence would be afforded to them on leaving the service. During the autumn it became evident that the work in the yards was in so forward a state that it was no longer necessary to retain the enormous establishments which then existed; but it was thought that it would be unfair to discharge men at the commencement of the winter, and the reduction had been postponed till the present time. In reply to the second part of the question, he had to state that the reduction certainly had reference partly to the substitution of iron for wooden ships. The Admiralty were now building six large iron ships by contract, and one in Her Majesty's Dockyard at Chatham, in order that they might test the comparative cost of the two systems of building.

RAILWAY ACCIDENTS.

QUESTION.

MR. BENTINCK asked the President of the Board of Trade, Whether, in consequence of the numerous Railway accidents which have recently occurred, it is the intention of Her Majesty's Government to introduce any measure during the present Session, founded on the Report of the Committee on Railway Accidents, which was laid on the Table of the House in the year 1858?

MR. MILNER GIBSON said, the Report of the Committee, of which he believed the hon. Gentleman who put the question was Chairman, had received the careful consideration of the Government. With regard to one of the recommendations of the Committee—that the Board of Trade should apply to Parliament for power to enquire into railway accidents, and to report to Parliament—he had to state that though the inquiries which were now made were without the authority of law—were made on sufferance in fact—yet it was practically found that the railway companies showed no indisposition to give all the information in their power; and therefore it was not thought necessary to apply to Parliament on the subject. If the railway companies were to evade inquiry, or to refuse information, then probably it would be the duty of Government to come to Parliament for sufficient powers. With regard to the recent accidents, he had applied to the Railways Inspectors and had been informed by them that—

> "All the accidents which have occurred since the prorogation of Parliament have been inquired into, and the reports upon them will be presented to both Houses very shortly. The inspecting officers have been carefully investigating the recent cases of broken tires, and it is proposed to send a circular to all railway companies."

There was another important recommendation of the Committee, to the effect that means of communication should be established between the guard and the engine driver. He believed that such means of communication were most desirable, and he had been informed that there were recent cases of railway carriages having been dragged along without wheels for some distance without the driver's being aware of it. But it was a question whether a Bill ought to be introduced into Parliament to make such communication compulsory. Many of the railways had already adopted some plan of communication, and he thought it was not desirable to interfere more than absolutely necessary with the freedom of action of railway companies, or to relieve directors from the responsibility of conducting the traffic with due regard to the safety of the public. It was not, therefore, the intention of the Government to introduce any Bill into Parliament giving them further powers with respect to railways.

GRANT.—THE FAMILY OF TIPPOO SULTAN.—QUESTION.

MR. WYLD asked the right hon. Baronet the Secretary of State for India, if he will lay upon the Table of the House a copy of any Despatch or Despatches which may have been sent to the Government of India during the year 1860, by which any sum of money has been ordered to be paid or secured to any of the descendents of the late Tippoo Sultan; and, of any Document or Documents showing the grounds on which such Order had been made?

SIR CHARLES WOOD said, that as an hon. Member opposite had given notice of a similar but more comprehensive question upon this subject for to-morrow, he would postpone any observations which he might wish to make till that day, when he should have an opportunity of making a more detailed statement upon the subject, but he was quite ready to give the papers for which the hon. Gentleman asked.

INDIA.—DELHI AND LUCKNOW.—PRIZE MONEY.—QUESTION.

SIR MINTO FARQUHAR asked the right hon. Baronet the Secretary of State for India, Whether he can state when the distribution of the Delhi and Lucknow Prize Money is likely to take place; and what is the course to be pursued with reference to the Kirwee and other Indian Prize Money?

SIR CHARLES WOOD said, that a warrant for the distribution of the Delhi and Lucknow prize money had been forwarded to India. Early in autumn, in anticipation of the issue of that warrant, he wrote to the Government of India desiring them to take such measures as they could to further that, which was the first step to be taken by them, the preparation of the prize rolls, upon which depended the fixing of each man's share. That would necessarily occupy some time. When the rolls were completed, the prize money would first be distributed to the claimants in India; the remainder would be sent home for distribution in this country. With regard to the Kirwee money, a legal question had been raised, and the Courts, or at any rate the Advocate General at Calcutta had to consider whether the property taken in that fortress was prize money or not, and, until that legal question was decided, he could not give any further information on the subject. As to the remaining prize money, a committee of officers had considered the matter, and recommended that the entire of it, with the exception of the Delhi and Lucknow prize money, should be thrown into a common fund and distributed among the army generally. The Government of India had been asked to give an opinion on this recommendation, and until that opinion was received he could not state what conclusion would be arrived at on the question.

INDIA.—AMALGAMATION OF THE INDIAN ARMY.—QUESTION.

SIR MINTO FARQUHAR asked the Secretary of State for India, Whether the scheme for carrying out the amalgamation of the Indian Army has been completed, and forwarded to India for promulgation; and whether he had any objection to lay a Copy of the scheme upon the table of the House?

SIR CHARLES WOOD said, that despatches had been sent to India containing the directions of the Government with respect to the amalgamation of the local army with the Queen's troops, and one of the documents connected with the subject had already appeared in the *Gazette.* The Governor General had power, in conjunction with the Commander-in-Chief, to modify to a considerable extent the instructions sent from this country. Therefore it was not desirable to give a copy of despatches, which might be modified in the Order which was actually promulgated to the army. Consequently, he preferred not to lay the papers on the table of the House until he was in possession of the official document actually issued.

SIR MINTO FARQUHAR inquired if the Governor General had power to promulgate the Order when modified by him without waiting for the assent of the Home Government?

SIR CHARLES WOOD replied that the Governor General had power to issue the modified Order in India without previously sending it home for approval.

THE CORRUPT PRACTICES ACT.

QUESTION.

MR. GRIFFITH asked the Secretary of State for the Home Department, Whether the Government has any intention of bringing in a Bill for the amendment of the Corrupt Practices at Elections Act, according to the understanding on which the Select Committee of last Session on that subject was appointed?

SIR GEORGE LEWIS said, that a Bill on the subject had been proposed, and was nearly matured. It would, however, require some further examination. When it was ready he would ask leave to introduce it.

MR. T. DUNCOMBE asked the right hon. Baronet, whether he was prepared to state the intention of the Government with respect to Wakefield and Gloucester, whose writs had been withheld last Session in consequence of corrupt practices?

SIR GEORGE LEWIS said, that it was his intention to include in the Bill to which he had just referred, clauses referring to boroughs in which writs were suspended in consequence of Reports of Commissions.

MR. T. DUNCOMBE asked the right hon. Baronet, whether he was aware that it was competent at that moment to any hon. Member to move for the issue of writs in the cases to which his previous question applied? Did the right hon. Gentleman intend to continue the suspension of the writs until his Bill was introduced? Would not such a proceeding be a dangerous innovation on the rights of the House and of constituencies?

SIR GEORGE LEWIS said, that all he proposed to do with respect to those two boroughs was to move a Resolution similar to that of last Session, by which it was agreed that no writ should issue for either of them without a week's notice. Such a Resolution enabled the House to retain the matter in its own hands.

MERCHANT SHIPPING.—QUESTION.

MR. LINDSAY asked the President of the Board of Trade, What measures the Government propose to introduce this Session to carry into effect the recommendations of the Merchant Shipping Committee of last Session?

MR. MILNER GIBSON said, that two Bills had been prepared by the Government for the purpose of giving effect to some of the recommendations of the Merchant Shipping Committee. Those Bills would be laid before the House in the course of a fortnight, and the period of their introduction would be the most fitting time to state their provisions.

EDUCATION.—QUESTION.

MR. ADDERLEY asked the Vice-President of the Committee of Council on Education, When the Report of the Education Commissioners is likely to be presented to the House; and, whether the Government intend giving an early opportunity, after its presentation, for its discussion?

MR. LOWE said, that the Committee had learned from the Commissioners that the Report would be presented in the course of this month. With regard to the second part of the hon. Gentleman's question, he need hardly observe that the Government would require time to consider a document of such importance; and therefore he could not now state what course they would ask the House to take in reference to its contents.

MR. GRANT DUFF gave notice of his intention to move an Address for a Royal Commission, to inquire into the state of the higher School Education in England and Wales.

QUEEN'S SPEECH.

Queen's Speech *considered:*

Motion "That a Supply be granted to Her Majesty."

Committee thereupon *To-morrow.*

BANK OF ENGLAND (CONSOLIDATED FUND.)—COMMITTEE.

On the Motion of the CHANCELLOR of the EXCHEQUER,

Copy *ordered* "of Correspondence between the Chancellor of the Exchequer and the Governor of the Bank of England."

Copy *presented* accordingly and laid on the Table.

Bank of England Consolidated Fund *considered* in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER:—Sir, I rise for the purpose of moving Resolutions on a subject of considerable importance; but at the same time those Resolutions are not, I think, of a nature to call forth any expression of judgment on the part of the House on the most important part of the plan which I shall have to propose. They are not Resolutions containing, in fact, the main proposition of that plan; but they are Resolutions required by the House as a necessary preliminary to allow me to submit the plan itself. The Resolutions I have to submit are two; one to alter the mode in which the Bank of England at present receives payment from the State on account of its charge for the management of the National Debt; and the second, the mode in which the Bank of England makes certain allowances to the State, first of all on account of the exemption which it enjoys from stamp duty on its notes, and, secondly, on account of the profit which it is estimated that it derives from the issue of its notes. The mode in which the matter is regulated at present is this:—An Act of Parliament passed in 1808 assigns to the Bank, without any specific limit as to time, a certain remuneration for its trouble on account of the management of the public debt. The Act of 1844, passed by Sir Robert Peel, fixes the amount which the Bank should pay on account of its exemption from stamp duties, and fixes also a certain amount and a certain rule in respect of the sum paid by it on account of its profits by the issue of notes. By the provisions of that Act, the sums due on these several accounts are to be deducted from the remuneration payable to the Bank on account of its management of the public debt. That arrangement of the Act of 1844 was perfectly agreeable to the mode of dealing with the public revenue which was in use at that time, and according to which it was common, especially when it was considered that there was absolute occasion for it, to make large deductions out of the revenue—of the payments to the public revenue--before it was brought into the account of the Exchequer. The only question on which I shall ask the Committee to give a vote to-night is virtually this—whether they will apply to these charges in connection with the Bank the principle adopted by the Act of 1854—namely, that the allowance which the Bank makes to the State in respect of certain privileges which it enjoys—shall be paid directly to the State and shall constitute part of the public revenue; or on the other hand, that the charge of the Bank against the State on account of the management of the public debt shall likewise be a charge on the Consolidated Fund, payable to the Bank in gross, instead of merely the residue after deducting the payments, as at present. This, as the Committee will see, is a very simple matter, and I think can hardly lead to any difference of opinion. With respect to the communications which have passed between the Bank and Her Majesty's Government, the Committee are probably aware that these embraced other changes; but these, I think, will be most conveniently discussed when the Bill which I shall hope to introduce is before the House, particularly as the measure will be very simple in its terms, and will in a great degree carry on the face of it its own explanation. I have only just presented to the House, in obedience to its order, certain papers, which, I believe, will complete any explanations which the Government have to offer on the subject of this measure. I may, however, state in a few words what the general effect of the arrangement will be should it receive the sanction of the House. There are four points on which changes are to be made over and above that which I ask the Committee now to sanction by direct Resolution. In the first place, we propose to fix a specified term of years during which the Bank shall receive a fixed rate of remuneration for managing the National Debt; in the second place, it is proposed to change the basis on which Terminable Annuities now stand, for the purpose of determining the remuneration due to the Bank. These annuities are now taken at twenty-five years' purchase; they will hereafter be reckoned at fifteen years' purchase, when they have been granted by Parliament for a period exceeding fifty years; and at ten years' purchase when granted by Parliament for that or a less term. We further propose to alter the rates of remuneration; and this, of course, is the point to which the attention of the House and the Committee will be principally directed. I will not now enter into any statement respecting these rates, which hon. Members will gather with more convenience to themselves from the papers to be laid on the table; but the general effect will be this:—The remuneration now received by the Bank for managing £736,000,000 of public debt is about £250,000 a year; while under the new rates it will be as closely as possible £200,000,—the difference being a saving to the public of £50,000 a year. Lastly, in agreeing to this reduced rate of remuneration, the Bank of England have likewise undertaken to render increased services to the public by affording facilities for the payment of dividends at their branches in the country to those who may wish to receive them, and by shortening materially, if they cannot altogether abolish, the periods of "shutting," a step which will, I believe, afford a very material increase of facility and convenience to all transactions in the funds. The Committee will, I hope, understand that if the papers have only just been presented to them, it is because the documents necessary for their information were only completed this morning, when a meeting of the proprietors of the Bank of England was held for the purpose of considering these arrangements. But, although I ask for no expression of opinion, and although the Resolutions I propose involve no approach to an expression of an opinion, upon the general propriety and fairness of the plan, I should certainly not think it right, even at this preliminary stage of the subject, to address the Committee without expressing my hope that, all things considered, they will regard this as a fair and equitable arrangement, and, above all, without bearing testimony to the very considerate and conciliatory manner in which the whole of the communications connected with it have been conducted by the authorities of the Bank, and to the wise and enlightened spirit in which they have approached the consideration of a question which, if viewed in a spirit more narrow and less open to reasons affecting the great public interests connected with the maintenance and prosperity of that establishment, might have become far more difficult to deal with. With this explanation I beg to place in your hands the two Resolutions relating to the method of settling accounts with the Bank of England. The right hon. Gentleman concluded by moving the following Resolutions:—

"1. That it is the opinion of this Committee that any sums which are or may be by Law payable to the Governor and Company of the Bank of England, on account of the Charge for Management of the Unredeemed Public Debt, shall henceforward be paid out of the Consolidated Fund of the United Kingdom.

"2. That it is the opinion of this Committee that the payments now made by the Governor and Company of the Bank of England as prescribed by the Act 7 & 8 *Vict.*, c. 32, by way of deduction from the Charges of Management of the Unredeemed Public Debt, shall henceforward be payable and paid by the said Governor and Company of the Bank of England as follows; that is to say, the sum of £60,000, being a composition for Stamp Duties to Her Majesty's Inland Revenue, and the whole allowance out of profits of Issue, being at this present time £128,078, to the Exchequer, to form part of Her Majesty's Miscellaneous Revenue."

SIR HENRY WILLOUGHBY asked whether the proposed rate was to be secured to the Bank of England for a term of years?

THE CHANCELLOR OF THE EXCHEQUER said, the Resolutions did not involve any expression of opinion on that point, which would be dealt with by the Bill hereafter to be introduced.

Resolutions *agreed to;* to be reported *To-morrow.*

PAROCHIAL ASSESSMENTS.—LEAVE.

SIR GEORGE LEWIS, in moving for leave to introduce a Bill to amend the law relating to parochial assessments in England, said it was not his intention to propose any alteration in the existing law of rating, to alter any of the rules determining the liability of property to local rates, or defining the different proportions in which those burdens affected different classes of property. All he proposed was to introduce certain improvements in the mode in which those burdens were assessed upon the ratepayers. Gentlemen who had paid attention to the subject, knew that the present law of parochial assessment was defective in its operation, inasmuch as it often happened that an accurate assessment, when made, was not followed by the parish officers, who might depart arbitrarily from it, and impose a rate based on another assessment, framed on less accurate principles than those which guided the levy of the poor and county rates. The object of the Bill was to introduce greater uniformity and certainty into the form of making the assessments on which rates were levied, and to deprive the parish officers of this discretionary power. He proposed that the measure should be limited to the poor rates and to various charges paid out of the poor rates and the county rates. With respect to counties, he proposed that the justices should appoint a Board out of their own number of not less than five and not more than eleven, to be called the Assessment Board for the county; and that in boroughs a similar Board should be appointed by the Town Council. These Boards are to have power to require returns from the parish officers, to enforce the production of the rate books, and to examine witnesses. It would be incumbent on the overseers of each parish to prepare a valuation roll, of which roll the Assessment Board would have the supervision. Objections to the valuation might be made within fourteen days, and the Assessment Boards were empowered to hear and decide upon those objections; but in questions of law relating to the rating, an appeal was to be open to the Quarter Sessions, and from them to the superior Courts. When the valuation list was approved by the Assessment Board, it was to become the valuation enforced in each parish, and it would not be competent to the overseers to depart from it. Their duty would be to impose every assessment in accordance with the rate thus sanctioned by the Board, until such valuation was revised as new property grew up. There were subsidiary enactments with which he would not trouble the House. It would be seen that the Bill was exceedingly simple in its machinery—that, if acted upon, it would produce a uniform system of assessment in parishes, and that it would prevent overseers applying arbitrarily an assessment to any property. It would be recollected that in the discussions of last Session, it was alleged that, in a large number of rural parishes, the valuation that appeared on the ratebook was considerably lower, sometimes by 10 and 15 per cent, than the proper rateable value of the property; but such an objection would be obviated by the passing of the measure which he now proposed.

Mr. DEEDES agreed that it was most desirable that a uniform system of rating should be established throughout the country. Great discrepancies existed in parishes even very near to one another, especially in the rural districts; but he did not see, so far as regarded the county rates, at least, that the proposed enactments of the right hon. Gentleman would practically alter the existing system. There was at that moment in counties a standing committee of justices charged with the special duty of supervising the rates of assessment in the different parishes, in order to see that where new property had grown up, or property had acquired greater value, the assessment should be regulated accordingly. They had the power of calling the overseers before them, and of inspecting the ratebooks, and were constantly altering and bringing up to their full value assessments upon property. Without wishing to oppose the introduction of the Bill, he was at a loss to see what improvement it would effect in the system of rating.

Sir GEORGE LEWIS was aware that the law was what had been stated by the hon. Gentleman in the case of county rates; but his object was to assimilate the practice with respect to poor rates and county rates. By this Bill the poor rates and county rates would both be levied upon the same assessment.

In answer to Mr. Sotheron Estcourt,

Sir GEORGE LEWIS said, he would have no objection, if it was desired, to introduce a provision in Committee, including highway rates in the Bill.

Bill to amend the Law relating to Parochial Assessments *ordered* to be brought in by Sir George Lewis and Mr. Clive.

HIGHWAYS.—LEAVE.

Sir GEORGE LEWIS rose to move for leave to bring in a Bill for the better Management of Highways in England. As the Bill was substantially the same with that which he brought in last year, and which passed the second reading, it was unnecessary for him to trouble the House with any detailed explanation of its provisions. He would only impress upon the House that every year that passed rendered it more expedient to have legislation on this subject. The wide extension of railways had, to a great extent, superseded the old turnpike roads, many of which had become of only secondary importance; while, on the other hand, numerous parish roads, in consequence of their leading to railway stations, had acquired an importance which they did not formerly possess. This state of things was on the increase. Last year, in consequence of the great wet that prevailed, many parts of the country exhibited in a very marked manner the defects of the existing system of repairing parish roads, and showed the necessity of the measure which he now proposed to introduce. He believed the effect of the Bill would be to increase the efficiency of the machinery for repairing parish roads, while it would introduce a more economical application of the funds. In the Bill of last year there was a clause which made it voluntary with the magistrates of any county to adopt it or not. He thought it desirable to give this discretionary power to the magistrates, as they were best acquainted with the feeling of their own counties. He proposed to go one step further than by the Bill of last year, and to give a discretionary power to the magistrates to introduce the Bill into any division of a county where a county was divided for Parliamentary purposes.

Mr. SLANEY said, he thought the Bill would be productive of great advantages. But he wished to ask whether the right hon. Gentleman would not think it right to take some additional powers in the Bill to provide for widening roads where they crossed railways at right angles, and even in some cases to lay down horse railways on the roads conducting to railways where a great traffic was carried on. He believed —having seen these in work in another country which he had lately visited—that if adopted they would materially decrease the expense of maintaining roads, while they would in no way interfere with ordinary vehicles.

Mr. DEEDES tendered his thanks to the right hon. Gentleman for bringing in a Bill on the subject. He hoped the right hon. Gentleman would not delay proceeding with it, but push it on as fast as possible. He must say, however, that he regretted that the right hon. Gentleman had not felt himself strong enough to make the adoption of the measure compulsory. His (Mr. Deedes') belief was that nothing would ever be effectually done in this direction unless it was made compulsory. People were frightened at the bugbear of expense; but he did not believe the adoption of the measure would add to the expense chargeable on the ratepayers. On the contrary, he believed that the present mode of managing highways was the most expensive and inefficient that could be devised, while under the system proposed it would not only be more effective, but much less expensive.

MR. FREELAND asked whether certain returns which he moved for last Session, relating to Welsh Highways, were ready or could be laid on the table shortly? He would just say that he differed from the right hon. Gentleman opposite (Mr. Deedes) as to the Bill; and he hoped that it would be vigorously and successfully resisted at a later stage.

MR. HOPE asked whether there was any intention of bringing in a similar measure in reference to Highways in Scotland?

SIR GEORGE LEWIS said, the matter of which the hon. Gentleman (Mr. Slaney) had spoken would be a fit subject for discussion in Committee. With respect to the question of the hon. Member for Chichester (Mr. Freeland), he was unable to say when the returns as to Welsh Highways would be ready. As to the question of the hon. Member for Windsor (Mr. Hope), he might say that there was a Report of a Select Committee recommending extensive alterations in the Turnpike Law of Scotland; but he was not at that moment able to say whether any measure had been prepared for the purpose of giving effect to that Report; nor was it his intention at present to introduce any measure in reference to Highway-roads in Scotland.

Bill for the better management of Highways in England *ordered* to be brought in by Sir GEORGE LEWIS and Mr. CLIVE.

BUSINESS OF THE HOUSE.

SELECT COMMITTEE APPOINTED.

VISCOUNT PALMERSTON: Sir, I rise in pursuance of notice to propose the appointment of a Select Committee to consider whether any changes can be made in the forms and proceedings of the House which may tend to accelerate the progress of public business. It is well known that both in the House and out of it there has for some time past been an opinion that some of the forms which have hitherto been observed by this House may be dispensed with without injury to the public interest, and with a considerable acceleration of public business. It is well known, also, that several improvements have been made of late years in this respect. Much time, for example, has been saved by the regulation that no speeches should be made on the presentation of petitions. Much time has also been saved, and no injury to the public service has been sustained by the rule that when a Bill has once gone into Committee, the House may go into Committee upon it at any other time as "progress," without any specific Motion. We have saved some time by referring Bills of a similar kind to the same Committee. Various improvements have, in fact, been made, all of which have tended to accelerate public business, and I am not aware that any complaint has been made that these changes have interfered with the full discretion that has and ought to be enjoyed by the House in dealing with the matters brought under its consideration. Undoubtedly we ought to be very cautious in changes of this description; taking care that while on the one hand the public business shall be expedited, and that no time shall be unnecessarily lost in transacting business, yet, remembering on the other hand that expedition is not the sole purpose for which this House meets. We meet for the purpose of giving a full and ample consideration to all the matters that come before us, and we ought not to adopt any shortened forms of procedure that might prevent the full and ample discussion of the questions that are brought under the notice of the House. It is, therefore, not desirable that the Executive Government should take upon themselves to propose any specific measures to the House on this subject. Those measures deserve to be considered by a Committee, and not a small Committee, which shall embrace a sufficient number of Members who are experienced in the proceedings of this House, and qualified by its numbers and impartiality to suggest the changes that may accelerate business and not interfere with full discussion. Now there are several suggestions which have been made in different quarters. I will merely mention them as illustrations, without proposing them as matters which the Committee will have to consider, although some of them having been recommended by competent persons will naturally be among the suggestions that the Committee will consider. One suggestion which has been made—not so much in this as in the other House of Parliament—is, that Bills which, when a prorogation takes place, have gone through several stages shall be taken up in the succeeding Session at the particular stage where they were left, and go on as if the Session preceding had been continued. That suggestion I will not now give an opinion upon. There is another suggestion—namely, that in the early part of the Session—say until Easter—an additional day in the week should be given to Government measures. At present the Government have only two days in the week; and it has been suggested that the Committee should consider whether it would be encroaching too much on the days allotted to private Members to give the Government another day until the Estimates are passed, or until Easter or some other time. On that suggestion I give no opinion either, and it will be for the Committee to consider it. It has also often been discussed whether some limit ought not to be put to the practice of giving Notice of Motions on the adjournment of the House from Friday to the succeeding Monday. Well, that is a matter which has been frequently discussed in this House. Many opinions have been expressed, some one way and some another, and it is a matter which the Committee will deem it their duty well to consider and to report their opinion upon it. It has also been thought by many that a good deal of public inconvenience arises from the extreme latitude of making Motions on going into Committee of Supply. The result is, that at a particular time of the Session the Estimates that ought to be considered, and any delay on which is often highly inconvenient to the public service, are put off by the interposition of Motions on going into Committee of Supply. Another inconvenience is, that Gentlemen who come down prepared to discuss the Estimates find the House talking about Syria, India, Italy, or anything else. That, also, is a matter which the Committee would no doubt take into consideration. At the same time it must be admitted on the other hand, that our maxim is that Grievances and Supply go together; and that, consequently, when Supply is mentioned, people are permitted to talk upon anything else. Then, again, there is the practice, which has grown up very much of late years—grown up, indeed, so much that you, Sir, have never thought right to interfere with it, but which I apprehend is really and truly a departure from the strict orders of the House—namely, the practice of a Member getting up, and, when about to make a speech without a Motion, and in a manner totally irregular, saying that he would put himself in order by moving the adjournment of the House; and then he proceeds to speak on a subject totally unconnected with the question whether or not the House should adjourn. Subject to your correction, I apprehend that if the strict rules of the House were enforced, requiring the Member who speaks to speak to the question before the House, the Member ought properly, when the question is, "that the House do adjourn," to confine himself to giving reasons why the House should or should not adjourn, and that to dilate upon every other possible topic is not according to the strict rules of the House. Without giving any opinion as to what might be done on that point, I think it is one of the questions which the Committee will have to consider. I have only thrown out these various suggestions as those which I bear in mind at the moment as having been made by different Members at different times. I propose that the Committee should consist of twenty-one Members, which number would enable it to comprise Members of experience on both sides of the House; and I should hope that a Committee so appointed, going fairly into the consideration of the question how far we could alter the mode of conducting business without interfering with the perfect freedom and successful exercise of discussion might be attended—could not fail to be attended—with considerable public advantage. I, therefore, move—

"That a Select Committee be appointed to consider whether, by any alterations in the Forms and Proceedings of this House, the despatch of Public Business can be more effectually promoted."

Motion made, and Question proposed.

MR. HORSMAN said, he believed that the House generally was anxious to promote the object which the noble Lord had in view in proposing this Committee; but he would venture to say that the terms of reference in the proposed Motion were so narrow that they were likely to render the labours of the Committee inoperative. An alteration in the forms and proceedings of the House was the only point to which the Committee was to direct its attention; but as the noble Lord truly said, they had been improving the forms and proceedings of the House for many years: yet they still heard complaints as much as ever of the obstruction of the business of the House. They had Committees in 1837, 1848, and in 1854, and he thought he did not exaggerate when he said that at least nineteen-twentieths of the opportunities formerly afforded to Members to make speeches or Motions had been, and most of them very properly, abolished. But then the question was, whether these improvements had brought them to the condition they desired. On the contrary, did they not still hear that the evil continued or had increased? The most important of those improvements were founded on the Reports of the Committees of 1848 and 1854, and they were submitted to the House avowedly as experiments. Had the experiments succeeded? To judge by the result from the complaints made, they had not, but had failed up to the present time: and now it was proposed to proceed in the same direction, without considering whether they had not, to some extent, mistaken the malady under which the House suffered, and failed to administer the proper remedy. The House should consider whether there were not other causes besides defects in the "forms and proceedings," to which the evil might be attributed. The cause was not far to seek; it was stated in the Report of 1838, in words for which he believed the House was indebted to the right hon. Gentleman now in the chair; and he would suggest that the present Motion should be enlarged and improved by the adoption of some of these words. The changes made in the last twenty-three years had been immense. The noble Lord had mentioned one of the most important, and he would state some others. The noble Lord had referred to the former practice of debating on the presentation of petitions, and Lord Eversley had told the Committee of 1854, that on the presentation of a petition by Mr. Spring Rice from the University of Cambridge, a debate arose and lasted four days, the only Motion being that the petition "do lie on the table." Formerly, too, upon every Order of the Day being read, any Member might rise and get up a debate. That power was now very properly taken away. Then, on going into Committee of Supply, there were two distinct Motions put from the chair; first, "That the House resolve into a Committee of Supply;" and upon that every one of the 600 Members in the House might raise a discussion, and take a division; and next, "That the Speaker leave the chair," upon which again every Member might raise a discussion and take a division. This had been almost entirely taken away, and there only remained the power of making one Motion with a division on going into Committee of Supply. But the fact was that during the time when these impediments to public business existed, there was not on the part of the Government so much complaint made, or on the part of the House so much inconvenience felt, as at present. What was the cause of this? That was stated in the Report of the Committee of 1838, over which the present Speaker presided. That Committee made two classes of recommendations. One class applied to the forms and proceedings of the House and to the privileges of private Members, and this class was given effect to with great promptness and energy. The other class of recommendations applied to the conduct of business through the House by the Government, to the duties and responsibilities cast on the Government, and to the claims of the House on them. This class of recommendations was very much forgotten, and sometimes altogether disregarded, and the House appeared now to have no knowledge of them at all. The Report of the Committee of 1838 contained the following passage:—

> "Your Committee venture to express an opinion that the satisfactory conduct and successful progress of the business of the House must mainly depend on Her Majesty's Government, holding as they do the chief control over its management. They believe that by a careful preparation of measures, their early introduction, the judicious distribution of business between the two Houses, and the order and method with which measures are conducted, the Government might contribute in an essential degree to the easy and convenient conduct of business."

He, therefore, suggested that the terms of the proposed Motion should be enlarged by the insertion of these words of the Report of the Committee, so that the Motion would run thus:—

> "That a Select Committee be appointed to consider whether, by any alterations in the Forms and Proceedings of this House, and by the more careful preparation and early introduction of measures, by the judicious distribution of business between the two Houses of Parliament, and the order and method in which measures are conducted, the

despatch of Public Business can be more effectually promoted."

Now, he would ask whether the advice of the Committee with respect to the more careful preparation of measures, and their introduction at an early period of the Session, had for some years past been followed? In answering that question, he had no wish to take any particular Session as an illustration; but he thought he might fairly adduce that of last year as affording an average specimen of the mode in which the business of the Government was conducted. The number of Bills originating with the Executive which had last Session been submitted to Parliament amounted, he found, to upwards of 120 or 130—a number not quite in accordance with the advice of Sir Robert Peel, than whom no man knew better how to conduct the business of the House, and whose opinion it was that it was desirable not to introduce many Bills, but rather such a number as would be likely to be carried. He also found that a great many important measures had last Session been laid upon the table late in the Session; while some of the utmost importance, such for instance, as the propositions of the Government, in connection with Indian finance—a subject daily assuming an aspect of greater importance and difficulty—had not been brought under the consideration of the House until late in August. But was it the fact that the House prevented or impeded unduly the passing of Bills of recent years by taking advantage of its forms and regulations? In reply to that question, he would only say that he held in his hands a list of the Acts of Parliament which had been placed on the statute-book since the period of the Reform Act, and that by it it appeared that 154 public Acts had been passed last Session, that being the greatest number which had received the assent of Parliament in any one Session since 1832, while the highest number passed in any other year since 1832 was in the Session of 1853, when 137 Bills received the Royal Assent. Now, one circumstance, he might add, which operated very inconveniently in the transaction of public business, was the accumulation of Government Bills upon the table of the House at the end of the Session. To remedy the evils resulting from such a state, a Resolution had in 1821—in the days of the unreformed Parliament—been passed to the effect that it was expedient that during the current Parliamentary Session no more than twenty Orders of the Day for any proceedings on public Bills should be set down in the Order Book in any one day. The evil, however, in subsequent years continued to prevail, and he believed that last Session no less than fifty or sixty stood upon the Notice-paper for discussion at a single sitting. He was perfectly ready to assume that great difficulties in the conduct of the public business were felt by the Government, and he hoped that by extending the inquiry of the Committee, as he proposed, they would be enabled to afford the Executive some means of overcoming obstacles which had hitherto been deemed insuperable. He must, however, before he sat down, be allowed to advert to one other point on which the noble Lord in the course of his observations had touched—he alluded to the suggestion that an additional day in the week should be allotted to Ministers for the transaction of Government business. Now, there was broached in some quarters a new theory, hitherto quite unknown to Parliament and to the Constitution, that the most important functions of the House of Commons consisted merely in considering the measures submitted to it by the Executive. Such a theory might be all very well in the case of an assembly which was under the influence of a despotic rule, and which was called upon to do little more than to wait for and register the edicts of its master; but the British House of Commons had, he could not help thinking, much higher functions to discharge. It was, in the first place, its duty not to accept as a matter of course the propositions of the Executive, but to discuss, examine, criticise, and, if expedient, even to reject them; in short, to subject them to the same ordeal as if they had emanated from a private Member. But the British House of Commons had a still higher function to fulfil, and one, if possible, still more important, and that was the initiation of those great reforms which were from time to time effected in our political system by allowing private Members to introduce and discuss them until public opinion had attained that maturity upon them which rendered legislation not only necessary but safe. There was not, for example, a single great measure which had become law in this country of recent years for which the way had not been paved by means of discussions in that House raised by private Members upon those very Notice-days which there seemed to be now so strong a disposition to condemn. The noble Lord the Member for London had only the other night reminded the House that he dated his connection with the question of Reform as far back as the year 1819. The agitation of Reform had begun in the House of Commons long even before that time, and he should like to know how many nights subsequently the occupants of the Treasury Bench had sat listening to those lectures of the noble Lord and his Friends on the subject, which enabled him to achieve, as a Minister, in 1832, the object for which he had, as a private Member, laboured in 1819. It was by means of such discussions, raised Session after Sessionb y private Members, that Governments were set in motion and great reforms accomplished. The measure, for instance, which stood first in point of importance in the Ministerial programme for the present Session—the Bankruptcy Bill—the noble Lord the Member for London had, when sitting on the Opposition side of the House, made to so great an extent his own as to give it a character of importance and urgency which had caused it to assume a foremost place in the Parliamentary scheme of every succeeding Government. The noble Lord the Member for Tiverton had most truly and properly stated in the course of his observations that evening, that time, though an important element in the transaction of the business of the country, yet was not the most important. He trusted, therefore, that the Committee, if appointed, would take care duly to guard the rights of private Members as well as the rights of the minority in that House. In the struggles of minorities, in the battles they had fought and the victories they had achieved, were to be found the best and truest tribute to our free institutions; by them was furnished the most glorious chapters in our constitutional and national history. In reference to the point of making further concessions to the Government with respect to the transaction of public business, he must say he thought the Executive ought to be dealt with in that particular by the same rule as private individuals, and vigilantly watched lest they might be found more slovenly in the preparation of their measures, and more tardy in introducing them, the more time was given them for the purpose.

Amendment proposed,—

"After the word 'House' to insert the words 'and by a more careful preparation of measures, their early introduction, the judicious distribution of business between the two Houses, and the order and method with which measures are conducted.'"

Question proposed, "That those words be there inserted."

MR. DISRAELI:—I am at a loss to understand what the grievance is that is complained of. The House of Commons has, in recent years, got through a great amount of business, and has, upon the whole, discharged its duties in a very satisfactory manner. Far from perceiving that it has shown itself unable to cope with the vast number of questions which have come before it for legislation, I can call to mind several instances in which it has exhibited a somewhat precipitate spirit in dealing with them — insomuch so that several Bills have been passed through the House which it has been found in the Sessions immediately subsequent to their enactment expedient to alter and revise. For my own part, I shall not take it upon myself to oppose the Motion of the noble Lord, and I am ready to admit that occasional criticism on our proceedings and forms may be advantageous rather than otherwise, as it has proved in former times. Circumstances change; the character of the business which comes before us, as well as its quantity, varies, and, no doubt, some of the regulations which exist for the due despatch of that business may from time to time be found to be obsolete, may with propriety be abolished, or so modified as to meet the requirements of an altered state of things. I myself served on two of the Committees to which the right hon. Gentleman who has just spoken has referred. Evidence was adduced before us by gentlemen of great experience as to the mode of procedure with respect to the transaction of public business in the Legislature of America, and in that of France when she possessed a Parliamentary constitution. The Committee, having heard that evidence, made certain recommendations, which were, I think, upon the whole, advantageous. I should, however, for my own part, be sorry to see any change introduced into the forms of the House which would tend largely to alter the mode in which our business is now transacted. I have frequently given expression to the opinion which the right hon. Gentleman has stated in terms so much better to-night—that the primary duty of the House of Commons is not to pass the measures of the Executive. The House, as a part of the Parliament, is the great Council of the nation. We are summoned here to advise Her Majesty as to the means by which the services of the country may be carried on, and to express on subjects which engage public attention the opinion of our constituents. These are our chief duties, which we must never fail to remember. The legislation of the Government is the result of a mature observation of that public opinion, and when laid before us in the shape of a proposed law it deserves and demands our attention. Hitherto, at all events, I think we have successfully shown that we are not inattentive to the claims of the Government upon our time. I cannot, however, give to the Amendment of the right hon. Member for Stroud the same approval which I do, generally speaking, to his speech. It implies a censure upon the Government relative to their mode of transacting business. The language in which it is expressed has been borrowed from the Report of one of our Committees, but the original authors did not presume to offer in the shape of a Resolution those critical observations which the right hon. Gentleman now wishes the House to adopt. As critical observations they may or may not be proper and pertinent; but to adopt them as the material of a formal Resolution is altogether another matter, and appears to me to be improper and inexpedient. I have no doubt the Government, like all their predecessors, have at times shown a want of skill in conducting the business of the House, and to the unskilful management of our business may be traced many of the objections of which we hear so much. But the noble Lord and his colleagues have at least profited by the experience of last Session, and there appears to be no prospect at present of measures of an unnecessarily comprehensive character being brought forward. Seeing, then, that there is a fair chance of our getting through our business in a manner which may be satisfactory even to the most hostile critic in or out of doors, I think it unnecessary to open our Session with a Resolution which certainly is not of a courteous character. If it merely amounted to a declaration that a "careful preparation" of measures would be advantageous, it might have been admitted as a general proposition; but it is unnecessary, and, in my opinion, altogether ill-advised, to bring forward a Motion that "a more careful preparation" of measures by the Government is required. To resolve that a "more careful" preparation of measures by the Government is required would imply no light censure, and, not being founded upon any practical measure mentioned in the Amendment, appears to be unnecessary. I trust, therefore, the right hon. Gentleman will not press his Amendment, but will be satisfied with the Motion of the noble Lord, because that Motion contains all with which the House can deal. We can deal with our forms and proceedings by Resolutions, but not with the discretion or ingenuity of Government. We cannot by a Resolution give tact to a Minister who is entirely destitute of that valuable quality, nor can we by a Resolution effectually restrain what is called unnecesary oratory. Let us confine our attention, therefore, to our forms and proceedings. I am prepared to vote for the Motion of the noble Lord, and I hope the right hon. Gentleman will not press his Amendment, which—though he might not perhaps perceive it at the moment—in the opinion of many on both sides conveys an uncalled-for censure upon those who are intrusted with the conduct of affairs.

MR. BRIGHT: I concur in much that has been said upon this subject, but I cannot give my assent to the Amendment of the right hon. Member for Stroud. The Motion of the noble Lord at the head of the Government is, no doubt, according to precedent, and it is quite clear that no practical result could follow from the adoption of the Amendment. I presume the House would never think of passing a Resolution that the Government should not introduce a Bill after a certain day, or that a Select Committee of gentlemen out of doors should be appointed to prepare Government measures, or that certain Bills should be introduced into the House of Lords, and certain other Bills into this House. These, however, are the particular points to which the right hon. Gentleman referred in his speech, and which he has embodied in his Amendment. It is obvious that all that must be left to the custom of Parliament and the public opinion of the House, forcing intractable Members and slow Governments to take the course which suits the House best. I hope, therefore, the right hon. Gentleman will not press his Amendment. At the same time, I think the noble Lord ought to tell us that the Committee will be at liberty, whatever the order of reference, to give us all the assistance they can by recommending to the House any change in the mode of conducting business which they think may accelerate it. The great difficulty experienced in the management of public business seems to be this—that there sits on one side of the House about as many men as sit on the other, and that it is the acknowledged duty of the leader of the Opposition to prevent the Government doing almost anything. When the right hon. Gentleman the Member for Bucks and his friends occupied the Treasury Bench there were Members on the other side who served them in the same way. Now, if the House be a fair representation of the people, if the population be so evenly divided in opinion that there can be no majority, business must necessarily go on very slowly, and only those things can be done as to which Members are agreed. That being so, we must wait patiently until either the Members of this House, or the people, have become intelligent enough to give a majority to one side or the other.

SIR GEORGE LEWIS:—I trust the House will not think my noble Friend has made his Motion either upon light grounds or for any object of the Government. The House will probably bear in mind that last Session there were several Motions presented to it upon the subject of its forms and proceedings. Early in the Session there were Motions made which gave rise to debates upon the mode of conducting business on Fridays. Near the close of the Session the hon. Member for Dumfries (Mr. Ewart) moved a string of Resolutions proposing material alterations in the forms and proceedings of the House. Those Resolutions underwent discussion, but they were eventually withdrawn, upon the express assurance that a Committee should be moved for to consider the subject early in the present Session. Later in the Session my hon. Friend the Member for Finsbury (Mr. T. Duncombe) made some other proposals relating to the forms of the House. He received a similar assurance, and upon that assurance he likewise withdrew his Resolutions. The House will see, therefore, that the Government would have been wanting to their duty, and would have failed to fulfil the promises they made last Session, if they had not submitted to the House a Motion of this sort. Certainly we do not submit it with any selfish view of our own. The House ought also to bear in mind another fact—namely, that a noble Earl, a very distinguished Member of the other House, and a man of great Parliamentary experience, not only in that House but also in this, submitted to the House of Lords in July last a Motion to the following effect:—

> "That a Select Committee be appointed to inquire into and consider the best mode of carrying on the Parliamentary Business."

That Motion—introduced in a speech which I recommend to the attentive perusal of every Gentleman who wishes to make himself acquainted with the manner in which the business of both Houses is conducted—was not pressed to a division; but it will probably be renewed in the present Session, and affords another strong reason why my noble Friend should make the Motion now under consideration. His wish is that the terms of reference should be as wide as possible, and that nothing which could properly come within the consideration of the Committee should be excluded from its attention. It seems to me that the words selected, namely, "the forms and proceedings of this House," are about as wide as it is possible to conceive. I know nothing which does not fairly come within their scope. Several of the points adverted to by the right hon. Member for Stroud (Mr. Horsman) come within the description of the proceedings of the House. But the right hon. Gentleman says that description is inadequate, excluding various matters which the Committee ought to consider; and in order to supply the defect he resorts to one of the strangest expedients which ever came under my notice. He proposes to insert, as a subject of inquiry, the recommendation of a previous Committee. Well, now, I suppose we are all agreed that "a careful preparation" of measures is itself very desirable, and also that at an early period of the Session all measures the House can consider should be brought under their attention. But I do not conceive that this is a subject for inquiry before a Committee. It is a Parliamentary truism which we all admit; and to make it the subject of reference to a Committee, independently of all question of censure on the Government, or the choice of invidious expressions, is quite superfluous and uncalled for on this occasion. I, therefore, think it my duty to object to the insertion of those words. I think the House will accomplish all it now seeks to attain by the form of words proposed by the noble Lord. I do not wish to anticipate the labours of the Committee; but, inasmuch as my right hon. Friend has sought to make it appear that the Government have some peculiar interest in diminishing the time that is at the command of private Members, I wish to place before them what I consider one defect in the arrangement of Parliamentary business. If Government looked simply to selfish ends, they could have no interest in increasing the time at their disposal. Their labours are rather greater on those nights devoted to their measures than on those devoted to the measures of independent Members. The Government business includes not only Bills but the Estimates, all the financial measures which it is necessary for the Government to submit to the House, and which the House must dispose of before the Session can terminate. Well, now, the effect of the arrangement by which business is now conducted is, that out of five days in the week, three before Easter are entirely devoted, or almost entirely devoted, to the business brought before the House by independent Members, and the Government only command two nights in the week before Easter. It happens that in that early part of the Session the principal Government business brought before the House is the Army and Navy Estimates; then, on the two nights appropriated to Government business there is the power of making Motions on going into Commiteee of Supply. The Government have not, in fact, entire command of two nights. The two nights appropriated to Government business before Easter are to a very considerable extent diminished by Motions on going into Committee of Supply. To an official Member who comes down to the House to move Estimates it is a matter of indifference whether they come on or not—he must remain in the House; but to independent Members, who come down at six o'clock, expecting the Army or Navy Estimates to come on, it is very different. They find a debate going on about some Indian rajah or some island in the Pacific, or any other subject wholly unconnected with the Estimates. That to them is a great inconvenience, because they do not know how long the debate may last. They may go away for a couple of hours; they return, perhaps, at nine o'clock to make a speech on the Army Estimates, but they find it then too late. This is of perpetual occurrence, in consequence of the way in which the Estimates are often brought on. It is not correct, as the right hon. Gentleman states, that only one Motion can be made on going into Committee of Supply. A series of Resolutions can be moved or observations made, occupying a long time, and it is only when a division takes place that the rule to which the right hon. Gentleman alludes is called into operation. The consequence of the way in which we arrange matters before Easter is that a large part of the legislative business is thrown forward to June, July, and sometimes August; and every one knows how the pressure then operates, requiring that all the powers both of mind and body should be taxed to the utmost, and what great inconvenience arises from that cause. This was the subject to which Lord Derby called particular attention in the House of Lords last Session; and if the House will permit me I will read one sentence in which he summed up the great objections to the present mode of conducting the legislative business, by which a large number of Bills is thrown into an advanced period of the Session.

> "The House of Commons, having one stage more for every Bill than your Lordships, and originating a greater number of Bills, the Government having only two days for the conduct of the Government business, those two days being greatly occupied by Motions in Supply, and those Motions being liable to interruption and great delay from the introduction of other subjects, the time for legislation at their disposal may be regarded as almost *nil*, and the result is that the number of Bills which received the Royal Assent before the end of July is comparatively small. From the year 1848 to 1860, but not including this year, the average number of Bills that received the Royal Assent up to the end of July for each year was 61, while the average number that received the Royal Assent from the end of July up to the end of August was also 61; that is to say, the number of Bills passed in a month when there is a very small number of Members of either House in attendance is equal on an average of years to the number that received the Royal Assent in all the five preceding months of the Session."—[3 *Hansard*, clix, 2134.]

That is the summary Lord Derby gives of the effect of the present mode of arranging Parliamentary business. The remedy he recommended was that Bills should be continued from one Session to another, and that a Bill which passed one House one Session might be taken up by the other House in another Session without going through all its stages in both Houses. Whether that remedy is practicable I do not stop to inquire; I only say that the effect of our arrangement with regard to the transaction of Parliamentary business necessarily is to throw a very large portion of it to the very end of the Session, and that any general Resolutions with respect to the early introduction of Bills will be perfectly barren until some time can be afforded for the consideration of them. Last year the Government measures were introduced quite early in the Session, but they were postponed night after night and week after week, and the constant complaint of Members was that they did not know when they would come on. If Government introduced measures for which no time could be found, what would the right hon. Gentleman gain by his formula for the early introduction of them? It is quite clear you cannot lay down an inflexible rule on this subject. Something must be left to the discretion of the Government for the time being. If the Government of the day do not transact the business of the House in a becoming and creditable manner the House has the remedy in its own hands—not the remedy of inserting a few insignificent words in a reference to a Committee, but a more stringent remedy, the *ultima ratio*, in such cases, must be resorted to. I trust the House will not think it necessary to insert the words of the Amendment, but that they will agree to the Motion as originally proposed by my noble Friend.

MR. NEWDEGATE said, that since he had himself been the first to direct the attention of the House to this subject last Session, and had laid a Motion on the table to the effect that no debate should originate after one o'clock in the morning, he would ask the House to permit him to say a few words. He felt greatly indebted to the noble Lord at the head of the Government for redeeming the pledge he gave last Session that he would recommend the appointment of a Committee to consider the best mode of expediting public business. They had been nearly worn out by long sittings at the close of the last Session, when fifty Orders of the Day sometimes appeared upon the paper. Many Members had found themselves physically incapable of giving their attention during the number of hours required at the close of the Session. He also felt indebted to the right hon. Member for Stroud for his observations, for, although the terms of his Amendment, if adopted, would narrow the subjects to be submitted to the Committee, which he was sure was not the intention of the right hon. Gentleman, his remarks pointed to one of the great difficulties to which they were exposed—namely, the lateness of the period at which measures were introduced by the Government for the consideration of the House. He agreed with the opinion that had been expressed, that it was of no use in introducing business in either branch of the Legislature when there was not time to consider it, and that it was useless to call upon the Government to proceed with their business before Easter, if the small number of days allotted to Government business precluded them. It was a growing practice for the House to expect the Government of the day to introduce almost all legislation of importance, and Ministers were constantly blamed for not either originating or taking up many measures of public importance. He did not say that this reflected credit upon the independent Members of the House, but it was a fact. It was necessary, therefore, to consider whether before Easter greater opportunities ought not to be afforded the Government for getting their measures forward. The right of making Motions on going into Committee of Supply should not, however, be further restricted; for any overstrained rule for that purpose would certainly force hon. Members to seek irregular occasions for discussion, of which the prolonged and irregular discussions on Fridays afforded an illustration. The great object was to enable the House to discuss the most important measures with the largest possible number of its Members present, and without taxing human strength beyond its powers of endurance. The nights appropriated to the Government should be kept sacred for their business; and the Government, on the other hand, ought not to encroach on the days set apart for private Members. It was chiefly owing to the non-observance of that principle that the labours of last Session proved intolerable to the senior Members. He would not recommend the attempt to fix an arbitrary limit to their debates; but the Committee might fairly inquire whether it would not be more conducive both to the dignity of the House and the health of its Members if no new debate was allowed to originate after one o'clock in the morning.

MR. MONCKTON MILNES thought the House must be grateful to the right hon. Member for Stroud for showing, by irresistible logic, that the acceleration of public business could not depend solely, or even very largely, upon the forms of the House. During the last twenty years the time allotted to private and independent Members had been considerably curtailed, and yet the evil was now so patent, that another investigation was demanded. That proved that they had not much to expect in the way of expediting public business from the Committee now moved for by the First Minister. He very much agreed with the right hon. Member for Buckinghamshire that the business of that House was, on the whole, managed with great skill, and almost as well as the nature of a popular assembly would permit. The means of obtaining increased despatch were really to be found in quite a different direction. A joint Committee of both Houses might be able to bring the business of the two chambers into such a train that they might at the same moment be going on with the most important measures instead of, as at present, throwing so much of the work upon the one House in the early part of the Session, and leaving so much to be done by the other just before the prorogation. He trusted the proposed Committee would in no way put impediments upon the freedom of debate. It was most important that they should preserve their characteristics as a great Parliamentary Assembly, quite irrespective of their legislative functions. Last year there was, perhaps, a greater abuse of the liberty of discussion than ever before existed in that House; yet the remedy was not to be found in a mere formal Resolution, but in the sense and judgment of that assembly. The House had in its hands the strongest of all remedies, if it thought fit to apply it. Their gratitude was due to the hon. Member for Derby (Mr. Bass), who, in a speech to his constituents last autumn, laid before the country statistical evidence as to who really caused the business of the House to be delayed. Now, when he found fifth on the hon. Member for Derby's list of culpables, the name of the right hon. Member for Kilmarnock (Mr. Bouverie), who himself last year showed such extraordinary eagerness to abridge the freedom of their debates, he confessed he was greatly astonished. That right hon. Gentleman would, no doubt, be a member of the proposed Committee; and it was to be hoped that the revelation of his own transgressions would calm his zeal on this subject, and lead him to reflect that it was the main duty of that House to maintain its functions as representing the opinions, feelings, and wishes of all classes of the people of England, and not to degenerate into one of those mere legislative machines of which they had examples in neighbouring countries.

Mr. Monckton Milnes

Sir JOHN PAKINGTON: Sir, I think that both the right hon. Member for Stroud and the hon. Gentleman who spoke last have rather lost sight of the practical question raised by the Motion before us, namely, how this House is to conduct the business of the country. I hope, after what has passed, that the right hon. Gentleman will not press his Amendment. I confess that, in giving my assent to the Motion of the noble Lord, I am disposed to go rather further than my right hon. Friend the Member for Buckinghamshire. As a Member of this House I feel greatly indebted to the Government for making this proposal, to which I have no hesitation in giving my most cordial approval. At the same time I must say the House of Commons has received rather more blame than it deserves for the legislative failures of last Session. I apprehend the noble Lord's Motion is much founded on what then took place; but the great cause of those failures is to be attributed to the Government rather than to this House. They were very much due to the programme of the Ministry; for when they called upon us to consider a French Treaty, a most complicated Budget, a Reform Bill, and a Bankruptcy Bill of 500 clauses, all in one Session, their experience must have taught them that such a thing was simply impossible. Again, the first fortnight of last Session was lost because the Government had not their measures prepared. I am free to admit that they have avoided these errors this year, their present programme being much less ambitious, and their projected measures being apparently ready for the meeting of Parliament. But I must express a feeling in which I know not how far hon. Members on either side of the House may agree—namely, my great regret that the noble Lord has this year departed from the precedent established last year in respect to the period for the reassembling of Parliament. I, for one, sincerely wish that we had been called together fully three weeks earlier than we have been, and I see no reason why that was not done. The inconveniences which this Committee is intended to remedy are various; but surely one of the great evils which we all wish to correct is the intolerable length of the Session—an evil not only injurious to individual Members of this assembly, but hurtful to the public interests. I believe our Sessions might be much abridged if we were to meet soon after the Christmas holydays, and that arrangement might, in my opinion, be easily made. I have thrown out this suggestion before. Parliament was summoned last year a fortnight earlier than this, and I had hoped that that was only the beginning of an improved practice which would be continued. The real object of this Motion is for a Committee to consider whether our forms for conducting business may not be amended. Some hon. Gentlemen have praised the manner in which our business is conducted. Without intending to offer any disrespect to the House, I must say I cannot concur in their eulogiums. I do not deny, for it is notorious, that we do transact a great amount of public business; but I do think it might be transacted much better. There are three great evils of which there is constant complaint. The first, is that there is a great waste of time—a waste more fairly ascribable to our form of proceedings than to the conduct of individual Members. Secondly, nobody denies that every year there is a great deal of business left undone; while, in the third place, everybody knows that of the business which we do a very considerable proportion is hurried over in the most indecorous manner in the month of August, after a large number of Members have left town. We have every year a ceremony, which has become a kind of bad joke, but which seems rather to indicate a want of attention on our part to the business of the country. Every July we have the First Minister coming down to the House to propose what is termed "the Massacre of the Innocents,"—that is, to state what are the Bills of that year which it is proposed to abandon. I have long considered this, which has become an annual ceremony, to be nothing more than an avowal on the part of the House of Commons that it is unable to transact the business of the country. I have been of opinion that for many years the immensely increasing business of the country has outgrown the forms of our proceedings, and that we ought to revise those forms, in order that we might be able to transact the business of the nation in a more satisfactory manner than we do at present; and I am convinced that these forms might be simplified and modified and greatly improved without inflicting injury or encroachment upon the just privileges of individual Members. So strongly was I impressed with that conviction, that I moved for the Committee that sat in 1854; and I only wish that the Committee which the noble Lord proposes now to appoint will deal with the important subject referred to in a less cautious—I might almost say, in a less timid spirit—than that which characterized the Committee over which I had the honour of presiding in 1854. That Committee did less than nothing. In order to show, however, that the recommendations of Committees are not conclusive as to the proceedings of this House, I may mention that one of the few Resolutions agreed to by the Committee of 1854 was, "That the House at its rising on Friday do stand adjourned until the following Monday, unless the House shall otherwise order." That is one of the subjects to which the noble Viscount had adverted, and we know how that recommendation has been acted upon. I may say, without disrespect, that the Committee of 1854 was not at all disposed to make much alteration in the forms of the House. They passed eight or nine Resolutions, referring mostly to very trivial matters. I submitted a long series of Resolutions—some thirty or forty—pointing out changes which I thought could be made; but the Committee would scarcely entertain them. That was no doubt my fault in a great measure for the manner in which I had prepared them; but I can only say that every proposal which I made had received the previous consent and concurrence of the distinguished Speaker who then presided over us—the present Lord Eversley. The evidence of the right hon. Gentleman tended to support my Resolutions; and in a subsequent conversation, when I told him how fruitless had been our Committee, and how indisposed the Members of it had been to make any changes; he told me that I must not be discouraged, as the same thing had happened to him in the early part of his Parliamentary career, and he had subsequently seen every one of the changes he had proposed gradually adopted by the House, and he said that I should be, in all probability, long enough in Parliament to see all my Resolutions carried into effect. My belief is, that when the Committee enters upon this business, they will be astonished to find how simple and moderate were the changes which were refused in 1854, and I hope the Committee about to be appointed will proceed in a bolder spirit than their predecessors, and that they will not hesitate to propose such changes as will enable this great assembly, without encroaching upon the freedom of debate, or the privileges of individual Members, to transact the business of the nation with greater despatch, and therefore with greater satisfaction to the country than at present.

Mr. T. DUNCOMBE said, the right hon. Gentleman who had just sat down, had gravely asked whether the forms of the House might not be much improved, and the answer must be decidedly, "Yes." The whole difficulty lay in a small compass, and he would ask the right hon. Baronet whether he did not think a great deal of the time of the House was wasted, and often by Members sitting in the vicinity of the table, in making long speeches about nothing at all? Somehow or another, they often heard of arrangements being made, against all the rules of Parliament, that Mr. So-and-So should follow such a Speaker. How those arrangements were he could not say, but he thought it would be better if the Member who first caught the Speaker's eye were allowed to address the House—for he thought the privileges of independent Members had been encroached upon by the kind of arrangement he had alluded to. Now, it was proposed to have a Committee of twenty-one; but he fancied that so numerous a Committee would leave the question pretty much where they found it. Twenty-one Members would not do as well as nine or eleven practical men who understood the business of the House. If there were to be two Committees, there was one branch of the inquiry which he thought should not be intrusted to the Gentlemen who were to sit upstairs, and that was with regard to Bills pending in that and the other House just before the prorogation. Lord Derby, on the 19th of July last year, made a most rational and sensible proposal to the House of Lords, that a Committee should be appointed for the purpose of ascertaining how the Parliamentary business might be better transacted. The noble Earl on that occasion said there were, on the 19th of July, fifty-eight Bills in various stages before the House of Lords, nine of which had been set up that very day, and forty-five Bills in the House of Commons. It was impossible to deal satisfactorily with such an amount of business at that season, and the noble Earl proposed to consider some plan whereby Bills not finally disposed of at the prorogation might be taken up in the ensuing Session at the stage to which they had arrived. But what was the answer of the Government? It was said it might be right to appoint a Committee to examine the subject, and the Committee had better be a joint one; but the House of Commons was at that time in such a state of irritation about the Paper Duties that it would not be safe for a Committee of the two Houses to meet together. Surely that apprehension of Lord Granville must have been wholly groundless, for he (Mr. Duncombe) had never known the House of Commons to humble itself more than it had then done. The Chancellor of the Exchequer pocketed the insult, and the paper duties too, and up to the present time the insult and the paper duties existed. The noble Lord at the head of the Government did propose some Resolutions about the privileges of the House of Commons; but the Paper Duties were not mentioned in them, and when posterity came to read those Resolutions it would be at a loss to know to what they referred. Thus Lord Granville's apprehensions were founded upon quite imaginary dangers. He (Mr. Duncombe) thought Lord Derby's suggestion deserved their consideration, and that a Committee of the two Houses might usefully be appointed to consider whether a prorogation ought not to be an adjournment, and not an abandonment of unfinished Bills, and whether those Bills might not be re-introduced in the next Session in the stage which they had reached in the past Session. Then, again, much time would be saved if hon. Gentlemen carefully considered whether the subjects they brought under discussion were of public interest, and, if so, whether they were introduced at the proper time. He had been often asked to bring forward matters upon the question of adjournment, but he said "No;" if he brought it on at all it would be as a substantive Motion. Other Gentlemen did not adopt that rule, and thus sometimes the question of adjournment had been left open until eleven o'clock, in order that one Gentleman might make a speech about China, another about France, a third about India, others about Austria and Italy; and the Foreign Secretary must be a sort of Colt's revolver, for he had often five or six questions to answer when he rose. He had himself, at the close of last Session, given notice of a Motion on the subject of the questions asked on the Motion of adjournment of the House. But the noble Lord did not think it right to discuss the suggestion in the absence of so many hon. Gentlemen who had gone to the moors; and he, therefore, promised to move for a Committee to inquire into the question early this Session. That promise the noble Lord had now fulfilled. But he (Mr. Duncombe) thought that eleven would be a better number for the Committee than twenty-one.

MR. VINCENT SCULLY concurred with the hon. Member for Finsbury that a Committee of nine or eleven would be better than a Committee of twenty-one; but however the Committee might be constituted he thought the subject would come down from the Committee much in the same state in which it stood at present. He had heard nothing in the various suggestions made that had not been already frequently discussed. The House had the regulation of its business in its own power, and to get it done at a reasonable period of the Session it ought to insist on the Government bringing in its Bills as early as possible. The Irish Members were especially interested in this being done. They suffered most severely from the practice of the Government introducing Bills at the end of the Session. There were often forty or fifty Orders of the day on the paper, and if an Irish Bill were at the bottom of the list, as somehow generally happened, the Irish Members were obliged to remain till three or four in the morning. Their constitutions must be stronger even than those of the English Members to bear it. The noble Lord would recollect that on one occasion last Session, they were reduced to seven, and — like Seven Wise Men—they went home to bed. Again, much time was wasted in discussing Motions that were sure to be withdrawn. He intended during the present Session to oppose the withdrawal of any Motion after it had been discussed. But he would make an exception in favour of the Amendment the hon. Member for Stroud had just proposed. There ought to be some means adopted to shorten speeches, particularly those from the front Government and Opposition Benches. Some recognized Members of the House appeared to think they were at liberty to speak for three or four hours, and that they were not to be voted bores for so doing; while other Members, if they attempted to speak only for a few minutes, were cried down immediately. A practical mode of putting a stop to the waste of time by long speeches would be to make it a rule of the House that when any Member had addressed them for a quarter of an hour the Speaker should put it to the House, as a Question, whether it would hear that hon. Member any longer or not. He believed that any one could condense all he had to say of any importance into a quarter of an hour or twenty minutes. It was seldom that a Gentleman whose ideas had been ventilated in the House for one or two hours obtained more than a column in *The Times* of next morning, and he would find that it contained the whole of his ideas, expressed more clearly and in much better language than he had himself used. Such a rule as he suggested would never prevent the fullest debate, for if it was an interesting speech on an interesting subject the House would never refuse the permission to proceed with it.

COLONEL FRENCH said, that if the statement of the hon. Member for Finsbury were correct, and the instruction to the proposed Committee did not embrace the point as to continuing Bills from Session to Session, he did not think that Committee would do any good. In the first place, there was a complaint on the part of the Government that they had not a sufficient number of days. But the Government always had the remedy in its own hands. He did not remember a case in which, having stated that they required more days for the transaction of their business, the Government had been refused. There could be no opposition on the part of the House to the early consideration of the Estimates. Then came the abuse of the right of asking questions on the adjournment of the House from Friday until Monday. This abuse had sprung up with the connivance of successive Governments. It was originally contrary to the rules of the House itself. Friday was a Government night, and it sometimes had found it convenient that the business should be delayed, or not gone into. It then did not move the adjournment at the close of the sitting, but early in the evening. The consequence was, irregular discussions arose on the Motion. If the adjournment were moved at the end of the evening, these interruptions could not take place. He should not, however, oppose the Motion for a Committee.

MR. SLANEY said, he highly approved of the Motion, and hoped that the Amendment would be withdrawn. He quite concurred with the right hon. Baronet (Sir John Pakington) that the business of the House had far outgrown its forms. He hoped the Committee would consider whether a vast portion of those private Bills, the number of which was increasing every year, in consequence of the increasing prosperity of the country, might not be got rid of, as the House had got rid of the numerous private Bills which used to be brought in for the enclosure of commons —namely, by subjecting the promoters of those private undertakings to inquiries on the part of properly appointed Commissioners, as to the nature of the works they wished to accomplish, and then passing one general Bill at the close of the Session which should apply to all those undertakings which had received the sanction of the Commissioners.

Mr. HORSMAN said, he would not give the House the trouble of dividing.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

And on the Monday following it was *ordered,* That the Select Committee on Business of the House do consist of Twenty-one Members.

Committee *nominated :—*

Viscount Palmerston, Mr. Disraeli, Sir James Graham, Lord Stanley, Sir Francis Baring, Sir John Pakington, Sir George Grey, Mr. Walpole, Mr. Bright, Mr. Sotheron Estcourt, Sir George Lewis, Mr. Hardy, Mr. Edward Pleydell Bouverie, Colonel Wilson Patten, Mr. Gregory, Mr. Maguire, Mr. Dunlop, Mr. Ker Seymer, Mr. Massey, Mr. Deedes, and Mr. William Ewart :—Power to send for persons, papers, and records ; Five to be the quorum.

House adjourned at a Quarter before Nine o'clock.

HOUSE OF LORDS,

Friday, February 8, 1861.

Minutes.] Public Bills.—1ª Indictable Offences (Metropolitan District); Fictitious Savings Banks ; Houses of Ill-fame ; Protection of Female Children.

THE QUEEN'S ANSWER TO THE ADDRESS.

The LORD STEWARD *reported* Her Majesty's most gracious Answer to the Address, as follows :—

My Lords,

I thank you for your loyal and dutiful Address.

I rely with Confidence on your careful Consideration of the Measures which will be laid before you for the Improvement of the Law, and for other Purposes of public Usefulness.

THE ITALIAN ELECTIONS.—OBSERVATIONS.

The Marquess of NORMANBY said, perhaps their Lordships would allow him to correct an extraordinary misapprehension which had occurred the other night in "another place" with reference to a matter of very great importance, namely, the character and constitution of the recent elections in Italy. He was happy to say he was in a position to give a contradiction to that statement from official papers. The statement to which he referred was made by an hon. Gentleman, he had no doubt, in perfect sincerity and good faith—the hon. Member for Birmingham (Mr. Bright). The statement was made in the presence of the Foreign Secretary, and ought to have been immediately corrected by him. But as the noble Lord had not done so, he (the Marquess of Normanby) thought it rather important that the contradiction should go forth as soon as possible. That was the reason why he now made this explanation to their Lordships. As far as he understood the statement as it was reported—

Earl GRANVILLE interposed, and said that if the noble Marquess wished to make a personal explanation, his course would not be irregular; but to enter into details regarding a speech made in the other House of Parliament was most irregular.

The Marquess of NORMANBY said, he was in the hands of the House. He did not wish to do anything which might be irregular. He was about to show, from documents before the public, that at that moment a very erroneous impression prevailed, which might have been corrected at the time and place where it was conveyed; but, he must add, that they had been disregarded to an equal extent by one or other of their Lordships almost every night during last Session.

The LORD CHANCELLOR said, that the noble Marquess, in making an explanation respecting matters which had occurred elsewhere, in which he was not personally interested, and which might call for an answer in the other House of Parliament, was acting in direct violation of the rules of their Lordships' House.

The Marquess of NORMANBY said, he did not wish to raise any debate. He should of course bow to the strict Orders of the House as laid down by the noble and learned Lord and the noble Earl opposite; but should take the opportunity of the Motion for Adjournment, to state the fact, which ought to be known, without alluding to what had passed "elsewhere."

Earl GREY said, that the irregular practice of referring to debates and speeches made in the other House is becoming far too common, and their Lordships ought to check the practice which they must see was highly inconvenient as well as irregular. When the conduct of any noble Lord had been adverted to or impugned "elsewhere," it was sometimes impossible to avoid reference to the debates of the House of Commons; but in this case, where no question whatever was before their Lordships, to address the House for the purpose of correcting a mistake stated to have been made in the other House, did appear to him to push irregularity beyond all reasonable limits.

On the Motion for Adjournment,

THE MARQUESS OF NORMANBY said, if any person "elsewhere" had conveyed the impression that the present elections are conducted in electoral districts giving to the population the most extended right of voting equivalent to manhood suffrage, that person had been grievously deceived, as, in point of fact, the franchise was much more restricted and partial than in any county or borough in England.

PUBLIC BUSINESS OF THE HOUSE.

MOTION FOR SELECT COMMITTEE.

EARL GRANVILLE, in rising to move the appointment of a Select Committee on the Public Business of the House said, it would be in the recollection of the House that the noble Earl opposite (the Earl of Derby) at the close of last Session, made some suggestions tending to secure a more rapid despatch of their Lordships' Parliamentary business; since which—on the last evening — as their Lordships were aware, a debate had taken place on the same subject in "another place." The question well deserved the attention of their Lordships. No doubt, the position of the two Houses in respect to the business brought before them was not identical; but at anyrate the charge of delay could not be urged against the proceedings of the House of Lords. Still there did exist a drawback which however did not consist either in the number of Peers who did not attend, or in the number of Peers who took a part in the debates. Nevertheless, the beginning of every Session was absorbed by various discussions, many of them very interesting and instructive; but with regard to legislative measures very little progress was made, and the consequence was that at the end of the Session there was an inconvenient pressure of business. This evil it was very difficult to meet. He had hardly ever heard of any Government that was not willing to bring in its own Bills at a sufficiently early period. And it had been proposed as one remedy that more Bills should be originated in their Lordships' House. But, whatever might be the cause, he believed it was a fact that Bills originating with their Lordships were not regarded with the same favour by the House of Commons as the measures that were first introduced there; and, no doubt, from the greater number of Members in the other House engaged in the active business of life, and from its different constitution as an elected body, the House of Commons was, in many respects, better adapted for originating measures than the House of Lords. It had also been suggested that measures still pending at the Prorogation of Parliament should be allowed to be resumed in the next Session in the stage they had reached when Parliament was Prorogued. That permission had been already given in the case of a dissolution of Parliament with regard to certain private Bills, and the question whether the principle might not be extended to public Bills, suspended by a prorogation, was a very proper subject for the consideration of the Committee. The noble Earl (the Earl of Derby) had suggested a joint Committee of both Houses; but he thought, himself, it would be more conformable to practice and more convenient to have two Committees sitting concurrently and in constant communication with each other. Such a mode of proceeding would give more force and character to their inquiries and recommendations. His Lordship then *moved*,—

> "That a Select Committee be appointed to consider and report, whether, by any alterations in the Forms and Proceedings of this House, the Despatch of Public Business can be more effectually promoted."

THE EARL OF DERBY said, that this subject had occupied his anxious attention for a considerable time. He would not then enter into the discussion of any particular plan—the more so because he concurred in the suggestion that the whole subject should be referred to a Committee. He presumed Her Majesty's Government had found some insuperable difficulty in the way of appointing a joint Committee of both Houses; and probably the object in view might be attained by an inquiry before two Committees, provided the fullest and freest communication were secured between them. But as the noble Earl had observed, the cause of their Lordships' difficulties arose simply and solely from the great lack of business at the commencement of the Session, and the unmanageable accumulation of it at the close. The chief thing their Lordships had to consider was how they were to deal with the mass of business which they must receive at the end of the Session. The noble Earl must bear in mind that whatever might be the recommendations of their Committee they must altogether depend for effect upon the course taken by the House of Commons. It would be perfectly easy for this House to act upon a rule, which he believed they might adopt of their own authority, of suspending Bills at the termination of one Session, and resuming them in the next; but it would be useless to do so if the House of Commons should think it necessary when they sent Bills back to them to pass them through all their stages again. It would, therefore, be important before their Lordships' Committee made any recommendations on that subject to ascertain in what manner the House of Commons would be likely to act. Let them agree as to the question of principle, and it would be easy to settle the details and the limitations under which the plan should be carried out. With regard to the Resolution moved every year by his noble Friend the Chairman of Committees (Lord Redesdale), fixing the day after which their Lordships declined to proceed with Bills unless they were of an urgent character, the noble Earl said that it worked well, providing that they allowed a little elasticity as to the meaning of the word "urgent." But it appeared to him (the Earl of Derby) that there was a great deal of difficulty about that very elasticity. For instance, an important measure like the Bankruptcy Bill might come up to their Lordships at the end of July. In a certain sense it might be said to be urgent; that was to say, it was urgent that such a measure should become law; but if the noble Earl were to move that their Lordships should take into consideration a Bill of 500 clauses at that period of the Session, though the subject might be an urgent one, it would be a matter of supreme impolicy to deal with it at such a time and under such circumstances. It might be a matter of urgency that a Bankruptcy Bill should pass, but it was not urgent that it should pass at that particular time; on the contrary, it would be of great advantage for such a Bill to lie on the table during the recess of Parliament, and next year to be taken into deliberate and careful consideration by the House, in which there were so many noble and learned Lords amply competent to deal with such a measure. But if they were called upon to pass such a Bill at the end of the Session, it was impossible that proper consideration should be given to it, and those noble and learned Lords must either allow the measure to pass without moving these Amendments which they might deem desirable, or if their Lordships did make those Amendments, and send the Bill back, it would be impossible for the House of Commons to consider them; or they must take the only other alternative and reject the Bill altogether, and then all the time and labour which the House of Commons had bestowed upon it would be absolutely lost. It was not therefore desirable to carry the principle of elasticity too far; but the rule of urgency should be considered as applying only to those particular classes of cases which it was not only desirable should be considered, but that they should be considered at that particular time. If the rule of postponing that class of cases of urgency which did not require to be taken into consideration at any particular time, and then resuming them at the stage at which they had been left were adopted, it would allow of the ground of urgency being more freely applied. He would not enter at that moment into the merits of any particular scheme. He was glad that it was proposed to refer the matter to a Committee; but he ventured to think that it would not be necessary—on the contrary, he thought it would not be desirable—that the Committee should meet until some progress had been made by the Committee of the House of Commons.

Lord REDESDALE thought that, as far as that House was concerned, they had no difficulty in getting through any business that was brought before their Lordships, and if the other House would follow their Lordships' example there would be no difficulty in the way of sending up Bills in time to be dealt with by both Houses in the same Session. It was, then, for the House of Commons to suggest means to enable them to send up Bills in sufficient time for discussion by their Lordships. It must not be forgotten that it was not only the Bills that originated in the House of Commons which suffered from the present system, but amongst those measures which were dropped in the annual ceremony which was sometimes called "The Massacre of the Innocents," there were many which their Lordships had considered with great care, and had sent to the other House in ample time for their consideration, but which were withdrawn by the Minister because that House could not find time to attend to them. He was not prepared to admit the expediency of the noble Earl's suggestion, that Bills should be suspended during the recess and resumed in the ensuing Session. There might be inconvenience, if not danger, in such a course. There were many Bills—such, for instance, as a Reform Bill—which might be sent up from the House of Commons at a late period of the Session, and, if such a measure was to remain suspended during the recess, its ultimate passing depending upon their Lordships' decision, an amount of agitation would be indulged in which would hardly be desirable. He thought the old constitutional principle should prevail, that measures should be begun and finished in one and the same Session. He would venture to suggest that the House of Commons might do a great deal for facilitating public business if they were disposed. For instance, though it was the old constitutional maxim to associate the redress of grievances with the granting of Supplies to the Crown, he could not see how the passing of the Estimates could be considered a grant of supply, and it would be much better in many ways if, on the days appointed for going into Committee on Estimates, the chair was taken at the time appointed, and the early part of the evening devoted to their consideration, instead of permitting Members to introduce discussions upon any subjects they pleased until the House was too much fatigued to deal with that or any other business. There were other ways in which the public business might be much expedited. No ill effect had been found to result from the custom of allowing any Peer to introduce a Bill which might at once be read a first time; whereas in the other House great delay was often occasioned in the preliminary stage of getting leave to introduce the Bill. With respect to the Bankrupt Bill, he wished to say that he did not think any Bill ought to have 500 clauses. It would have been very well if that Bill had been divided into two parts. Parliament, he thought, had of late deviated too much into the mode of occupying itself with unimportant details. The noble and learned Lord had that evening laid upon the table the rules which the Chancery Judges had agreed upon for the conduct of their legal business, and he (Lord Redesdale) thought that that was far better than introducing the regulations into the Bill itself. Any measure comprising 500 clauses ran a great risk of not being passed at all.

THE LORD CHANCELLOR said, he thought that many of the matters which had been referred to had much better be postponed till the Committee was appointed. There was a great deal of difficulty connected with the suggestion for a joint Committee of both Houses. The forms of the two Houses would hardly admit of such a proceeding; but, with a good understanding between both branches of the Legislature, the substantial advantages of such a Committee might, nevertheless, be obtained. For that purpose he thought it most desirable that the two Committees should proceed *pari passu.* The annual Resolution proposed by the noble Lord the Chairman of Committee no doubt worked very beneficially in practice, but theoretically, he thought, it encroached both upon the privileges of the House of Commons and the prerogative of the Crown. He hoped that some effectual substitute would be found for it free from that objection.

EARL GREY agreed with the Chairman of Committees that the principal difficulty in this matter arose in the House of Commons, and that the great object was to discover some means by which Bills might come up from that House earlier in the Session than they usually did. Still, he rejoiced that the President of the Council had moved for this Committee, because he thought it absolutely necessary that something should be done to render legislation more easy and more satisfactory than it was at present, otherwise great discredit would be cast upon the whole system of Parliament. Only those who looked a little closely at what went on could be aware to what an extent the existing obstructions to legislation interfered with the public interests. There were multitudes of subjects, in themselves apparently not of very first-class importance, but which yet affected the daily welfare and prosperity of the country, on which new laws were required. On many of those questions no difference of opinion, no party feeling, existed; but still they demanded a good deal of consideration, and legislation upon them was habitually postponed from year to year, because under the present arrangements Parliament could not find time to deal with them. To choose an illustration of this at random, he might mention that successive Governments had long been alive to the defective state of the highways; they knew that under the existing management more money was spent, or rather thrown away, in different parts of the country upon detestable roads than would suffice to maintain them in excellent condition. Bills had been brought in for the last twenty-five years to remedy this evil, but they had all to be dropped, simply from the want of time to discuss them. Another subject of complaint was the careless and unsatisfactory manner in which a great deal of the work of Parliament was done. No man could look at the Acts which were passed without seeing how full they were of blunders. When the Judges came to apply them, they found their task extremely difficult from the inconsistencies and inaccuracies which had crept into them during their progress through both Houses. Something, therefore, was required, not only to expedite the progress of legislation, but to secure its more perfect accomplishment. As to the first of those objects, he continued of the same opinion as he was some years ago, when the noble Earl (the Earl of Derby) brought in a Bill which passed that House—namely, that in some way or other—he did not say in the precise form proposed by that noble Earl—provision ought to be made for preventing all the legislative labour of a Session being thrown away merely because it could not be brought to completion before the prorogation. Whatever valid objections there were to the Bill passed by their Lordships in 1848 might be obviated by another mode of attaining the same end. But, turning to the unsatisfactory manner in which legislation was accomplished, he thought some change ought to take place in the way in which complicated Bills were carried through Committee in both Houses. He believed that a very large proportion of the blunders and incongruities afterwards detected in Acts of Parliament resulted from Amendments being made in Committee, the full effect of which was not seen at the time, and which there was no subsequent opportunity of having properly considered by the persons who originally drew the Bills. They wanted a greater amount of scientific assistance—if he might use the expression—for revising their Bills before they were finally passed. It was also desirable that Committees of both Houses should abstain from going into the most minute details of the wording of measures. His experience of business in both Houses of Parliament did not supply him with one case in which that verbal criticism and long discussion of the mode of framing a particular clause ever had any good effect. On the contrary, the Amendments thus inserted, after taking up a great deal of time, generally left the Bill considerably worse than when it came from the hands of its original framers. But, whatever changes might be made in the machinery of legislation, for an effectual remedy they must chiefly look to the manner in which the House of Commons discharged its duty. For many years past the House of Commons had been getting more and more into the practice of mistaking what its proper functions were. It was absolutely impossible that a popular Assembly, consisting of 500 or 600 Gentlemen, could deal effectually with details either in Government or in legislative business. Yet there was a growing disposition in the House of Commons to trust less and less to any other authority. That body wished to arrogate too much to itself. It refused its confidence to the Ministers of the day, whoever they might be, or to any other persons, and in that way it embarrassed itself with an amount of labour which it could not perform. An instanee of this was afforded by the managment of the financial business of the country. Since he had been in Parliament a very great change had taken place in that respect. There was now a continual demand for a greater sub-division of the Votes, the annual Estimates bringing more and more before the House in Committee of Supply all possible details of the public expenditure. He believed there could be no greater blunder. He had never known any advantage to arise from the House of Commons attempting to deal in that way with details. And when great credit was taken for throwing upon the Estimates charges that were formerly on the Consolidated Fund, and for requiring the House of Commons to vote in Supply all the salaries of the revenue officers, while the gross revenue was paid into the Exchequer—in his opinion all these alterations, on which certain persons glorified themselves, tended to divert the House of Commons from its legitimate functions, and to embarrass it with matters which it could not adequately handle. For his own part, he was persuaded that all that pretence of close scrutiny of the public expenditure instead of being favourable to economy and forming a check upon jobs, was the way to facilitate extravagance, and afford a cover for jobs. He had known many questions of expense to be proposed and carried in the Estimates from which a Government would have shrunk if it had had to act solely on its own responsibility. These changes were, therefore, in the wrong direction. He thought the House of Commons would do well to consider whether, by giving a little more confidence to the Ministers, whoever they might be, as long as they were Ministers, by avoiding so much discussion of details, and confining itself more to general principles and arrangements, it could not do more good than by the present system. A great many years ago—so long since as 1828—he had the good fortune to sit opposite with the noble Earl (the Earl of Derby) on the Finance Committee appointed in that year by the House of Commons, and he remembered that Committee applied itself most laboriously to the work assigned to it. It chose to go into the details of the Ordnance Estimates, and after many weeks of most arduous labour it presented a Report which he was not aware had ever saved one shilling to the country, or been of any practical use whatever. But the same Committee, after many weeks expended on details, had brought before it by the Government of the day the great question of the Sinking Fund—how it should be dealt with. The question was admirably discussed in the Committee by Messrs. Herries, Huskisson, and Tierney, and several other Members, and a most able Report was presented, which established the wiser principle which had prevailed ever since. That was the result of three or four sittings of the Committee. The proper function of a legislative body was to superintend Government and to enforce great principles of legislation; but it was utterly powerless to deal with the details of expenditure, or transact business which more properly belongs to the Executive Government. He was quite persuaded that if the House of Commons would act on the principle he had pointed out, a great deal of useful time would be obtained for the proper work of legislation which was now thrown away. He had mentioned this now because it was a subject which, of course, could not in any way come before the Committee which was about to be appointed; it was a question entirely for the discretion of the House of Commons, with which it was impossible for their Lordships to deal. Before sitting down, as they were on this subject, he could not help saying that he hoped the attention of the Government would be directed, not only to the public, but to the private business of Parliament. He did not ask his noble Friend to extend the functions of this Committee, whose time would, he thought, be sufficiently occupied by the inquiry he proposed to entrust to it; but he was persuaded some more effective arrangement with respect to the private business of the country, was very urgently necessary. In 1858, a Committee of that House had sat on the subject, and very considerable improvements had consequently been made in the arrangements of the transaction of the private business; but still with all the changes then made these arrangements were totally insufficient to insure the proper transaction of business, and especially of that most important section of business which related to railways. They had hitherto done nothing to enforce the adoption of a steady and consistent policy on the part of Parliament with respect to railways; and the amount of loss to private individuals and the public—the immense waste of money belonging to individuals, and of the time and convenience of the public by the unsteadiness of the policy pursued by Parliament with regard to railways—it would be utterly impossible to calculate. The waste of money must be reckoned not by thousands, but by millions. He repeated, therefore, that the proper arrangement of the private as well as of the public business urgently required the consideration both of the Government and of Parliament.

The MARQUESS OF NORMANBY said, if he for a moment protracted the discussion it was simply that he might be a witness to the evils which prevailed last Session. The noble Lord had rightly said that a very inadequate idea had been formed of those enormities. But he might say it was not the fault of that House, as it had always devoted the greatest attention to the measures sent up to it, and was only prevented doing so when the Session was so protracted that their Lordships were worn out. He could site many instances, but he would now speak of one only, which concerned a part of this country requiring the greatest consideration,—since it must be remembered that the Members representing Ireland could not always be in attendance. The Bill he referred to was that having reference to the relation of landlord and tenant in Ireland. That Bill was brought forward at a time which afforded the fullest opportunity for its due consideration; a proposal was made that it should be referred to a Select Committee; he agreed to that proposition; he thought it was the proper course; but the noble Earl opposite resisted it, and it happened that the Government on that occasion had a majority, and the Committee was refused. The Bill having been proceeded with, their Lordships made several Amendments, all of which were of the greatest importance, and received the assent of the Irish Members of this House, not only those who had voted for the Select Committee, but those who are the most steady supporters of the Government, but of every Member of their Lordship's House. The Bill was sent down to the House of Commons, and on the very last morning of the Session, at an unusual hour, with only thirteen Members in the House, all those Amendments were rejected, and their Lordships did not insist on their own Amendments. He could refer to a most able protest on this subject, drawn up by his noble Friend (Lord Monteagle) the whole of whose valuable life has been peculiarly devoted to the study of the practical welfare of his own country. It was a matter of public notoriety that there was no discussion elsewhere, but, on the representation, as stated, of the Attorney General and the Chief Secretary for Ireland; all the Amendments which had received so much consideration at their Lordships' hands were rejected by a majority of seven to six. The Bill—scarcely less important—relative to the licensing in Ireland, was also treated in much the same manner. These matters showed the peculiar evils of the present system, and that the blame was not attributable to that House; and, he must add that evil was aggravated by the composition of the Bench opposite, because, since the Union, there never had been an Administration formed so entirely without any practical knowledge of the affairs of Ireland.

The Marquess of Normanby

Motion *agreed to.*

And on the Monday following the Lords following were named of the Committee:—

Ld. Chancellor,
Ld. President,
M. Salisbury,
E. Derby,
E. Stanhope,
E. Grey,
E. Ellenborough,
V. Eversley,
L. Rollo,
L. Boyie (*Earl of Cork*),
L. Redesdale,
L. Colchester,
Somerhill, L. (*M. Clanricarde.*)
L. Wynford,
L. Stanley of Alderley
L. Chelmsford,
L. Lyveden,
L. Llanover,
L. Taunton,

Ordered,—

"That the Committee have Power to communicate from Time to Time with the Select Committee of the House of Commons appointed to consider whether by any Alterations in the Forms and Proceedings of that House the Despatch of Public Business can be more effectually promoted."

House adjourned at Half-past Five o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Friday, February 8, 1861.

MINUTES.] NEW MEMBERS SWORN.—For Ludlow, Honble. George Herbert Windsor Windsor Clive; for Leicester, William Unwiu Heygate, esquire.

THE INDIAN LOAN.—QUESTION.

COLONEL SYKES said, he wished to ask the Secretary of State for India, Whether he has obtained the £3,000,000 of a loan for India that he proposes to raise?

SIR CHARLES WOOD said, he was very happy to answer the question of his hon. and gallant Friend. He had succeeded in raising the whole of the money that morning. He called for tenders for £3,000,000; £13,000,000 had been offered him, £8,000,000 of which was at the minimum price and above it. He was therefore happy to say he had got the whole £3,000,000 above the minimum price he had fixed.

On the Motion for adjournment till Monday,

AFFAIRS OF SYRIA.—QUESTION.

SIR JAMES FERGUSSON said, that in rising to ask the question of which he had given notice, he did not intend to enter into the general policy pursued with regard to the melancholy state of affairs which had recently occurred in Syria; but to make his questions intelligible, he trusted the House would permit him to make a few observations on the subject, as it was necessary to glance at the changes which had taken place in those affairs since the House was prorogued. Had it not been for occurrences to which he should shortly refer, he should have been content to wait for information through the Reports of Her Majesty's Commission, but as those occurrences touched, as he should briefly show, the honour of this country, he thought it imposed an obligation on Her Majesty's Government to interfere without delay. The Government had sent an extraordinary Commissioner to act in conjunction with those of other Powers in the settlement of the unfortunate affairs of the Lebanon, and at the same time those Powers had sent a force to act with the troops of the Porte in the pacification of the country. The troops were furnished by the French Government, but acted in the name and on behalf of the whole of the Powers. Previous to their arrival, however, the Turkish Government had, by the energetic measures of Fuad Pasha, quelled the disturbances, severely punished the most guilty, and afforded protection to the peaceful inhabitants of the country. He must, however, remind the House that the outrages which occurred in Syria were of two classes distinct in their locality and nature. In one case an old and chronic feud between tribes in the Lebanon burst forth. It was not necessary to allude to the cause, and up to the present time the cause was shrouded in mystery. But it was the fact that a fierce conflict arose between the Druses and the Maronites, ending, in a short period, in the entire subjugation of the latter, and while other tribes crowded to join in the disturbance, the Druses fell upon the Maronites, and committed atrocities which were scarcely ever heard of in modern times, though doubtless familiar to barbarians. In the other case the lowest of the population of Damascus, who had long been a serious annoyance to the Government, and had set it at defiance, taking advantage of the small number of troops there—not more than 500—by a sudden outbreak fell on the Christians, and for some days a scene of rapine, murder, and conflagration raged almost unchecked throughout the city. The same scenes would, in all probability, have happened in Beyrout, in Sidon, and in Smyrna but for the vigorous attitude assumed by the commanders of ships of war on that station. But the acts of the Turkish authorities succeeded in restoring tranquillity. The lower classes of Mahomedans, who caused the outbreak in the towns, had been crushed, and the wild tribes who had committed the atrocities in the mountains, had retired with their ill-gotten gains into the desert before the arrival of Fuad Pasha; but as it was likely that some of the more powerful chiefs had connived at the outbreak, and might have shared in the spoils, it was thought right to put certain of the Druse chiefs and of the Turkish officers on their trial. An extraordinary court was, therefore, formed at Beyrout to try the Druse chiefs and the Turkish officials, by whose supineness the war had assumed such formidable dimensions. Before that tribunal lately some of the most powerful Druse chiefs had been arraigned. He was in possession of evidence which he could not doubt, that this trial was, perhaps, the grossest perversion of justice which history recorded, and had been characterized by an absence of care for the commonest principles of justice, which called for the interference of those countries which were guaranteeing the integrity of Turkey, and taking part in the pacification of Syria. He was told, and he believed it could not be denied, that these chiefs were all prejudged—that they were brought before a court strongly prejudiced against them—and that, although they voluntarily submitted to their trial, not one of them had any hope of an honourable acquittal. It had long been foretold that the Turkish Government would take advantage of this outbreak to destroy the independence of the Lebanon; and he himself, when the news of the massacres reached England, expressed the opinion that the disturbances had long been foreseen, and that when the Druses had subjugated the Christians they would themselves become the next victims. However that might be, it appeared certain that the prisoners were subject to the grossest indignities. These chiefs were assailed in the court by knots of Maronites, and reviled in the grossest terms; they were cross-examined in the most unfair manner, and in a language which they did not understand, and answers were taken down which they did not give. If the information which had reached us by means of the public press were correct, all these chiefs had been condemned to death, while the Turkish authorities who were tried with them had only been sentenced to exile. Now, he wished to know from the Government whether this version of the proceedings at the trial was correct, and whether they intended to interfere in order to prevent the execution of sentences which were unjust and unsupported by evidence? It could not be urged that we had no right to interfere in this matter, because for the last twenty-five years we had constantly been interfering in the affairs of Turkey; for more than twenty years we had protected the Lebanon, and we had now a Commissioner at Beyrout, who was engaged with the representatives of other Powers in framing a plan for the future government of the country; and, above all, the country was now occupied in the joint names of the European Powers by French troops, for the acts of which force we were responsible. Hitherto the French troops had encountered no resistance, and in consequence not a semblance of a conflict had taken place; but, if a band of desperate men, no matter how few in number, were roused to arms, there was no knowing what might be the consequences to Turkey or to Europe, or how long the occupation of Syria might have to be continued. The Druses were men of heroic courage, and were actuated by principles similar to those which formerly obtained among the highland clans of Scotland. A few persons, and among them some Englishmen, had done their best to keep them quiet, and had hitherto been very successful, but if they saw their chiefs executed before their eyes by wholesale, upon evidence which was notoriously unjust, they would be goaded by despair to the ferocity of wild beasts. Such deeds could not be done in a corner. Lord Macaulay had told us that the massacre of Glencoe remained long unheard of in London, and that the intelligence of it did not reach Edinburgh for some weeks, but the eyes of all Europe were fixed upon Syria, and if these men were executed it would be known throughout all the East that the arm of England had been powerless to save them, and the knowledge of this fact might act most prejudicially against any exertions which it might be our duty to make on behalf of others. He did not say more than he fully believed when he declared that if these men fell by the sentence which had been passed upon them, the curse of innocent blood would be upon those who had not interfered for their protection. He should conclude by asking the Secretary of State for foreign Affairs, Whether Her Majesty's Government have received any information respecting the Tribunal before which the Druse chiefs have been tried who voluntarily surrendered themselves to the Turkish authorities; whether the evidence taken before that Tribunal is in the possession of Her Majesty's Government; whether it is true that these men have been condemned to death, and, if they have, whether the Government intend to make any representations to the Porte upon the subject?

Lord JOHN RUSSELL: Sir, in reply to the question of the hon. Baronet, I beg to say that I am able to state that the Court before which the Druse chiefs who surrendered were tried was an extraordinary tribunal, appointed under the direction of the Sultan. That tribunal, according to Her Majesty's Commissioner, Lord Dufferin, was as fair a one as the authorities could appoint. With regard to the trial it is impossible for me to corroborate the various statements which have been made by the hon. Baronet, but various circumstances have come to the knowledge of Her Majesty's Government which tend to show that the trial of these Druses was not a fair one; that evidence was pressed against them which they did not understand, and to which, therefore, they could not reply. We cannot, of course, give any opinion as to their guilt or innocence without knowing upon what evidence they were convicted, but before the trial began Her Majesty's Commissioner and the representatives of the other Powers had made an agreement with Fuad Pasha that none of these men should be executed until the evidence upon which they had been convicted had been considered by them. I asked the Turkish Ambassador at this Court how it happened that all the Turkish authorities who had been tried were sentenced only to exile or imprisonment, while the Druses were condemned to death — a circumstances upon which Lord Dufferin in his despatch had remarked as an evidence of partiality. The Turkish Ambassador affirmed that by the law of Turkey those who were concerned in murder were punishable to death, but that those who had only permitted it, or had been guilty of other crimes, could not be legally sentenced to that punishment. With regard to the sentences, I have already said that the Commissioners in

Syria will have all the evidence laid before them, and that if they think that that evidence is insufficient, or has been unfairly taken, it will be in their power to remonstrate with Fuad Pasha against their being carried into effect. I think that what I have stated answers the question of the hon. Baronet, because it is not possible to say whether the Government will make any representation to the Porte with regard to the trial until we know the opinion of the Commissioners; but I assume, from what I have stated, that until the opinion of the Commissioners is known, no steps will be taken to execute these sentences. I may avail myself of this opportunity to state that there have been other trials which have taken place, not at Beyrout, but in the mountains. Fuad Pasha took means to occupy the greater part of the mountains, and when the Druses returned to their homes I think 800 persons who were accused of being concerned in the massacres were arrested and confined, in order that they might be tried on that charge. It is said that twenty Druses have been condemned to death, and we have been informed that the French Minister for Foreign Affairs (M. Thouvenel) has expressed his opinion to the Porte his opinion that it would be unnecessary cruelty to execute twenty persons, and that one or two executions would, at the present time, be sufficient to satisfy the justice of the case. With regard to the general observations of the hon. Baronet it is undoubtedly true that the Maronites and Druses were animated by a furious hatred of each other. The Maronites were armed, and the Druses, therefore, expected that they should be attacked. The Maronites, on the other hand, were apprehensive of being themselves attacked, and, being mutually animated by the most violent animosity, those massacres took place which we have all so much to lament. As an instance of the fierceness of the different races, I may mention that, according to the report of Lord Dufferin, Fuad Pasha having asked the Bishops of the different Christian sects how many of the 8,000 adult males in that part of the country ought, in their opinion, to be put to death in expiation of the massacres which had taken place, the Bishops, by their signatures to a paper, required that no less than 4,600 of the 8,000 should be executed, and it was with great difficulty that Fuad Pasha and the Commissioners got them to reduce their demands to 1,200, which they said was the lowest number that ought to be sacrificed. Her Majesty's Government and the Commissioners of the European Powers generally will endeavour to obtain justice; but, what with the nature of the Government, and what with the bad feeling between the tribes, the extent of which is evident from the demands of these Christian Bishops, the hon. Baronet will, I apprehend, see that this is a matter of no small difficulty.

NAVAL COMPETITIVE EXAMINATIONS.

QUESTION.

SIR FREDERIC SMITH said, he would ask the noble Lord the Secretary to the Admiralty, Whether there is any and what objection to applying the principle of open competition in the appointment of Marine Cadets? In a debate last year his noble Friend said there would be a difficulty in introducing the system with regard to midshipmen who were only twelve years of age; but he admitted that he himself was an advocate of competition. [Lord CLARENCE PAGET: To a certain extent.] He would like to know to what extent the noble Lord looked favourably on the system. Limited competition, he believed, to be the worst thing they could possibly have, while open competition was undoubtedly the best. The soundest opinions obtained by the Committee over which the noble Lord the Member for King's Lynn (Lord Stanley) presided, were all in favour of a system of open competition. Some of the witnesses, however, believed that it would be desirable to retain certain appointments to be conferred on the sons of meritorious officers, but this he (Sir Frederic Smith) held to be a vicious system. Let them reward a public man for meritorious services, but let them not give to his descendants positions for which they might be totally unsuited. The competitive system introduced by Lord Panmure into the scientific branches of the service had answered admirably; and at Addiscombe, where all the cadets were required to be admitted by open competitive examinations, the best results had been attained. This he was enabled to state from his official position. He, therefore, hoped the noble Lord opposite (Lord Clarence Paget) would be instructed by the noble Duke at the head of the Admiralty to state that, within a certain limited time, there would be no objection to introduce the open competitive system into the Royal

Marines and the Royal Navy. He was not desirous of casting a slur on the present race of officers when he asserted that efficient and probably more highly educated men would be brought into the Naval service, and the public mind, at the same time, would be satisfied that the days of patronage were drawing to a close. What was good in one case in this matter was good in all, and since the principle was already recognised in the different scientific branches of the Army, it might, he believed, be advantageously extended to the Royal Marines and Royal Marine Artillery, of the merits of which distinguished corps, no one was more sensible than himself.

Mr. BASS said, he had applied to the noble Lord during the last Session, on behalf of some friends, to know by what means a gentleman desiring to introduce his son into the Navy, and not having Parliamentary influence, could do so. On that occasion he did not obtain a satisfactory reply, and he hoped the noble Lord was now better prepared to answer the question. He (Mr. Bass) had likewise moved for a Return showing in what manner Naval Cadets were appointed, but the only information he obtained was, that in some 200 or 300 cases the appointments had all been made by "the Board." He would have have been just as much enlightened by a Return of the changes of the moon. It was well known that Naval Cadets were appointed purely from favour and affection. This might or might not be applied to corrupt purposes, but it was only just that every man having a child properly qualified for the Navy should have as good a chance of procuring him admission as anybody else.

Colonel SYKES said, he entirely concurred with his hon. and gallant Friend the Member for Chatham (Sir Frederic Smith), that competition, if adopted to any extent, ought to be open, and that those possessing intellectual qualifications ought to have a fair field and no favour. To the recent examinations at Woolwich 280 competitors came from all parts of the country, and of that number seventy succeeded, of whom he was happy to say four or five came from Marischal College, Aberdeen. Those gentlemen, if they had not had this opportunity of making their own way, would probably have been looking to him to aid their advancement, whereas now they were indebted solely to their own abilities.

Sir Frederic Smith

SURVEYORSHIP OF THE NAVY.

QUESTION.

Sir JAMES ELPHINSTONE said, he had given notice of his intention to ask the noble Lord the Secretary to the Admiralty when the Report of the Commission on Dockyard Management will be presented; and whether Her Majesty's Government intend to fill up the appointment of Surveyor of the Navy, vacant by the retirement of Sir Baldwin Walker, before the House is in possession of the evidence taken by that Commission? He understood, however, that the post had since been filled up, but he trusted that the appointment was only of a temporary character, as he wished to show the position in which the department stood, and the necessity that existed for remodelling that important branch of Her Majesty's service. The country had now attained to what was probably the greatest expenditure ever made in time of peace, and it was necessary to turn in every direction to see in what quarter expenses could be judiciously curtailed. In this very department of the Surveyorship of the Navy, he believed more money had been wasted in the last ten years than he was then prepared to state. Two or three instances, however, which had come under his own observation would show that when there were so many masters it was perfectly impossible the work could be properly conducted, or the waste of public money repressed, until the authority of the department was vested in a council, responsible for their acts to that House. About ten years ago we began to alter our sailing ships to steam vessels. The *Sanspareil* was selected for the purpose of having a screw put into her. That ship was built on the model of the finest French ships taken by us during the war. Originally she had 12-pounders on the upper deck, 18-pounders on the main, and 24-pounders on the lower deck; but these were changed, and she was armed all round with 32-pounders, and some larger guns were placed in her besides, and a 95 cwt. gun on her forecastle; her engines weighing about 400 tons, were placed between her main and mizen-masts, and altogether with her coals, she carried above 1000 tons more than her builder designed her to carry. The consequence of all this overweighting was, that when she got in to the Bay of Biscay she rolled in a manner that was most dangerous; she actually rolled over 47°. On her return she discharged a considerable number of guns. He had endeavoured to find the person by whom the injurious alterations had been directed, but from that day to the present had not succeeded in discovering to whose directions or authority her arrangements were due. Any jury of seamen would have told the Admiralty that the ship was overloaded and unfit to go to sea. Then, again, when the Crimean war broke out, in consequence of the representations of the Emperor of the French, we applied ourselves to building floating batteries. Now, how did we build them? We constructed square boxes, plated them with iron, put guns into them, and then ordered them to sail to the Crimea. How in the world the distinguished seamen to whom they were intrusted managed to get them out he was at a loss to imagine, and a still greater wonder was how they got them back again. Any schoolboy who had ever put an old cigar-case in a bowl of water could tell that a thing which was square would not sail. It could not be got through the water. However, the floating batteries found their way to the Crimea, after traversing from one side of the Mediterranean to the other, as a box always would, and were consequently too late. When the French batteries which had fortunately arrived got an opportunity of acting at Kinburn they showed that an iron-cased ship was impregnable; yet, after that we spent three or four years experimenting on iron plates, while we had much better been occupied in building iron ships. We had, perhaps, found out what description of iron would stand hammering the longest, but the great fact of the impregnability of iron ships had been proved at Kinburn. His right hon. Friend the Member for Droitwich (Sir John Pakington) commenced building six of these vessels, but he thought it would be found that from the mode of their construction they would be lumbersome and unmanageable vessels; that their utility and efficiency were completely destroyed in consequence of their carrying on the outside what other ships carried inside. How that was to be counterbalanced—how these ships were to be manœuvred, was a thing which no one could tell till a trial was made. Instead of fitting out the *Warrior* and sending her to sea, and practically testing her behaviour, we were expending enormous sums on finishing five or six of these ships. It did not seem prudent to be expending £500,000 on each of these ships without seeing how the first of them would behave. He understood that Sir Baldwin Walker had given evidence to the effect that during the time he was Surveyor of the Navy he had eighty-seven masters, and that sometimes when he sent orders to the dockyards on various matters of instruction and detail it was found that letters went down from the Admiralty, sometimes by the same post, giving orders to an exactly contrary effect. If that were stated in the evidence of Sir Baldwin Walker, the House ought to have it. Since the telegraph was established, nothing could be done in the Admiralty without telegraphing. The Port Admiral was nothing more than a servant sitting at one end of a telegraph wire. From hour te hour telegraphs came down from the Admiralty giving directions about matters which it was utterly impossible for any one to superintend who was not on the spot. The Admiral at the dockyard had no power whatever. The whole of his functions were discharged by the Admiralty, who had enough of business without them. They divided their business, but in such a manner that the House had no hold on them. The House could not place the responsibility of the floating batteries or of the rotten gunboats—which could not go more than five miles an hour along the coast, and would not without the greatest delay be able to go from one port to another in a single reefed topsail breeze—on any particular official. Hon. Members could not place their finger on the proper party, or discover who was answerable for what everybody complained of. It was with a view of bringing these questions more fully and clearly before the House that he had asked his question of the noble Lord the Secretary to the Admiralty; and he had, in conclusion, to express his hope that means would be taken to give the House that information to which it was entitled on so very important a question.

MR. H. BAILLIE said, he wished, before the noble Lord (Lord C. Paget) answered his hon. Friend's question, to say a few words on the subject of that inquiry. He thought the House was indebted to his hon. Friend for bringing forward the subject at so early a period of the Session, because in his (Mr. Baillie's) opinion it was of great importance that they should have the Report of the Commission before they were called on to vote the Estimates for the year. He further thought it would be desirable if those hon. Gentlemen who took so laudable an interest in reducing the expenditure of the country, and who had addressed a memorial on that subject to the First Minister of the Crown, availed themselves of the earliest opportunity for bringing their views and opinions in respect to those matters under the notice of the House, in order that the House, previously to going into the Estimates, might know what those views and opinions were, and what was the mode by which those hon. Gentlemen proposed to have the reduction effected. Now he was one of those who thought that the public expenditure ought to be reduced, and at the same time that it might be reduced without injury to the public service. He was of opinion, for example, that great reductions might be made if a searching reform were instituted in those dockyards and on the whole system of their expenditure, more especially if it were true, as was alleged, that they kept no accounts whatever in those establishments. He believed that reductions might also be made in the Civil Service Estimates. Some hon Gentlemen opposite thought that the number of men voted for the Army and Navy last year might be reduced this year. It would, however, be for them to show that the prospects of Foreign Affairs were more satisfactory this than they had been last year, which, certainly, would be information that the House had not received from the Ministers of the Crown. With regard to the appointment of Surveyor of the Navy, one of the principal duties of that officer was that of selecting all the models, of all the ships of war that were built for the service of the Crown. Now, who were the Gentlemen who of late years had been appointed? He believed that for the last thirty years naval officers had invariably been appointed who had no scientific education, and who previously to their appointment had no knowledge either of shipbuilding or of the science of naval architecture. Take the case of the last Surveyor. Sir Baldwin Walker was a distinguished officer; no one understood better the management of a ship of war, but it was notorious that that gallant officer knew nothing of shipbuilding or of the science of naval architecture when he was first appointed to the office, yet every model of every ship of war built for the last ten years had, he (Mr. Baillie) believed, been selected by Sir Baldwin Walker. He had been told that Sir Baldwin Walker had a peculiar fancy for fitting ships of war with enormous masts and spars, and that, when remonstrated with by naval officers that their vessels were overmasted, he invariably laughed them off by saying that the modern school of naval officers was afraid of carrying too much sail. Now, Sir Baldwin Walker might be right in this view, and the naval officers wrong; but he maintained that these were questions which ought to be decided by scientific men. He thought that there should be a Board of scientific naval officers to settle all such questions; and, in the event of the Government not taking the subject into their early consideration, he hoped that his hon. Friend (Sir James Elphinstone), would bring forward a specific Motion regarding it.

Sir JOHN PAKINGTON said, that he wished to put a question to the noble Lord the Secretary to the Admiralty (Lord C. Paget) in consequence of the regret expressed by his hon. Friend the Member for Portsmouth (Sir James Elphinstone) that the Government, before they embarked in a very large expenditure for the construction of iron-cased ships, had not taken some steps to satisfy themselves as to the success of what they had already done in the same direction. He believed the public were disappointed, and with very considerable reason, at the long delay which had occurred in the launch of the *Warrior*. That vessel, under the contract for her construction, ought to have been ready for launching in the month of April or of May last. He was on board of her in the month of May, and he was told that she was to be ready in August; but she was not actually launched until the 29th of December; so that the period stipulated in the contract for her completion had been exceeded by eight or nine months. It was impossible to deny that it was very desirable that the merits and qualities of the *Warrior* as a sea-going ship should be tested as far as possible before the country was involved in the immense expense of building a considerable number of vessels of the same kind; and he therefore wished to ask the noble Lord, whether he could inform the House that the *Warrior* would be fitted out and sent to sea with the least possible delay, in order that her sea-going qualities might be ascertained?

Mr. VINCENT SCULLY said, he would not detain the House long, but as the subjects referred to were of considerable importance he hoped the House would allow him to make a few remarks upon the mode of carrying out the principle of the Resolutions agreed to by the House in 1856, as to the system of competitive examinations. A remarkable statement had been made by the hon. Member for Derby (Mr. Bass), that he had not been able to obtain any information as to the nomination of Naval Cadets. Now, he Mr.(Vincent Scully) repudiated the system of making application to Government for appointments of any kind, and were he asked to obtain one of these nominations, he would refuse to apply for it; for he thought it would be using his Parliamentary influence in a corrupt manner. It appeared, however, that these nominations were obtained by Members of Parliament. If the principle of competitive examination were established, it would give those a chance of obtaining appointments who had no one to speak for them. Formerly the only mode of appointment to Government situations was by patronage; now there were two or three systems in operation. There was still left a remnant of the old system of patronage; there was the mode of examination by a given standard, *minimum* being fixed up to which every person appointed to an office must come; and there was a *bonâ fide* system of competitive examination for introduction to certain offices. He wished, however, to guard the House against a mongrel system which was creeping in in Ireland—a system of half competition and half nomination, the effect of which would be greatly to increase the Government patronage—and he mentioned it now to prevent, if possible, its extension to this country, as it would be attended with very great mischiefs.

LORD CLARENCE PAGET observed, that their naval discussions had this Session commenced very early. He hoped to be able to lay the Navy Estimates on the table in a few days, when those interested in naval matters would have a whole night to themselves, and would be able to discuss at length all the questions relating to iron-cased vessels and other important matters of that kind. He trusted the House would pardon him, therefore, for not going into details on those questions on the Motion for the adjournment of the House to Monday. In answer to the Question of his hon. Friend the Member for Chatham (Sir Frederic Smith), with regard to the competitive system being introduced in the case of Marine Cadets, he had to state that the present First Lord of the Admiralty had introduced a system of limited competition in the case of Marine Cadets. He knew that his hon. Friend did not approve of that, as he wished to introduce a system of unrestricted competition. But this was a question on which very different opinions prevailed—some persons being in favour of limited competition, some unlimited competition, and others of no competition at all. He, for one, did not hesitate to say that he was in favour, as far as possible, of unlimited competition. But his noble Friend, the First Lord, in regard to Marine Cadetships, had introduced a great improvement upon the old system. That old system, though objectionable in some respects, could not be called one of favour, as the cadetships were mostly given to the sons of meritorious officers. It was thought that the system of limited competition would be a very proper and wholesome one in that corps, and accordingly as vacancies occur in the corps, a certain number of candidates are called up for competitive examination, and the most successful are appointed to fill up vacant places. The system he thought a fair one. His hon. Friend the Member for Derby (Mr. Bass) had alluded to Naval Cadets, and found fault with the Admiralty for not appointing Naval Cadets by the mode of competitive examination. This subject was a good deal discussed last year, and he then showed that it was one beset with difficulties. These Naval Cadets were very young boys of twelve to fourteen years of age, and they could hardly devise a mode of examination which would test their abilities when grown up. He would now turn to the question of his hon. Friend the Member for Portsmouth. The hon. Gentleman asked him when the Report of the Commission on Dockyard Management would be presented, and also whether the Government intend to fill up the appointment of Surveyor of the Navy, vacant by the retirement of Sir Baldwin Walker, before the House was in possession of the evidence taken by that Commission. He was unable to answer the first question, because there were various matters which would require much consideration before the Committee made their Report. With regard to the appointment of a new Surveyor of the Navy, it was impossible for him to mention the name of Sir Baldwin Walker without expressing his great satisfaction that he had received a command worthy of his talents and reputation. He was the more anxious to bear his testimony to the merits of the gallant officer, because the right hon. Baronet opposite (Sir John Pakington), had on a former occasion accused him of making a personal attack upon Sir Baldwin Walker. So far was this from being the case that he admired the gallant Admiral as one of the first officers of the Navy, and he rejoiced that he had been brought back to a service which he would honour, as he had ever honoured it in every situation in which he had been placed. Sir Baldwin Walker's health had suffered so grievously that he had begged to be relieved from his duties at the Admiralty. The Duke of Somerset had, however, been unwilling to lose the benefit of Sir Baldwin's assistance until the Estimates were framed. When they were ready, and the noble Duke found himself able to dispense with the gallant officer's services, it was necessary to consider what was to be done. Was the noble Duke to wait until the Committee had sent in their Report on the Control and Management of the Dockyards, and keep this important office in abeyance until their opinion was known? Any one who knew the great and onerous duties of the Surveyor of the Navy must admit that it was impossible for this situation to remain in abeyance, because the whole business of the dockyards would in that case come to a standstill. His noble Friend at the head of the Admiralty had, therefore, chosen for the vacant post an officer who had obtained a great name in the Naval service for his knowledge of steam machinery. That officer had written a work on steam; and he was, in other respects, a remarkably intelligent officer. Under the circumstances, however, his noble Friend had thought it better not to make the appointment a permanent one, and the new Surveyor of the Navy had therefore been appointed for five years. The noble Duke had now under his consideration the enormous duties of this department, and the necessity of appointing some officer to communicate between the Surveyor and the dockyards, so as to carry out the Surveyor's instructions. With the constant duties of the Surveyor in London it was impossible for him to give his personal attention to the dockyards, and some such appointment as he had described would probably be made. The hon. Gentleman (Sir James Elphinstone) appeared to think that this department should be managed by a council. Well, he (Lord Clarence Paget) thought that if anything were going out of fashion it was divided responsibility. They read every day that the great defect of the Admiralty was a divided responsibility, that one department shuffled the blame of anything wrong upon another, and that no one knew who was really responsible. If any department of the Admiralty required responsibility, indeed, it was the department of the Surveyor of the Navy. The hon. Member for Inverness-shire found fault with the appointment of a naval officer to the office of Surveyor of the Navy; but any one not a naval officer could scarcely imagine the marvellous amount of nautical knowledge required in building ships. The putting together the planks and the mere shell of the ship was not the business of a naval officer; but when they came to the upper works a great amount of nautical knowledge and experience was required. The right hon. Gentleman opposite appeared to blame the Admiralty for building too many iron ships. [Sir JOHN PAKINGTON: I found no such fault.] Then the right hon. Gentleman was satisfied that the Admiralty should go on building as many iron ships as our neighbours over the water?

SIR JOHN PAKINGTON: The question I put was, whether the Government intended to test the sea-going qualities of the *Warrior* with a view to assist them in the construction of other iron ships?

LORD CLARENCE PAGET would admit that the contractors were partly to blame for the delay in launching the *Warrior*, but there were various causes for the delay in building that vessel. He trusted, however, that in the course of the present summer the Admiralty would be able to test the qualities of the *Warrior*.

GRANT TO THE MYSORE FAMILY.

QUESTION.

MR. VANSITTART, in rising to ask the Secretary of State for India the Question of which he had given notice, relative to the Mysore grant, said he would not detain the House by entering into the particulars of this important subject, because, in the absence of the despatches and documents connected with it, his information must necessarily be imperfect. He would therefore merely observe that, on the tidings of this extraordinary disbursement to the descendants of the Mysore family reaching Calcutta, so intense was the feeling of indignation which pervaded the Indian community that it not only immediately formed the subject of a spirited debate in the Calcutta Legislative Council, but gave occasion to a most numerous meeting in that city on the 20th of December last, which was attended by all classes—civilians, planters, merchants, and Natives. At this meeting the conduct of the right hon. Baronet was unanimously condemned. The Resolutions adopted by that meeting alleged that Gholam Mahommed had no claim whatever to the grant, legal, equitable, or moral; that the subject was carefully investigated in 1855 by the late Earl of Dalhousie, who pronounced Gholam Mahommed's claim to be utterly untenable; and that even admitting that individual members of the Mysore family possessed certain rights under the Treaty of 1799, those rights were forfeited by the share they took in the Vellore mutiny in 1806; that if, in the opinion of the right hon. Baronet, a necessity existed to inquire into the claim, he was bound to refer it to the consideration of the Calcutta Legislative Council; that a Legislative Council which was called upon to impose taxes, but which was not allowed a voice as to the manner in which those taxes should be applied, was an anomaly and worse than useless; and that so long as that House withheld that Imperial guarantee to the entire Indian debt to which that empire was entitled by having been fully incorporated with the rest of the British dominions, the Indian Secretary at home was not legally justified in interfering with and disposing of her resources at his will and pleasure. It was true that, by his own countrymen, the right hon. Baronet was not charged with aught but carelessness; but it was far different with the Native population, for they, with that intuitive suspicion of character for which they are so remarkable, regarded his recent act as reprehensible and unaccountable. For his own part he confessed he was surprised that the right hon. Baronet had selected such a moment for making this grant, because he was fully aware that so recently as the 19th of November last the Governor General published a financial statement for 1860-61, in which Lord Canning said:—

> "Although he has made every possible effort to effect a reduction of the public expenditure, although he has deferred not only necessary and public works of all kinds, but works calculated directly to improve the revenue, to the execution of which Government is more or less pledged, and on some of which large sums have been expended, are suspended to such an extent that an outlay of no less than eight millions sterling would be required to complete them; and although he has made an appeal to all his subordinates to cut down their departmental estimates to the lowest possible figure, yet the deficit for 1860-61 exceeds six millions sterling, being equal to more than 16 per cent on the total expected income from all sources."

It should be borne in mind that this estimate included one million sterling derivable from an income-tax which had been wrung from the people amid great discontent—so much so that had not Sir Bartle Frere taken upon himself the responsibility of modifying the severity and the incomprehensible nature of the original forms and returns, transferring at the same time the equally expensive machinery of collection to the ordinary revenue machinery of the country—namely, the covenanted Civil Service, and had Messrs. Ravenscroft and Hunter, of the Bombay Civil Service, displayed less judgment, less energy, and less determination, that discontent would inevitably have terminated in bloodshed. Under these circumstances he was anxious to afford the right hon. Baronet an early opportunity of stating, in the terms of his Question,—

> "Whether it is true, as set forth in the fourth paragraph of a Petition numerously signed by the Inhabitants of Calcutta, at a meeting held in that City on the 20th of December last, that the Grant to the Mysore Family has been made by him against the protest of the Indian Government, against the recorded decision of the late Governor General of India, the Marquis of Dalhousie, in Council, and against the representations of the Financial Minister appointed by the Crown, the late right hon. James Wilson, and of the Viceroy and Governor General the Earl Canning; and whether he has any objections to produce Copies of all Papers connected with the aforesaid Grant, and of all Despatches from the Secretary of State for India to the Earl Canning ordering payment of £520,000 to and for the Mysore Family: and Copies of the Minutes of the Members of the Indian Council thereon."

SIR CHARLES WOOD: It may be a question whether I ought not to have referred the matter which has been brought forward by the hon. Gentleman to the Government of India; but there were circumstances connected with what had taken place in former years which induced me, with the concurrence of the Council, to take it in hand, and to attempt to make a final settlement of it. I do not think it would be expedient on the present occasion to go into the question of the Indian finances or the powers of the Legislative Council, I shall confine myself as nearly as possible to a simple account of the facts of the case. The hon. Gentleman has referred to Resolutions which, he says, represent the views of certain gentlemen at Calcutta, to the effect that the families of Hyder Ali and Tippoo Sultan have no claim, legal or moral, to an allowance from the British Government; he has also referred to what took place at Vellore. I hope, therefore, that the House will allow me to state from the beginning the circumstances under which this claim arose. When Tippoo Sultan was killed, Lord Wellesley determined not to reinstate his family on the throne of Mysore, but to substitute the descendants of the old Rajah. A treaty was made with the Nizam, who had been our partner in the war, for dividing equally between them these territories which they had determined to take away from the Rajahship of Mysore. The Governor General undertook the custody and maintenance of the family of Hyder Ali and Tippoo Sultan, and in order to enable him to do that a territory producing in round numbers £70,000 a-year was assigned to the Government of India, over and above their half of the conquered territory. The engagement into which they entered was—

> "To provide effectually for the suitable maintenance of the whole of the families of the late Hyder Ali Khan and of the late Tippoo Sultan, and to apply to this purpose, with the reservation hereinafter stated, an annual sum of not less than two lacs of star pagodas, that is about £70,000."

The spirit in which this arrangement was regarded by those who were most cognizant of the circumstances, and had most to do with the matter at the time, will be shown by two short extracts which I will read, one from a letter from Lord Wellesley, and the other from a letter of the Duke of Wellington. Lord Wellesley wrote to the Court of Directors:—

> "I determined at the same time to grant to the families of Hyder Ali Khan and Tippoo Sultan a more magnificent maintenance than either had enjoyed during the late reign."

It has been contended by some persons that it was incumbent on the Government to allot for the maintenance of these families the whole of the revenue of the ceded territory—that is to say, £70,000, and it is quite clear that the Duke of Wellington entertained some such idea. The sum allotted to them was nothing like that, and the Duke of Wellington writes to his brother:—

> "The family don't now spend more than half the sum allotted to them by treaty, and there surely can be no grounds for this shameful breach of faith with persons in our power."

I do not at all concur in that view. I only quote it to show that the Duke of Wellington, who had a large part in these transactions, and was cognizant of all that took place, did entertain a view which might justify the supposition that at that time at least they were entitled to the produce of the whole of the ceded territory. They received, in fact, much less. Up to 1806 the savings amounted to £87,000. The Government of India had engaged to apply to the purposes of their maintenance the produce of those territories, subject to two reservations—one, that the Government should have the right of making a reduction in the stipend on the decease of some members of the family; the other was that if the family were guilty of disloyalty to the Government of India, or attacked the territory of the Rajah of Mysore, the stipend might be withdrawn altogether. In 1806 occurred the mutiny of Vellore, a mutiny of the Native troops, arising from circumstances totally unconnected with political motives; but the troops availed themselves of the presence of one of the sons of Tippoo Sultan, took him from the barracks, and placed him at their head. That is the foundation of the assertion referred to by the hon. Gentleman that the family had been guilty of mutiny, and had thereby forfeited all claims on the Government of India. The circumstances were inquired into at the time by the then Governor General, Lord Minto, and he recorded his deliberate opinion that they did not affect the claims of the family to a liberal maintenance from the British Government. Lord Minto said—"It still becomes us to show as much generosity towards these families as is consistent with public security under present circumstances." The public security was the only limit which he considered could be put on their claim to a generous treatment, and that security was taken by removing them to Russapuglah, near Calcutta, At this place they have lived ever since, shut up by themselves, and intermarrying among themselves, and every Gentleman who is aware of the mode in which Mahomedan families live shut up in this way, and intermarrying among themselves, will not be surprised to learn that the social and moral state there is not one which it is desirable to perpetuate. The produce of the territories allotted for the maintenance of the families was, from the time of the treaty, kept entirely apart from the general revenue in a separate fund, which was called the Mysore Deposit Fund; and the sums spent upon the family were so much less than the produce of the territory, that in 1855, when the money was merged into the general receipts of India, there had accumulated from the savings in that respect no less a sum than £600,000. In 1852, Prince Gholam Mahommed addressed a memorial to the Court of Directors claiming that the whole sum of £70,000 a year should be spent on the families, and that the £600,000 which had accumulated up to that time should also be paid over to them. The Court of Directors very properly refused to admit that claim, saying that the family had no claim either to one or the other, but that that to which they were entitled was a fair, suitable, and liberal maintenance. Gholam Mahommed came over to this country in 1854, and was here for some time. The Home Government gave directions then, as now, on the subject. They decided at that time that an addition should be made to his allowance, and to that of certain other members of the family, and these directions were transmitted to Lord Dalhousie. It is perfectly true that Lord Dalhousie did not think there was any such claim. Sir Barnes Peacocke, also, who has borne a prominent part on the present occasion, recorded his opinion that, inasmuch as these persons were no parties to the Treaty of Mysore, they had no legal claim under that treaty. Lord Dalhousie thought it exceedingly desirable to put an end to their state of dependance on the State, and proposed that after the fourth generation their allowances should cease altogether. So far as the legal claim of the parties under the treaty goes, no doubt, they have no claim at all. But that does not seem to me in the slightest degree to impair the equitable and moral claim of these persons, who are the descendants of those whom we dispossessed of their territories, to that which was provided for them in the treaty, and to which Lord Minto and every other Governor General considered them entitled. The next question was, whether it was possible to discontinue these payments at any time; and on this point the Home Government took a more just and equitable view, and they stated that they could not consent to these people being turned out loose on the streets destitute of all means of subsistence, and that such a course would be utterly unjust and incompatible with all sound notions of the policy which ought to be pursued towards the descendants of deposed Princes. They asserted that in their view they were entitled to fair and liberal consideration, and they entirely declined to adopt the views of Lord Dalhousie, which, I think, were most impolitic, harsh, and unjust. So matters stood until 1858, when my noble Friend (Lord Stanley) became President of the India Board. Gholam Mahommed then addressed a letter to him, and came over to this country again. He arrived a short time before I became Secretary of State. There was another similar question pending at the same time, and a Committee was appointed to consider both cases. A good deal of communication took place with Prince Gholam Mahommed, into which it is not necessary that I should enter, and the result was the arrangement which has been made. I should perhaps have said that during the whole of the time both the Government of India and the Government at home felt the importance of putting an end to the existing state of things, which was extremely detrimental both to the Mysore family and the Government. The arrangement first contemplated was, that the Princes should qualify themselves for public employment; but they clung to the position of pensioner Princes, they were content to remain so; and with their habits of ease and idleness, it was felt even by those who originated the idea, that such an arrangement was totally out of the question. The only other mode of placing them in a state independent of the Government was to put them in possession of some permanent income, merely so that they should not exist on eleemosynary aid. Whenever any member of the family died the circumstances of the family had to be considered, and every succeeding death necessitated a new allotment. The Court of Directors in 1854 expressed their opinion that, however desirable a permanent arrangement was, the full assent of the members of the family to any such scheme was an essential condition, and that it should be framed in communication and concert with the leading members of it. Prince Gholam Mahommed is the head of the family—he is the only surviving son of Tippoo Sultan—and in his communications with me last year, he represented himself as authorized to speak for the whole family, and to concur for himself and them in an arrangement for a permanent provision. Communications took place with Prince

Gholam. The first proposal was that a certain sum should be capitalized. He requested some modifications, which I will not go into in detail. I will state the ultimate arrangement which was made. Last summer there were twenty-two grandsons having families, and thirteen great grandsons having families. There were also stipends to a considerable amount to other members of the family — widows, daughters, servants, and pensioners. The whole expense of Russapuglah was about £54,000 a year. The arrangement which was made was this—not that a large sum of money should be given, as has been represented, but that an amount of stock should be created, the interest of which should be disbursed to existing incumbents during their lives in lieu of a portion of their stipends, and should form a perpetual endowment for the family. The interest of it would be £17,160 a year, which will be the ultimate income. I should add that the capital sum is vested in the names of family trustees, and that it is not in the power of any member of the family to beggar himself by spending the whole provision at once. The annual sum is secured, and without the consent of the trustees no portion of the capital can be touched. In addition the Government have agreed to a temporary increase in the allowances. Gholam Mahommed represented to me that some members of the family were unable to maintain themselves in a condition of decent respectability. He asked nothing for himself, but urged their claims, and I agreed to increase the annual stipends by a little more than £12,000 a year, to be continued during the lives of certain members of the family, many of whom are of advanced age, and two of whom have, indeed, died since last summer. That increase will, therefore, all cease in the course of a very few years. Then came the question of the removal of the family from Russapuglah. They could not move without some money. I agreed to give £40,000 to pay their debts, and about £40,000 more to purchase houses and residences elsewhere. The first sum was to clear them from debt, and the second to induce them to remove. That is, in point of fact, the whole of the arrangement. The sum granted to them of £83,000 is less than the saving made before either of the events occurred on which a reduction of allowance was to be made, and even if he had purchased the stock for the endowment, the whole might have been done out of the savings of which we have reaped the benefit. I cannot find a word, short of expressing the legal claim of the parties, to designate, as strongly as I feel it, the moral obligation of the British Government to provide in a fair and liberal manner for these persons; and when we remember that £17,000 is to be divided among more than thirty-five families, I cannot say I think it extravagant. I am very sorry I should have had to make this arrangement at a time when the financial state of India is not as good as we could wish; but when Prince Gholam was here competent to act, and when the consent of the families was essential, I think I should not have acted wisely if I had not availed myself of the favourable circumstances to put an end to all claims —to release them from a state of dependence, and to extricate the Government from a very disagreeable position. I believe, moreover, that these persons will now have an inducement to occupy a position in the State which they never would have as long as they were stipendiaries, and that a very large prospective liability has been commuted at a not very extravagant cost.

CHURCH-RATES.—QUESTION.

MR. BRISTOW said, that it had been intimated to him by Mr. Speaker that it was not competent to him to persevere in the first portion of the Notice he had given, "To call the attention of the House to the present position of the question of Church-rates," as it would be irregular to invite discussion upon a subject which, since leave had been given to the hon. Baronet the Member for Tavistock to bring in his Bill, was before the House, he would content himself with asking the noble Lord at the head of the Government whether it was his intention to introduce a Bill on the subject during the present Session? He was also requested by the hon. Member for Cambridge (Mr. A. Steuart) to ask whether, in the event of the Government not being prepared with a Bill, the noble Lord saw any objection to proceed on the whole question by way of Resolution.

SPIRIT DUTIES.—QUESTION.

MR. CRAWFORD asked the Chancellor of the Exchequer whether it was the intention of the Government to introduce any Measure during the present Session for the modification of the duties of Excise upon spirits? His reason for asking the question was that an impression prevailed that there had been not only a great diminution in the consumption of duty-paid spirits, but also a very great increase of illicit distillation. Under these circumstances the whole spirit trade, and particularly the foreign portion, was in a state of paralysis, because it was believed that the Government would find it necessary in the present Session to bring in a Measure to modify the Spirit Duties. He should like to know whether there was any great falling off of revenue from spirits, or any great increase of illicit distillation.

THE CHANCELLOR OF THE EXCHEQUER said, he would give an answer which he hoped would be sufficient for his hon. Friend's purpose. He held it contrary to the public interests, as a general rule, for the Minister charged with the care of the finances to answer questions as to the intentions of Government with respect to any financial subject before the period for making the regular financial statement, and he did not know of any exception to that rule when the question referred to the old-established duties; but the case with respect to a proposition made six or seven months ago, and only in full operation for five or six months, was on a different footing. With respect to the state of the revenue from spirits, he did not think that such a period had elapsed as would enable him to give any answer of value to the House, because the smallest time that could be taken as any test of the effect of an alteration of duty was the time which expired when the financial year closed. It was in the middle of the month of July that he made the proposal respecting the Spirit Duties last year, and up to the present time the Government had only been in receipt of the new duties for something more than five months. As regards the most important part of the question put by his hon. Friend in respect to illicit distillation, he could give an answer which would convey entire satisfaction, as undoubtedly that was a point on which the Members of the House might have felt sensitive and anxious at the time when the proposal of the Government was made. With respect to that point the evidence he held in his hand, and which he should have no difficulty in laying on the table if required, was, in his opinion, conclusive. He held in his hand a Return of the number of detections and convictions and of persons sent to prison in the years 1859 and 1860 respectively. He would not trouble the House with all the details of the Return, which he might describe in a single word by saying that there was not a single comparative figure which did not exhibit a diminution, whether as respects detections, convictions, or commitments in every one of the three kingdoms—England, Scotland, and Ireland. This was evident in Ireland particularly, which, of course, might have been regarded as the most critical and dangerous part of the case. There the detections in the year 1859 were 1,829, and in the year 1860 only 918. He, therefore, did not hesitate to say, even at this early period, that on the subject of the increase of illicit distillation the Government considered the evidence before them to be, for the time which had elapsed, completely satisfactory and conclusive, nor did he hesitate to go one step further, and under the peculiar circumstances of the case, state, in answer to the question put by his hon. Friend, that there was not the slightest intention on the part of the Government to propose any reduction of the duty which in last Session was laid on spirits by Parliament.

THE CANADIAN EXTRADITION CASE.

QUESTION.

MR. H. B. SHERIDAN said, that in rising to ask the Question of which he had given notice, in reference to the fugitive slave Anderson, it was not his intention to take up much of the time of the House. The first Question was, Whether in the Canadian Extradition Case, the Government had any doubt that the writ of *habeas corpus* issued by the law courts here, requiring that the body of Anderson should be brought before them, would reach Canada in time to prevent the judgment of the Canadian courts being acted upon? He had struck out the words "ordering surrender of the prisoner," because it appeared that the Canadian courts did nothing but decide on the abstract question of law. The prisoner was, therefore, remitted to the Sheriff, and it was left to the Governor to decide whether he should be given up or not. He knew there were many persons who had doubts as to whether the writ would arrive out in time; and there was further no little surprise expressed that Judges presiding over a British court should be found to give so remarkable a decision as that given in Canada. The Questions, therefore, which he wished to ask the First Lord of the Treasury, were:—

"Whether, in the case known as the Canadian Extradition Case, Her Majesty's Government have any doubt that the Writ of Habeas Corpus issued by the Court of Queen's Bench in this country, requiring that the body of one J. Anderson should be brought to that Court, will reach Canada in time to prevent the judgment of the Canadian Court from being acted upon:

"And whether Her Majesty's Government have any doubt that the Writ on its reception by the Canadian Court will be attended to and obeyed:

"And whether any steps have been taken to secure the safe passage of J. Anderson through American territory, if that route should be selected, to reach this country:

"And if Her Majesty's Government are aware whether or not the said J. Anderson is now in prison in any of Her Majesty's gaols in any part of Her Majesty's dominions as a felon or otherwise, and subject to the ordinary treatment of persons who have broken the Laws:

"And, whether Her Majesty's Government, finding that it is the opinion of certain British Judges that there exists a Treaty with the United States of America by the terms of which Great Britain has declared that there are some men who have no natural or legal right, have taken any and what steps to revise or to put an end to and dissolve such a Treaty, in order that for the future no misunderstanding shall exist as to the meaning of such Treaty, or as to the intention of the British people with reference to the question whether one man has or has not the power to enslave another."

Mr. COLLIER said, he thought that not an inopportune occasion to make a statement in which he was confident he should be supported by his hon. and learned Friends in the House—that it was the almost unanimous opinion of Westminster Hall, that the decision of the Canadian Courts was wrong, and that Anderson ought not to be given up. It was a question to decide which did not require a legal education. It was one which every Member of that House was as competent to form an opinion with as any lawyer. He would briefly state what it was. The question arose upon the construction of the Ashburton Treaty. He might observe, in the first place, that with regard to extradition treaties generally, it was stated by Sir James Mackintosh, that the object was the extradition of great offenders — offenders against the law of nations, which was the basis of the code of all civilized countries — and not of offenders against merely the peculiar, conventional, and exceptional laws of particular States. But, in order to guard against any question being raised that they were bound to surrender offenders against the peculiar laws of the United States an express provision was made in the treaty. The provision was:—

"Provided that this (extradition) shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or persons so charged shall be found, would justify his apprehension and commitment for trial if the crime or offence had there been committed."

That was in the country where the fugitive was found. A question was asked in that House, in 1843, by Lord Macaulay of the officers of the Crown as to the construction of this treaty—whether or not this treaty would apply to offenders against the peculiar laws of the slave States. Sir Frederick Pollock, who was then Attorney-General, stated that it would apply only to cases in which an offence had been committed against the laws of England or those of Canada.—[See 3 *Hansard,* lxxi. 572.] He (Mr. Collier) believed that opinion of Sir Frederick Pollock to have been perfectly correct. If the words in the treaty which he had just quoted were read in their plain and simple interpretation, no man of common sense could help coming to the same conclusion, and it would require a great deal of legal ingenuity indeed to pervert them. He understood that by the judgment of the Courts of Canada this was not the interpretation which had been put upon them—a judgment with which he altogether differed. The magistrate before whom Anderson was brought had to consider whether he had committed a crime according to the law of Missouri, and then to determine whether the evidence of that crime was sufficient, according to the law of England. There could be no proceeding more inconvenient than to require a magistrate to deal with the laws of two different countries—to consider the law of one country with respect to crime, and then to determine upon the evidence respecting that crime by the law of another country. If they were to judge of this crime by the law of England, the case was quite clear. An attempt was made to apprehend Anderson, who was pursued for the purpose of capture. He killed his pursuer in defence of his liberty. He (Mr. Collier) said that was not murder according to the law of any civilized country. Then how did it become murder? Why, upon the proof of the additional fact that he was a slave. But the law of this country did not recognize slavery—and, therefore, that fact was wholly immaterial. He, therefore, ventured to say, with great respect, that it seemed to him the Courts of Canada had frittered away the plain meaning of the words to be found in the treaty, and had given them a meaning never intended by either of the contracting parties. Let them see for a moment to what consequences this interpretation would lead. If the criminal law of Missouri were to prevail this would follow. Suppose the Missouri authorities were to enact that any slave who struck work, or who read the Bible, should be guilty of murder—the logical consequences of such an interpretation would be that this country would be bound to surrender him upon proof that he had struck work or read the Bible—a conclusion so absurd that it was impossible to suppose such an interpretation would be insisted on by any country. He had only to express an anxious hope that Her Majesty's Government would be able to give a satisfactory answer to the question which had been put in reference to this subject. He felt certain that the Government could not possibly give any other instructions to the Governor General of Canada than not to surrender Anderson.

MR. WARNER said, it would probably be in the recollection of the House that some years ago a claim was made by the Government of this country upon the Government of the United States, for the extradition of a person charged with murder in Ireland. He believed the accused party bore the appropriate name of "Cain," and the crime with which he was charged was that he had waylaid his landlord and shot him dead. The case came before the Courts of the United States, and they held, first, that the treaty did not apply to political offences; and, secondly, that the shooting of a landlord in Ireland was a political offence. He apprehended that in this country it was no answer to a charge of murder to say that the victim was a landlord; but let them apply the doctrine held by the American Courts to the present case. He was not going to dispute the common opinion which seemed to prevail in this country with regard to the absurdity of the Ashburton Treaty. He was willing to admit that it stood almost unrivalled as an instance of diplomatic incapacity and want of common sense. But it was clear that its words could not bear a double interpretation—that there could not be one interpretation for the Government of the United States and another for this country; and by whatever rules of interpretation the United States Government arrived at the conclusion that the murder of a landlord in Ireland was not within the treaty, the Government of Canada could not avoid coming, by the same process of interpretation, to the conclusion that homicide in defence of personal liberty was not within the treaty. Whether the decision of the Court of Queen's Bench in Canada in the case of Anderson was right or wrong did not now so much matter, inasmuch as the question was taken out of their hands, and rested with the Canadian Executive. He wished to ask the noble Lord whether he had reason to believe that the Canadian Executive would be officially cognizant of the precedent he had quoted, and whether he thought there was any reason to fear that, from over-scrupulousness or any other cause, they might put a construction on the treaty contrary to that which the United States' Government had established in their own case, as well as opposed to those glorious traditions which were the property of Canada equally with our own country.

VISCOUNT PALMERSTON: In answer to the first Question, put to me by my hon. Friend below the gangway (Mr. Bristow), I have to say that it is not the intention of the Government to introduce this Session any measure with respect to church rates. There is a Bill already before the House on the subject. With regard to the question whether we should object to proceeding by Resolution, it will be for the House to determine that; but it does not appear to me that the question is one to which the method of Resolution is at all applicable. With regard to the Question of the hon. Member for Dudley (Mr. H. B. Sheridan), which has just now been matter of discussion, I will state exactly how the matter stands, and, of course, that statement will be a reply to many of the questions that have been put. My noble Friend the Duke of Newcastle wrote on the 9th of January to the Governor General of Canada that he was not to surrender Anderson to the American Government until he had received positive instructions from Her Majesty's Government to do so. Therefore, there is no chance of Anderson being surrendered until the question shall have been fully and completely considered. There is a general impression that the decision of the Court of Queen's Bench in Canada would have the effect of rendering it necessary that Anderson should be given up. But it has no bearing on that point. The effect of the decision of the Court of Queen's Bench, whether right or wrong, is that Anderson was not to be taken out of the custody in which he then was; but it rests, not with the Court of Queen's Bench, but with the Governor General of Canada, to issue the official warrant for his surrender, when application for that surrender is made. Of course, it is not for me to answer the question as to the conflicting jurisdictions of the Court of Queen's Bench of this country, and the Court of Queen's Bench in Canada; or to say what is the course likely to be pursued by the Court of Queen's Bench in Canada, when it shall have received the writ issued by the Court of Queen's Bench in England. It is plain enough, however, that if Anderson were to be sent to England in compliance with the writ, he would not be sent through the American territory — and, therefore, the writ cannot be executed, if it is to be executed, until the communication is open with Canada, without going through American territory. My hon. and learned Friend (Mr. Collier) has plainly stated the effect of that portion of the Ashburton Treaty which relates to this question: but I do not concur with my hon. Friend behind me (Mr. Warner) in considering that the treaty is very imperfect and unintelligible. On this point, however, it is clear as day — it requires proof that when a criminal is claimed under its provisions he must be accused of one of the offences mentioned in the treaty, and that the circumstances urged as the grounds for asking for his surrender, must be such as would show that he was liable to be prosecuted for the crime according to the law of the land in which he then was. That in this case would be the law of England. It is quite plain to my understanding that the American Government must establish that Anderson committed an offence which by the law of England is murder, and that they must give proof which would be sufficient to satisfy an English justice of the peace that he ought to be committed to be tried on that accusation. I will not go into the question which has been so ably discussed by my hon. and learned Friend, whether a free man who kills in self-defence another who attempts to reduce him to a state of slavery is guilty of manslaughter, or justifiable homicide, or murder. I think it probable that no English lawyer would place the act under the last mentioned head: and if it is not murder, then clearly no accusation has been established under which the surrender of Anderson could be claimed under the provisions of the treaty. That is only a passing opinion; but what must be satisfactory to the House to know is that, by instructions from the Secretary of State for the Colonies, the Governor General of Canada is not to surrender Anderson until the question shall have been fully considered by the Government at home, and until instructions shall be sent to him from hence.

Motion *agreed to.*

House at its rising to adjourn to *Monday* next.

POOR RELIEF.

SELECT COMMITTEE MOVED FOR.

MR. C. P. VILLIERS said, in moving for the Committee of which he had given notice, it would not be necessary for him to detain the House more than for a few minutes, as it was in compliance with a wish already expressed by this House during the last Session, rather than from any want himself to obtain information that he rose to propose inquiry into the subject of his notice. It would be in the recollection of the House, that when he introduced the usual Bill last Session, providing for the continuance of the powers of the Poor Law Board, an opposition of a very decided character was offered to it, and though the reasons assigned for this course were extremely vague, and even conflicting—yet, there was something like a general agreement that inquiry was needed to investigate the matters alleged in debate, and, in fact, thereby into the past administration of the present Poor Laws. Willing, therefore, that the fullest investigation should take place, he had adopted in his notice the terms in which a reference had been made to a Committee on a similar occasion, more than twenty years ago, when, under the chairmanship of Mr. Fazakerly, the most comprehensive inquiry ever made into this matter was instituted. At that time, a great agitation prevailed on the subject among the poor themselves—but the circumstances were now different—for he believed that the only agitation out of this House that had occurred lately, was one which had its origin in the attempt which his predecessor, now a noble Duke in the other House, had made to remove a grievance of which the Catholics complained with regard to the religious education of orphan children of their persuasion, being inmates of the workhouse; and empowering the Guardians to provide for their instruction. He believed that this order was framed by the noble Duke with perfect good faith, with the view to remedy the evil in question; but, having the effect of awakening the fears and suspicions of some earnest Protestants, he was charged with having abused the powers of the Board with the view to conciliate political enemies; and on this account they organized a movement, with some success, to prevent the renewal of the powers of the Board; for finding that order himself in the department, and having obtained the concurrence of two other Members of the Cabinet, he (Mr. Villiers) had caused it to be issued. The Catholics allege, that in consequence of the agitation it has become inoperative; he thought, therefore, that now it must, with other matters of which they complained, form a subject of inquiry before the Committee. He was bound, however, to admit that in the House the objection to the Board was placed on a different ground, and one on which he was told was felt strongly by several of the Boards of Guardians in the country. The hon. Member for Manchester represented this party; and from his position in this House as Member for that large constituency, and from the strong feeling he exhibited himself against the Board had doubtless influenced the House in its decision, having actually himself proposed to limit the continuance of the Board for one year only. The view which this party entertained was, that the purposes for which the Poor Law Board was originally constituted had been satisfied, and that the law under the control of the annually elected guardians could be applied with the same uniformity, judgment, and economy as had characterised its administration for the last twenty-five years. They demanded to have more power—a full discretion in relieving able-bodied men out of the house, and the power not only to appoint the officers of the Union, such as the chaplain, the doctor, and the solicitor or clerk, as they do now, but, also to dismiss them at pleasure. They objected also to the system of auditing the accounts, which was done now (as some would think properly) by persons independen tof those whose accounts they audited, but which, as they alleged, was the cause of collision. The Member for Sheffield proposed to give legislative effect to all these veins without enquiry, but, having withdrawn his propositions, they will now, doubtless, be referred to the Committee. The alterations which they demanded, he need not say, would alter the whole system of administering relief, and he was bound to say also, that these demands were made on the part of about fifty or sixty unions, they were not entertained by upwards of 600 other unions, amongst whom there was as yet but little complaint of the Central Board. However, if the persons who had petitioned could satisfy the House that the law would be as well administered under their control, as it had been under the Central Board, their evidence was worthy of every attention. The House, in its decision last Session was, doubtless, principally influenced by the speech of the right hon. Gentleman the Member for North Wilts (Mr. S. Estcourt), who had himself been President of the Poor Law Board, and who, in supporting the renewal of the powers of that Board, had expressed the strongest opinion as to the necessity of a general inquiry into the operation of the new Poor Law, and even, he believed, went so far as to say that if no member of the Government proposed the inquiry that he himself would move for a Committee. Such a speech, coming from one of the right hon. Gentleman's position, naturally had a great effect upon the House, and led to the Amendment proposed by the hon. Member for Kent (Mr. Deedes), who, though he had been in former times a strong supporter of the new Poor Law, carried an Amendment limiting the continuance of the Board to a period of one-half of its usual duration. He (Mr. Villiers) saw no objection to the adoption of that Amendment, except that as the Government did not refuse to consent to an inquiry into any specific grievance arising out of the operation of the law, they were reluctant to cast a censure upon the Poor Law department, such as was involved in that Motion, without any statement of facts, or any proofs that abuses existed, or any complaint on the part of the poor, more especially in the face of the Report, which as to the reduction of the number of the poor, the diminution of the poor rates, and the good condition of the people and their contentment under the operation of the law, was more satisfactory than any which had previously been laid upon the table. The Government were perfectly willing that an inquiry should take place; they were most anxious that the truth should be ascertained, and if any amendments or improvements were suggested they would be most willing to adopt them. He was bound to admit, however, that before the meeting of Parliament, circumstances had arisen springing out of the suffering occasioned by the extraordinary severity of the late season, which had further excited the feeling against the existing Poor Law, and gave something like propriety to the investigation that had been called for. To use the phrase most in vogue on the recent occasion, the Poor Law system had broken down, and it was said by people, perhaps little informed on the matter, that the time had come when another system of relieving the poor should be adopted. He was quite willing that this allegation should be made the subject of inquiry. He believed that there was considerable exaggeration in the statement, and that the conclusion had been drawn very hastily from the liberal, he might say the marvellously large contributions, that had been voluntarily made for the relief of the poor, that but for this assistance the poor must have fallen. He did not wish to speak otherwise than in terms of unbounded praise of the kind feeling which had been displayed by the wealthy classes towards the poor upon this occasion; but he could not help believing that much of their contributions had been made more under the impulse of religious and generous feeling, or from a desire to sacrifice some of their superfluities, to relieve those whom they believed to be in want, than from any reasonable conviction or opinion that the poor could not be relieved under the Poor Law. He did not doubt that the misery of multitudes was mitigated by the distribution of the relief to which he had referred, but he believed that if it had not been so lavishly bestowed there would have been found on the part of the parochial authorities the good will, the means, and the power to relieve the destitution which existed. Of course, when you had two funds, one of which was distributed without any test of the condition of the claimants, and the other subject to such a test, the demands upon the former would be more numerous than upon the latter, and that, he took it for granted, had been the case in this instance; but he was, after inquiry, convinced that there had been on the part of the parochial and union authorities much less neglect and much less incapacity than had been ascribed to them. It would be satisfactory to the House to learn that during one week of that severe season 23,000 more persons were relieved out of the rates than had received relief in the corresponding week of the preceding year. These 23,000 formed but a part of the 40,000 applications which had been made, and the difference between those numbers was accounted for by the persons who had refused to receive workhouse relief on condition of performing some task of work which was submitted to them as a test whether they were really deserving objects, or whether their aim was merely to extort assistance in order to enable them to live in idleness, or without doing work in return. But these people who thus refused relief at the workhouse on the conditions on which it was offered, of course went to the police-office, or any other place where relief was indiscriminately given. The information on which he was now speaking was derived from the official reports he had received, and if the facts were disputed it offered a reason, perhaps, why the investigation should take place. He had likewise caused inquiry to be made as to what had occurred throughout the whole country, and he had really been astonished to learn from the inspectors the intelligence, the judgment, and the humanity with which those placed in authority under the Poor Law had distributed relief in districts where the distress was quite as great as in London. It was, moreover, satisfactory to learn the very cordial and harmonious manner in which the parochial authorities had co-operated with the gentry and clergy, and with all whose circumstances and disposition enabled them to give largely to the relief of the destitution which the season had occasioned, and which had not been less in the country than in town. The House would feel that he (Mr. Villiers) had no conceivable object in concealing the truth; he was extremely anxious that the whole subject should be investigated; and if a Committee went into the inquiry every assistance which the department could afford them should be given. He trusted that by their labours some rational decision would be arrived at on the subject of the administration of poor relief, for it was really time that there should be something definite and stable determined in the matter.

They had now the benefit of considerable experience, and legislation ought to decide what were the best permanent means of providing relief for the poor. Considering the immense number of persons who were nearly destitute, and the enormous sums annually contributed for their assistance, it was most unsatisfactory to be eternally hearing either that the poor were ill-used, or that the sums were wasted, or that the results for which persons looked in giving their money were never attained. It was most inexpedient on account of the poor, and most unjust to those who contributed to the rates, that a system should continue if it was really defective; at the same time, if the law did accomplish its purpose, and if the department to which it was subject and properly discharged its duty, much was it to be regretted that the most unfounded assertions should continually be made with reference to it. If the House decided on appointing the Committee for which he now moved, he should enter on the discussion without the least prejudice to himself, and he should only hope that some conclusion might be arrived at that would place the administration of relief to the poor on a sound, satisfactory, and stable basis.

Motion made, and Question proposed,—

"That a Select Committee be appointed to inquire into the Administration of the Relief of the Poor, under the Orders, Rules, and Regulations, issued by the Poor Law Commissioners and the Poor Law Board, pursuant to the provisions of the Poor Law Amendment Act."

MR. EDWIN JAMES said, the right hon. Gentleman had fulfilled the promise which he gave last Session—when the Poor Law Board was in jeopardy, and when the House expressed its opinion rather strongly in reference to a renewal of its powers—that he would move for a Committee to inquire into its system of administration. In doing so he had pronounced a rather glowing panegyric on the services of that department, which, he (Mr. E. James), ventured to think, cost more and created greater dissatisfaction than any other department of the Government. From all parts of the country, but particularly from the manufacturing districts, complaints had proceeded on this very subject. He ventured to differ from the right hon. Gentleman in his estimate of the parochial authorities. These men were not naturally cold, hardhearted beings, insensible to the sufferings of the poor; but the fact was that, under the control of the guardians and under the superintendence of the Poor Law Board, they were often disabled and prevented from giving relief by the stringent rules which were prescribed for their guidance, and obedience to which was rigidly insisted on. With reference to the late destitution in the Metropolis, it was well known that except for private bounty, which flowed in munificently from every quarter, numbers of the poor would, beyond all question, have starved, even in the most opulent districts. When poor men were dying of want, and stood in urgent need of a loaf of bread, there was hardly time to consider whether relief was to be "indiscriminate," or of some other character; it was not the time to stand out and say, "We will give you nothing, unless you comply with the requirements of the Poor Law Board." What he complained of was the utter want of a reasonable discretion, which the stringent and arbitrary rules of the Poor Law Board forbade. He was glad, therefore, that the right hon. Gentleman had fulfilled his promise. He felt proud to add that the severity of the rules had been much tempered by the gentlemanlike tone and courtesy of the right hon. Gentlemen at the head of the department. But, as they still existed, he hoped that the inquiry would be an impartial one, and such as would give satisfaction to the country.

LORD ROBERT CECIL said, it was not his intention to offer any opposition to the Motion. On the contrary, he thought the proposed inquiry exceedingly opportune, after the events of the late severe winter. He agreed with the hon. and learned Member who had last spoken that, in relying merely on the official accounts, the President of the Poor Law Board was depending on a source of knowledge which in this case was to a certain extent defective, as it underrated the extreme misery which the inhabitants of the Metropolis had undergone. On the other hand, he was ready to believe that the great bulk of the suffering, as well as the break-down of the machinery of the Poor Law, had been confined to the Metropolis. In saying this it was not his wish to cast the slightest slur either on the right hon. Gentleman himself or the Department which he represented, for he believed that it exercised a most salutary influence on the management of a great national interest, and that, but for the existence of that Department, the evils of which they had now to complain would be enormously increased. The blame of the break-down in the Metropolis, so far as any evidence was before them, was to be attributed, not to the Central Department, but to the parochial authorities. The right hon. Gentleman had spoken, he would not say with contempt, but with something like condemnation of the unreflecting manner in which benevolent and philanthropic persons had poured forth their money to relieve the distress which prevailed. If, instead of simply consulting the official accounts, the right hon. Gentleman had looked at what appeared in the newspapers, and had remembered the effect which those accounts must produce on those benevolent persons whose eyes they met, he must have admitted that there was strong cause for the exercise of a most liberal bounty. The right hon. Gentleman had told them of 23,000 additional persons who were relieved in one week—he presumed in January. But the distress did not begin in January, it commenced in the middle of December, the accounts for which month were before the House, and it appeared that less persons were relieved, indoor and outdoor cases included, than in the corresponding weeks of 1858, when, it would be remembered, the weather was remarkably mild. The fact was that at this time applicants were not flowing into the police courts, and the sensation which agitated London was not felt till after the cold had lasted for a fortnight. Then indiscriminate relief commenced, and the evils followed which he readily acknowledged were always attendant upon it. Then, too, it was possible that the workhouses were frightened into opening their doors, and the guardians might have become somewhat more liberal than they previously were. But the point to which he wished to draw the right hon. Gentleman's attention was the account which the newspapers gave of the way that the parochial authorities administered relief. The theory of English law was that nobody should be allowed to starve in the streets, and if it were generally believed that the theory would be acted up to, and that, come what might, nobody would be allowed to starve in the streets, little would be heard of indiscriminate charity. It was only the belief that the thing was a delusion which induced people to part with their money in order to prevent so terrible and disgraceful an occurrence. There was always a difficulty in proving a statement in the House; if but few facts were adduced in support of it they were probably held to be insufficient, while if many were quoted they were apt to be tedious. But, with the permission of the House, he would read what the magistrates and the reporters said in one or two instances with respect to the conduct of the Poor Law authorities. The first instance he would take was from Worship Street Police Office:—

> "The magistrates' aid is so frequently entreated at this court by paupers of both sexes, who complain that without it they cannot obtain admission to the workhouse, or else are relieved in such a manner as virtually to amount to a refusal, that it really appears as if the police court were being converted into a branch office of the workhouse, through which it is necessary to pass before gaining admission to the latter. One poor woman made two applications to the magistrate. On the first she said she had applied for admission to at Shoreditch workhouse, but instead of taking her in they told her she must go before the Board. But the Board did not sit for several days, she had no home of any kind, no subsistence, the weather was very severe, and how was she to live and get lodged until the board day came round? But when the board day was past the poor woman was not disposed of, for she again came into court in very much the same condition, and stated that on going before the Board one of the members told her that she was capable of helping herself, and, refusing to admit her, they only gave her an order for a loaf and a shilling a week."

In a great many cases he was afraid the relief given at workhouses was confined to this loaf and shilling a week. It was evident that in London, especially during such weather as prevailed at the period, relief of that nature was perfectly illusory. On another day the remark occurred:—

> "Scarcely a day passes at this court without one or more paupers coming up to complain of being refused either relief or the workhouse, and yesterday furnished another instance."

These, it was true, were merely the remarks of the reporters, and he did not allege that they were infallible. They might have been mistaken, but these statements accounted very naturally for the sensation which the public experienced when such tidings made their way into the newspapers. When no contradiction was attempted by the parochial authorities it was but reasonable that people should no longer trust to the Poor Law, which seemed to have abdicated its functions. In another case at Westminster, "a poor attenuated lad, 17 or 18 years of age," applied to Mr. Paynter, declaring that he was without a home and perfectly destitute, and that he had been some hours at the workhouse of St. Margaret's, York Street, Westminster, where they would do nothing for him. The report proceeded:—

"Mr. Paynter:— It's shameful. Go to the parish, and tell them from me, it is at their peril to keep you out. It is perfectly intolerable these constant complaints against this parish."

That was not an isolated instance, for the language of the magistrate showed that such cases were common, and that the neglect of the workhouse authorities was notorious. He would trouble the House with but one instance more. It occurred during last year, but it was important as showing the frequency of these cases. In November, 1859, George Thompson was charged before Mr. Corrie with breaking two panes of glass at St. Pancras' Workhouse. "I was starving," he said, "and could hardly move when I was refused admission; and then I broke the windows." The workhouse porter was called and said, "The Board have determined to put a stop to the taking in of men. A great number apply for admission." This, if true, was illegal on the part of the Board, and was an absolute denial of the principle recognized by the law, that every man had a right to be saved by the rates from starvation. On the same occasion the master of the workhouse said there was an order that no able-bodied man should be admitted, as there had been a run lately upon the parish, and the other evening there had been forty able-bodied men in the house. When accounts like these appeared in the public papers, and when no attempt was made to explain or palliate them, it was natural that the benevolent people of London should feel an absolute necessity no longer to trust to a merely illusory law, but to relieve with their own hands the destitution which theoretically was supposed to be relieved by the ratepayers. It was high time to put a stop to such a state of things, and to examine into the management of these workhouses. He believed that nobody unconnected with the Metropolis would assert with the hon. and learned Gentleman (Mr. James) that it was the Poor Law Board who prevented the parish authorities in London from displaying greater liberality towards the poor. On the contrary, he believed it would be admitted that it was the Poor Law Board which was involved in continual contests with the metropolitan unions for the purpose of making them do their duty by the poor. He would next call the attention of the House to two or three instances of neglect of duty on the part of the metropolitan unions, but before doing so he wished to remark that the neglect of duty by these unions was rapidly bringing back the state of things to obviate which the new Poor Law was passed. That law was thought desirable, mainly because indiscriminate relief was pauperizing and demoralizing the community. Now, as soon as the wealthy were convinced—as they soon would be—that, in London at least, the poor obtained no adequate relief from the rates, pauperization and demoralization would begin again. This was the second or third winter during which there had been eloquent appeals from the press, and enormous collections had been made for the poor. Such appeals did not depend on the severity of the weather, because in previous cases they had a comparatively mild winter; but it was becoming habitual to call on the wealthy to do that which the law provided should be done by others. Nor was it alone in the actual administration of relief that these unions neglected their duty. He had drawn up a chronology of the battles between the Poor Law Board and the metropolitan workhouses. He would only go back five years. In 1855 the Board was contending with the Marylebone Workhouse authorities because they refused to dismiss a master for frightfully ill-treating the female paupers. In 1856 there was a battle with St. Pancras about the awful condition of the casual wards in the workhouses there. So awful, indeed, was their condition, that it was found necessary to employ Dr. Bence Jones as a temporary inspector, and his Report, which had been presented to Parliament, contained many interesting comments on that active benevolence which they were told had been so hindered by the Poor Law Board. Amongst others were the following passages:—

"The bad arrangements which exist at St. Pancras Workhouse in relation to the system of outdoor relief ought not to be endured. Before eight o'clock on a wet morning I counted nearly 30 people standing in the street before a locked gate. No one was allowed to find shelter from the wet by admission until nine, by which hour, I was told, above 100 persons would be there. None were admitted after two. Sometimes the admissions amount to 900; sometimes only 300. They pass into a floor which is partly below the level of the ground, and which is divided into pens, to prevent accidents from the strong crowding to the overseers' room for outdoor relief. At one o'clock, another day, stepping over some urine, I passed through three pens which were crowded, some with men and some with women, and some of these had children in their arms. The offensiveness was extreme. I saw one sickly woman who had just been brought out to the women's receiving ward, having fainted from want and from the offensive smell of the place. The medical men stated to me that two or three times weekly they were called to similar cases, chiefly among the women; sometimes among the men. Fresh air was the chief remedy. At half-past five o'clock I passed again through the pens; still very many remained; at least 150. They had had no food all day, and many loudly stated that they should not get any until seven o'clock. I was told that the want of air was so great that the windows were not unfrequently broken. The relieving officer, Mr. Birchmore, said that the same applicant frequently came twice, or even, more rarely, thrice in the week; that all are relieved—sometimes by half-past five, sometimes not till eight p.m.; that the ventilation used to be so bad that his predecessor died from the foul air, I believe of typhus fever caught here; that even now, when he thinks everything that can be done for the place has been done, still the foul air passing through the door by which the poor enter the office has made him and others ill; that they feel the effect of the bad air; that it is so bad that the directors are unwilling to come down into the office; that he has had many scores of the poor brought into the office having fainted from the atmosphere and the crowding, but that such cases are fewer lately than they used to be. That the poor often give up their tickets of admission, and go away without relief, in consequence of the air and the crowding."

In another part of his report Dr. Jones referred to the "cellars for out-door relief" as being the worst parts of the workhouse, and added—

> "It is fortunate that death has not taken place among the poor in these cellars. That disease and death has come out of them is certain; and although everything that can be done has been done, I know no word more suited to them than 'horrible.'"

The directors were frightened by this report, and wrote to the Poor Law Board that they were putting the House into order as fast as they could. Time passed, and the thing was almost forgotten; but the repentance of the local authorities was as short-lived and resulted as such repentance usually was. The Board wanted to send down an inspector to see that the accommodation in the House was what it ought to be; but he was refused admission, and was not allowed to examine the interior. The result was another contest in the Court of Queen's Bench, and the Poor Law Board had to obtain a mandamus. In the parishes of St. James and St. Pancras there had been fights about the appointment of auditors, and the dreadful state of the metropolitan workhouses had been confirmed by an impartial authority, Mr. Selfe, the Thames Police magistrate, who was reported to have said—

> "A most disgraceful and painful state of things existed in Wapping Workhouse, and there was a heavy amount of blame attaching to some persons. It was shocking that such a state of things should exist in a civilized country in the 19th century. In the Stepney Union, which contained 54,000 inhabitants and upwards, and comprising the parishes of Limehouse, Ratcliffe, Shadwell, and Wapping, there was only one place for female paupers. There was no classification, no proper regulation; the good and the bad, women who had committed adultery or carried on an illicit intercourse with men, and decent married women, who had been reduced by adversity to poverty, were all intermingled. There had been continual brawls in the workhouse, and the most disreputable scenes had taken place there. All were huddled together—lunatics with the sane. The house could not be well governed or there would not be so many rows and fights as there had been. It was a great shame that the respectable poor could not go into a workhouse without being forced to associate with vile and disorderly people and lunatics, like those before him."

These facts he (Lord R. Cecil) submitted were sufficient to show that there was at least a case for inquiry, not into the conduct of the Poor Law Board, but into the parochial management of the metropolitan workhouses. Parliament was bound to ascertain whether persons who had so greatly misused their authority, should be intrusted with the large measure of discretion which they had heretofore enjoyed. At all events, it was time that some more speedy redress should be given to the destitute poor. Magistrates should be empowered to enforce a penalty, unless the relieving officers could show that in the cases they were charged with neglecting the persons calling themselves destitute had other means of support. Above all, he trusted the result of the labours of the Committee would be to give the Poor Law Board greater power of interfering summarily with the management of the workhouses in this Metropolis.

Mr. AYRTON said, he felt some satisfaction in hearing this subject brought under the notice of the House. When, three years ago, he introduced it, he was met with the opposition which was generally given to any attempt to alter the Poor Laws. He was sorry to say that a great many Gentlemen, who were always ready to express the greatest sympathy with the poor, and more especially with the poor as brought into connection with the administration of the Poor Law, were seldom found willing to give practical effect to their sympathy in the shape of an endeavour to amend the law itself. The moment an attempt was made to pass from general sympathy to the serious question of how the administration of the Poor Law was to be improved—what steps were to be taken to render it efficient—there was, invariably, an objection of some kind or other; and the result was, that no really useful steps had been taken in that direction for the last twenty-five years. Seeing this, one was forced to the painful conclusion that the real reason of that opposition and that non-amendment was, that the changes which were necessary might have a serious effect on the pecuniary interests of the great territorial aristocracy of this country—an effect which would be felt on the wealthy within the limits of the Metropolis as well as on persons of that class who had no direct connection with the City. This question was, in fact, one between a great mass of the people and a numerically small proportion of the population; but the latter, though numerically small, were so influential that his right hon. Friend the President of the Poor Law Board, like every other Minister of the Crown, could not—he was about to say dare not—meet the real issue. He would remind the House of the state of things which existed before the present Poor Law Act was passed. At the time to which he referred, there was a totally irresponsible system of relief administered in every parish. It was administered by an overseer who was irresponsible, except so far as being under the control of the justices of the peace, who, in their turn, were totally irresponsible. The overseer was a mere parochial officer. He was often an ignorant man—so much so that there were instances of persons filling the office who could neither read nor write. So long as his accounts were presented in legal form he was safe; and the justices usually exercised their authority in respect of the administration of relief with but little judgment. The Poor Law substituted a Union Board, elected by the ratepayers; and the members of this Board were placed on a very different footing, and felt a responsibility that had been unknown to the overseers. That had a tendency to introduce a better class of persons into the administration of the law. The measure also gave the advantage of stipendiary officers, who examined into the applications for relief, and administered the whole system with judgment and discretion. But that was only a part of the intention and scope of the Poor Law. The main object of the Act was to establish unions of a larger than parochial area, for the purposes of Poor Law relief; but it was felt by the Government of the day, that a measure carrying out that principle in its entirety would bring against them the opposition of the territorial party; and, therefore, instead of carrying out the improvement to the full, the Act contained a provision that it should be optional with the parishes to constitute themselves areas for all purposes of administration, but any one parish in a proposed union could oppose the contemplated change; so that that very necessary part of the law which contemplated enlarged areas had never been carried into effect. That change was at the bottom of the whole question. It was said that the change was for the benefit of the pauper, and it was enacted that a pauper should be relieved, wherever he had resided for a period of five years. But the real question was, who should pay for the relief? The five years' residence provision benefited one set of ratepayers at the expense of another; because, if a person had an estate conterminous with a parish, he might secure himself from a due contribution of poor rates, by taking care that people who were likely to become chargeable should not remain on his estate for five consecutive years. He had only to take care that they must not reside in his parish for that period; and if he did so, he would not be liable under the Poor Law to contribute one farthing for the relief of the poor; so that the richer a man was — the larger his estate — the less he might have to pay. This state of things was peculiarly applicable to the Metropolis. The poor of London were not, properly speaking, the poor of any particular parish. It was idle to say that the man who lived in one street had no claim for relief in another. If a man fell sick, he had, in justice, no more claim on one street than on another; yet an imaginary line of demarcation was kept up between the two streets in the same City. The consequence was that the poor were to be found in one nucleus, and the rich in another. The noble Lord (Lord Robert Cecil) had expressed sympathy with the poor; but, perhaps, he was not aware of the fact that there were ratepayers who had to pledge their goods in order to pay poor rates, while there were rich people at the west-end of the town rejoicing at the small sums that they had to contribute to the rates. The great evil was this—that the area of charge was capricious and arbitrary, arising from the fact that when England was divided into parishes for ecclesiastical purposes, certain areas had to be selected round the church. Those ecclesiastical divisions had no relation to the administration of poor relief, and they ought, as had been contemplated by the Poor Law Act, to be replaced by union areas. A system ought to be put in operation under which gentlemen of wealth, education, and leisure might take a part in the administration of the Poor Law, instead of confining themselves to the expression of mere barren sympathy. But is long as the Poor Law Board remained there would never be a good administration of the Poor Law itself. The Commission was established for a temporary purpose — to facilitate the changes that were introduced. But it was never intended that the new Poor Law should remain in its first defective form, and if the law were now properly framed, he believed the local boards, constituted as they would be, and having a full sense of their responsibility, would be amply sufficient for the administration of the system, and there would be no necessity for supervision by a Central Board in London. He hoped the Committee would come to this conclusion, —let the law be made as perfect as possible, and let the local boards have sufficient powers; it would then be unnecessary to keep up the large central establishment maintained under the present system.

Sir WILLIAM JOLLIFFE said, he did not think the subjects referred to the Committee would meet the whole case. It was evident that public opinion was in favour of an inquiry into the operation of the Poor Law itself, as well as into its administration. The hon. Member for the Tower Hamlets (Mr. Ayrton) had expressed a wish that the terms of the reference should be extended; at present they were confined only to the administration of the law. His own opinion was that the operation of the law needed investigation, even more than its administration. The law, as it affected the removability of the chargeable poor especially, had been left in a very anomalous condition, and much blame attached to the Poor Law Board for not having amended it long ago. The operation of the law of non-removability after five years residence, was, to a certain extent, humane; it was originally intended to be so; but as now administered it became harsh and oppressive. In his experience as a magistrate he found that a great number of the orders of removal applied for, were in the cases of persons who had lived four years or upwards in a parish. Then the guardians, fearing that they would become chargeable, endeavoured to get rid of them by removing them into another parish, or to the parish of their last legal settlement. And they generally came under the operation of the law, when they or their wives were sick, or when they had large families; it then became the interest of the Poor Law Guardians to remove them. They were at the mercy of the guardians because the right was acquired by a parochial residence of five years; but if the right of settlement were given for a whole union, it would be very difficult to deprive the poor of it. He hoped the operation of this law would come under inquiry. He could not agree with the hon. Member for the Tower Hamlets, that there would never be a good Poor Law as long as the Poor Law Commission existed. On the contrary, he thought the country was indebted to the Commissioners for many humane alterations and applications of the Poor Law. Particularly was that the case in the Metropolitan districts. The Board having established district schools in the country for pauper children, who were now removed from the workhouses, where the mortality among the young children used to be very great. That provision had operated very humanely, and at the same time with great benefit to the community. He wished to see a similar principle in operation for the able-bodied female paupers. The able-bodied women's wards of a union-house could only be kept in order by the discipline of a prison, and were quite unfit for the reception of young persons, or the old and disabled. He thought that the principle of the district schools might be extended with the very best results to the establishment of asylums or houses of industry for the more refractory and disreputable poor, especially among the females, so that the workhouse itself might be, as it was intended it should be —a home for the afflicted and destitute who were well-conducted.

Alderman SIDNEY said, he also joined in the hope that the powers of the Committee would be extended. Great dissatisfaction was growing up in parts of the Metropolis at the unequal pressure of the poor rates. In many of the poor parishes in London, the rates were constantly rising, while in the richer parishes they as constantly decreased. This was at the root of many evils of which they heard loud complaints. It was a principal reason why the poor could not find any habitations in which they could exist in decency and comfort. They were compelled to herd together in lodgings and inferior dwellings. The result of the present system of rating was, that those who were very poor were heavily taxed for the support of those who were paupers. As an illustration of the inequality of the rating, he would take the decennial return of the rates in two London parishes. The first was the parish of St. George's, Hanover-square; there, the poor rate in 1832 was 2*s.* 6*d.* in the pound; in 1842 it was 1*s.* 4*d.*; and in 1852, 5*d.* in the pound. The other parish was St. Anne's, Blackfriars; there, the poor rate in 1832 was 2*s.* 8*d.* in the pound; in 1842 it was 3*s.* 4*d.*; and in 1852 it was 5*s.* in the pound. The poor rate had been called a tax on property; what would be thought of the property-tax throughout the country if it was as unequally levied? It would be thought intolerable if the property tax in some parishes was 5*d.* or 10*d.* in the pound and in others 5*s.* Nor was London the only place where this inequality existed. He had in his hand returns from all the unions and parishes in all the counties of England, and from those he would quote two or three examples. In Bedfordshire, in the highest rated parish the rate was 4*s.* 1¼*d.*; in the lowest rated 2¾*d*; in Berkshire, the highest rate was 2*s.* 8¾*d.*; in the lowest 1*d.*; in Somersetshire the highest rate was 7*s.* 3¾*d.*; the lowest ¼*d.* It was said there was not much agitation in the country on this question. The cause of this was that when one parish complained of the injustice of having to pay high rates another stepped forward to support the existing system because it paid low rates. There was a growing feeling of dissatisfaction in the country with the present system, and means were being taken to bring the question before the great mass of the poor themselves. He believed that unless the proposed Committee were empowered to inquire into the law of settlement, the removability of the poor, and the inequality of the taxation for the relief of the poor, their labours would not be attended with the success that was desirable. During the pressure of the late distress, the alternative of the workhouse or the stoneyard was offered to the destitute poor who were out of employment; but rather than break up their homes they chose to go about asking relief from their more fortunate neighbours. A more frightful state of things he never saw. If the frost had continued a little longer there would have been a fearful amount of agrarian outrages. He had no hesitation in saying that at such times boards of guardians ought to have had ample power to provide additional relieving officers to meet any amount of distress, and such a test as the workhouse or the stoneyard ought not to have been applied to starving men. He hoped the Government would consent to the inquiry being extended to the general operation of the Poor Law.

MR. BARROW said, he would not enter into the question of the real state of the Poor Law, as he did not think it was desirable to discuss it at the present moment. He rose to suggest that the inquiry of the Committee should be extended to the operation of the law; and he would propose that instead of the words, "pursuant to the provisions of the Poor Law Amendment Acts," the words should be, "and the operation of the provisions of the Poor Law Amendment Acts." The country was anxious that there should be an inquiry into the operation of the Poor Law, and he hoped the Government would consent to adopt his proposition.

LORD FERMOY said, he rose to tender his thanks to his right hon. Friend for having at so early a period of the Session redeemed the pledge which he gave at the end of the last. He did not think, however, that the Committee would arrive at any good result if the order of reference was widened. He did not say that inquiry into the entire operation of the Poor Law was not desirable, but the questions of law and administration should not be mixed up together. He was one of those who pressed on his right hon. Friend the importance of an inquiry into this subject; and it was very curious that he should have done so at the instigation of the large body of men whom the noble Lord had attacked to-night. It happened that in the very district of St. Pancras the Poor Law guardians, whom the noble Lord had accused of being so hardhearted and unjust, were, of all his constituents, the body who were most anxious that the question should be investigated. He would put it to the noble Lord (Lord R. Cecil) whether it was likely that the *ex parte* statements which he had brought forward could be proved against men who called so anxiously for inquiry. No class of men were, in his experience, more careless of the feelings of other men than philanthropists. When a philanthropist prepared to do anything, they might be sure he would tread on somebody's toes. When the noble Lord made up his mind to attack men who were doing their best to administer a law that was notoriously very difficult to administer, he ought, in fairness, to give notice of his intention to them or to their friends. He believed the Guardians of St. Pancras had done all that was in their power to relieve the distress that had existed; but it must be borne in mind that the number of paupers thrown suddenly upon their hands was very great. In a place like the Metropolis, where so many people depended on precarious incomes, there would be periods when pauperism would become so great all of a sudden that any laws they could make for relieving it would break down. The right hon. Gentleman had been, he thought, rather severe upon the charitable persons who had afforded voluntary relief during the late pressure. It was very well to say that the authorities should be able to relieve all the poor according to strict rule, but the thing was impossible. No law could be framed that would meet all the emergencies of an occasional pressure. He hoped the Committee would be limited in its inquiry into the simple fact whether the central authority was carrying out the existing law to the best advantage of both the ratepayers and the poor.

Mr. DEEDES said, he had hoped that one of the colleagues of the right hon. Gentleman would have risen before this time to signify his readiness to attend to the suggestion made by his hon. Friend the Member for Petersfield (Sir William Jolliffe) and to enlarge in some small degree the terms of his Motion. He had based that hope on two reasons—first, on the candid statement which the right hon. Gentleman had made to the House of his desire that everything connected with the administration of the Poor Law should undergo revision; and secondly, because the operation of the law appeared inseparable from the consideration of the subject which the Committee were to inquire into. Another reason for his entertaining that hope was that a strong desire existed thoroughout the country at large that the inquiry should be made. He differed, indeed, from the noble Lord the Member for Stamford (Lord Robert Cecil) that it would either necessary or advisable to limit this inquiry exclusively to the operation of the existing Poor Laws. But if such an inquiry were properly conducted it would show two things—first, how the existing law operated, whether prejudicially or beneficially, and that, too, to the ratepayers as well as to those who received relief; and in the second place, how the law as it did exist was administered by those to whom that great charge was entrusted. The right hon. Gentleman alluded to the part which he (Mr. Deedes) took on the question last Session, and spoke of him as one that had been in favour of the Poor Law at its first introduction, but that he had since changed his opinion. Now, the immediate object which he had last year was this. The question was whether the Poor Law should be continued for five years or for one year. He was against five years, because he wanted inquiry at once; and he was very glad he took the part he did, because that night it had been admitted on all hands that the public mind ought as soon as possible to be set at rest on the question. But he objected to one year, because the inquiry could not possibly be completed in that time. It would have been hurried, and necessarily incomplete, and, therefore, he was in favour of the intermediate term of three years. His object was that the subject should be considered in all its branches—whether the system now in force in the country was such that it ought to be continued, or whether it might be modified and altered in such a way as to render it more efficient and palatable to the country. On the other hand, if it could be shown that the existing law was in any way defective, then an alteration would speedily follow. He must own he was somewhat afraid of a return to that system of indiscriminate charity which had lately been manifested—he said it with all admiration for the noble liberality which the inhabitants of the Metropolis had shown, but unless great caution were shown in the mode of its administration they would go far to demoralise the recipients, and do away with all independence of feeling on the part of the poor. He would suggest the introduction of three or four words, so that the Motion might run somewhat in this way:—"A Select Committee to Inquire into the Operation of the existing Poor Law, and into its Administration of the Relief of the Poor."

Sir GEORGE LEWIS said, he believed it was the wish of his right hon. Friend to collect the opinions of the House before anything should be said as to the adoption of the Amendment which the hon. Gentlemen the Member for Kent (Mr. Deedes) had proposed. The terms of reference followed very closely those of the Committee which sat some years before, and was known as Mr. Walter's Committee, the object of which was to inquire into the order issued by the Poor Law Board as to the prohibition of out-door relief. That order created great resistance on the part of many rural districts, and the terms of reference were framed so as to limit the inquiries of the Committee to the orders of the Poor Law Commissioners. Hon. Gentlemen who would read the terms of reference would see that it would not be competent for them to travel out of the orders of the Poor Law Commissioners—it would not be competent for them to inquire into the operation of any statute relating to the relief of the poor. There were, however, many statutes relating to the relief of the poor, which appeared to him very proper matters of inquiry at present. It was not the object of his right hon. Friend to restrict or narrow the inquiries of the Committee. It might be presumed that the Committee would not travel unnecessarily out of its way into matters which were not of special interest, but the Amendment suggested would give them a latitude which might be very useful. Therefore he would beg leave to move that after the words "Poor Law Amendment Act" be added, "and into the operation of the laws relating to the relief of the poor."

Amendment proposed.

MR. LOCKE said, that it was gratifying to him to find that the Amendment should have been suggested by an hon. Member (Mr. Deedes) who so well understood the question of the Poor Laws, and it was gratifying to him also to feel that under the terms of the reference the Committee would have power to consider a question which at that moment was of so much importance in the metropolis, namely, the equalization of the Poor Laws. If the whole question was not to be considered, they would be only adding difficulties, and unnecessarily adding them to a subject which had been full of difficulties for so many years. During the last Session there had been a Committee to enquire into the question of the irremovability of the poor, and that, with questions about Irish paupers, was the only matter inquired into. Let it now, however, be distinctly understood, that the Committee might take a wide field and inquire into the whole question. He had been happy to hear two or three days previous an expression of opinion from the right hon. Gentleman, the Home Secretary, that he was pleased to find that the guardians of the different parishes in London were in favour of the abolition of the law of settlement altogether, although at the same time the right hon. Gentleman could not accede to the proposition of an universal and uniform law of rating. But if the law of settlement were once abolished, there must be at least an approximation in the rating of the different parishes. Now the question was, whether the present law of settlement should be maintained, and, supposing it were to be abolished, how the rating should be adjusted throughout the country? He was happy to find that the whole of the question, without any restrictions whatever, would go to the Committee; and there a full opportunity would be afforded of discussing what amendments ought to be made in the administration of the Poor Law.

MR. ANGERSTEIN said, he thought the question which the Committee would have to consider would be quite large enough without going into the subject of the equalization of the poor rate, which was of sufficient importance to give plenty of work to any Committee which might be appointed to consider it. He agreed that it was very desirable that there should be the fullest inquiry into the administration of the Poor Laws. The question was one more of saving life than of saving the pocket. He was quite certain that, in the late pressure, there would have been a great number of premature deaths, if the public had not nobly answered the appeals made to them. One point for inquiry by the Committee should certainly be whether it was not advisable to give power to guardians, in times of pressure like that which we had just passed through, to find assistance for relieving officers in finding out and relieving cases of real destitution.

MR. LYALL said, there was a question which had not been touched in the course of the discussion, though it was one of considerable importance. He referred to the condition of pauper schools. Some unions had erected schools for children, and gave them a really sound and valuable education away from the workhouse altogether; but there were others where the children were brought up within the walls of the workhouse, subject to all the moral contamination of such an atmosphere. An education in such a place could serve no good effect, and the consequence was that the children, both boys and girls, became, in many instances, permanent charges on the poor rates, and too often a curse to the community at large. He hoped that question would be taken up by the Committee.

Question, "That those words be there added" put, and *agreed to.*

Ordered,—

"That a Select Committee be appointed to inquire into the Administration of the Relief of the Poor, under the Orders, Rules, and Regulations issued by the Poor Law Commissioners and the Poor Law Board, pursuant to the provisions of the Poor Law Amendment Acts, and into the operation of the Laws relating to the Relief of the Poor."

GLOUCESTER CITY AND WAKEFIELD WRITS.—NOTICE.

Sir GEORGE LEWIS said, he rose to move that no Motion for the issuing of any new writ for the City of Gloucester or the Borough of Wakefield be made without seven days previous notice thereof being given in the Votes.

Lord ROBERT CECIL said, he wished to ask the right hon. Gentleman if it was his intention to introduce any measure upon the subject of these two boroughs.

Sir GEORGE LEWIS said, that he had stated on a previous occasion that it was the intention of Government to introduce a measure founded upon the Report of the Committee of last Session on the Corrupt Practices Act. That Report contained recommendations with respect to the mode of dealing with the reports of Bribery Commissions issued by the House, but whether these recommendations ought to have a retrospective effect or not would be a question for the House to decide when the Bill was before it.

The Resolution was then *agreed to.*

Ordered.—

"That no motion for the issuing of any New Writs for the City of Gloucester or Borough of Wakefield be made without seven days' previous Notice thereof be given in the Votes."

MOTION FOR SUPPLY.

Committee on Motion, "That a Supply be granted to Her Majesty."

Queen's Speech *referred.*

Motion *considered.*

(In Committee.)

Queen's Speech read.

Resolved, "That a Supply be granted to Her Majesty."

Resolution to be reported on *Monday* next.

Mr. Lyall

RED SEA AND INDIA TELEGRAPH COMPANY.—RESOLUTION MOVED. COMMITTEE.

The CHANCELLOR of the EXCHEQUER moved that the House go into Committee.

Sir HENRY WILLOUGHBY said he had to complain that the Committee were about to discuss a Resolution, of the terms of which they were wholly ignorant. Why should not a preliminary notice be given, as in other cases, of the precise nature of the Resolution about to be proposed?

The CHANCELLOR of the EXCHEQUER said that he was in the hands of the House. The Resolution was prepared, and he, for one, fully expected to see it on the Votes that morning. The Resolution was in close conformity with the notice given on the Votes.

House in Committee: Mr. Massey in the Chair.

The CHANCELLOR of the EXCHEQUER: Sir, I will not trouble the House with any lengthened statement, because, although a great deal may be said upon the various matters connected with the subject, the immediate point before us, although important, is a narrow one. I will not say anything as to the merits, the wisdom, or otherwise of the agreement that is under consideration, nor will I enter upon two other matters—both of great difficulty—one a contest between the Red Sea Telegraph Company and the contractors; and, secondly, the course that may have been ultimately taken with regard to this unfortunate line. All this is excluded from our present view, and we are now not to consider any matter of policy, but simply a question of good faith, to which I shall accordingly limit myself in the strictest manner. An agreement was made between the Treasury and the Red Sea Telegraph Company in the year 1859, and a Bill was brought into Parliament in the Session of the same year to give effect to that agreement. The nature of the agreement was understood by the public in a particular sense, and about that sense there can be no doubt. It was understood that by that agreement the Government guaranteed to the Red Sea Telegraph Company a *minimum* dividend, sinking fund included, of £4 10*s.* upon a certain *maximum* amount of capital during a term of fifty years; and although it was stated in the House of Lords by the noble Earl then at the head of the Government that this was a conditional guarantee, yet I apprehend the sense in which he used the term was that this was a guarantee conditional and contingent on the execution of the work, and on its being brought into working order. But now I come to speak, not of what was said in the House of Lords, which, I believe, passed without record of any kind, but of what was understood by the public and those who subscribed their money. In the first place, then, what was this understanding? and; secondly, were they justified in entertaining it? The understanding was that the contract was unconditional in one respect, and that, according to the intent and meaning of the agreement, all that the Company had to do was to raise the capital and lay down their line, and then they were not liable to be prejudiced in respect to this guarantee by any subsequent failure of the line to perform its functions. It is undoubtedly true that when that agreement was entered into it was thought by all parties, that the main difficulty consisted in the laying down of the line, and it was conceived that after a submarine telegraph wire had once been laid down a failure was not to be apprehended. The case, therefore, which has occurred was not distinctly in the contemplation of the parties; and if this were a question between private individuals I do not know that it might not be made the subject of argument and contest. But any Gentleman who will examine the course of the transaction between the Government and the Company will, I think, come to the conclusion that any subsequent failure of the line to perform its functions, although it was not in the contemplation of either party as a risk to be seriously guarded against, was intended to be borne by the Government; that is to say, although it was not distinctly and expressly so provided, yet the nature of the bargain was this —that the Company having done a certain work—having laid down the line in a proper state, were thereafter to be free from risk. The general facts connected with case are pretty well known. It is, I believe, unquestionable that on that understanding alone money was raised; and the responsibility of the Government in the case was a very peculiar responsibility, because two gentlemen were appointed official directors of the Company; their names were announced, they took part in the proceedings of the Company, and that was considered a conclusive guarantee on the part of the Government to the public of the character and security of the undertaking. When I speak of the Government I speak of them in the discharge of their natural and proper functions. They concluded a contract subject to the assent of Parliament, and the assent of Parliament was regularly obtained for that purpose. The Bill passed the Commons in 1859; it did not contain the contract, although it sanctioned it. In the House of Lords attention was drawn to this fact by the noble Lord now the Postmaster General (Lord Stanley of Alderley), and the Bill was amended by having the contract set out in it. When the Bill came down to this House as amended, and the Motion was made to agree with the Lords' Amendments, my right hon. Friend the Member for Carlisle (Sir James Graham), observed that these Amendments brought for the first time under our view a very important instrument of which we had no cognizance, and he moved that the consideration of the Lords' Amendments should be delayed for a fortnight, in order that the House might become acquainted with the terms and character of the contract to which we were about to give a final assent. Most unfortunately, as I think, and as I thought at the time, the House on a division rejected by a considerable majority the Motion of my right hon. Friend. They were careful lest the slightest suspicion should be raised as to the maintenance of the public faith. Nothing could be more honourable than the motive; the effect was most unfortunate; for I do not at all doubt that if that contract had been subjected to the view and consideration of the Members of the House, by allowing a fortnight to elapse before the Lords' Amendments were considered, the blot in its formation would have been hit, and, to the great advantage of all parties, it would have been removed. The Amendments of the Lords, however, were accepted and the Bill became law. Under that law provisions were made for the payment of dividends during the construction and submergence of the line, and these have been paid to the present time. In the latter part of last year it occurred that in consequence of differences of opinion between the directors, the company, and the contractors, a reference was made to the Government, and the due construction of the contract was brought under the consideration of the law officers of the Crown. They reported, in very unhesitating terms, that under the contract the Government were not bound to pay, and had no power to pay anything in the present circumstances and condition of the line. The first question, then, we had to consider was whether we were to avail ourselves of that state of the contract, or whether we should ask Parliament to amend the error in its construction, and pass a Bill which should give effect to the original understanding. Upon an examination of the evidence as to the original construction put upon the contract and the assurance given to the parties, and which they were originally justified in entertaining, we could not doubt but that our duty was to apply to Parliament, and that announcement was made to the Directors of the Company in an official letter, signed by my right hon. Friend the Member for Bury (Mr. F. Peel), on the 28th of January. There was another question, of a more delicate and more difficult character, on which the Government also came to a decision as to their duty, and that was the question whether we should at the Treasury assent to certain preliminary steps necessary for the verification of a half-year's accounts, the consequence of which would be to give authority for the issuing of half a year's dividends. The money necessary for these dividends was voted by Parliament, but for the purpose of enabling us to fulfil what was then believed and what we still believe to be a contract. The deliberate opinion, however, of the legal advisers of the Crown, in cutting away from under our feet the contract itself, appeared to us, on the just understanding of our constitutional functions, likewise to cut away from under our feet all title to pay this dividend. We might, in a case where a great practical evil was to be apprehended if any lengthened course of time elapsed, have been justified in undertaking the responsibility of issuing the money, though I am not sure that difficulties might not have been interposed by the Comptroller of the Exchequer. Whether that was so or not, we certainly came to the conclusion that inasmuch as we should have the opportunity within the course of a few days of bringing the matter under the judgment of Parliament, and inasmuch as we should be compelled to do so as regarded the general validity of the contract, it would be but due to Parliament and the respect we were bound to pay to its authority that we should refer to it the whole subject in its entirety, and that we should not reduce to an idle form the consideration of the Bill by proceeding at once to anticipate its judgment, and pay the dividends coming due; for they are not yet due, and it is even possible this measure may become law before the time has actually arrived. A Bill has been drawn for the purpose I have described, and re-establishing what we take to be the original contract. For ascertaining that understanding we have, on one hand, various documents that passed at an early period of the negotiations, and the evidence of various declarations in Parliament on record, both that of the late Secretary of the Treasury, and the still more authoritative declaration of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) who expressed his view of the nature of the contract in 1859, when the Motion to which I have referred was made by my right hon. Friend the Member for Carlisle. The course we propose to take is this:—It is a matter of some nicety to determine the precise form in which an Act of this nature should be passed, because, although it is our duty to give effect to the original intention, it is certainly not our duty to do more. Our desire, therefore, is that the form of the Bill we propose should be narrowly canvassed by the House. I now submit a Resolution on the terms of which, if adopted, I propose to introduce a Bill. I will take the second reading of it on the earliest convenient day, and then I propose to refer the Bill itself to the consideration of a Select Committee for the examination of its provisions—not to go into the merits of the arrangement made, or into the question of what course it may be expedient to take with reference to this unhappy cable now submerged, and of which five out of six links are perfectly useless for all practical purposes; these may be proper subjects for inquiry, but not in connection with this Bill. The Committee will agree with me that the simple question of public faith should be kept distinct; the other questions will be more conveniently handled in a different form. With these explanations I beg to put into your hands the Resolution that it is expedient to guarantee to the Red Sea and India Telegraph Company a *minimum* rate of dividend upon the amount of capital *boná fide* called up for the purpose of the said Company's undertaking.

Mr. DIVETT said, he could not agree with the right hon. Gentleman in the remarks which he had made as to the inexpediency of entering into the question of the merits, or, as he said, the wisdom, of this undertaking. On that subject he must be allowed to make a few observations. He was not, however, about to cast any blame on the Government. He thought the Government had been forced into the guarantee by circumstances beyond their control. There was an extraordinary clamour for this telegraph at the time. There was great anxiety in reference to affairs in the East, and the press took a strong view on the subject, but the difficulties of the case had not been duly considered. It was incumbent upon Parliament, seeing that a failure of the Atlantic Telegraph had taken place, to take care that a guarantee of the public money should not be given, for nothing could be more clear than that all deep sea cables were failures. The notion of carrying those cables through deep water and their working with success was a perfect delusion as a commercial speculation. He hoped that in future nothing of this sort of guarantee would be entered into without the fullest investigation by the Government. He admitted, however, that good faith required the present Bill should be passed as speedily as possible.

SIR HENRY WILLOUGHBY said, he did not believe that a more important question had ever been submitted to Parliament, as regarded the principle involved, than the one raised by the right hon. Gentleman the Chancellor of the Exchequer on that occasion. It was undoubtedly true that a contract had been entered into, but there was another question connected with it, to which the right hon. Gentleman had made but a slight allusion, namely, how was the contract in any way guaranteed by Parliament? It was a question involving £1,500,000. He admitted that that fact was of no consequence if it were really a question of good faith. [The CHANCELLOR of the EXCHEQUER: The sum was only £800,000.] Yes, but if the Government guaranteed the interest on that sum for fifty years it would bring the sum up to the amount he stated. The matter came before Parliament in the shape of a private Bill; and, what was still more remarkable, it was an unopposed Bill. Was there not something unsound in their system, when, as in the present case, they might be compelled to pay £1,500,000 for nothing? And yet it was absolutely true that, with the exception of certain parties connected with the Government, the Members of the House generally knew nothing whatever about it. It passed as a private Bill, and went through the House without observation, the Chairman of Committees on the occasion being the right hon. Gentleman the Member for Kilmarnock (Mr. Bouverie). The measure passed in that way through the last Parliament, and it went up to the House of Lords, where it was suspended in its progress. When the present Parliament assembled the Bill came to that House in the shape of Amendments of the House of Lords for consideration, and he (Sir Henry Willoughby) was the person who called the attention of the House to the question. At the time the House knew nothing whatever as to what it was about. When he had put a question on the subject he received no answer. But the progress of the measure was impeded. The right hon. Baronet the Member for Carlisle (Sir James Graham) then took up the question and moved the postponement of the Lord's Amendments for a fortnight, in order to give time for a due consideration of the whole matter. Out of 307 Members then in the House 130 voted in the minority in favour of that proposition. Then, for the first time, the House became aware that it had saddled the public purse with this contingent charge; and now came the question, was it ever the intention of Parliament to give this unconditional guarantee? It was true a Resolution passed through the whole House, but in that nothing whatever was said of the extent of the guarantee. On the 14th of March that Resolution passed, fixing upon the country the burden of £36,000 a year for fifty years. Now, it was recommended in "another place," by the Earl of Derby, on March 4th, that no unconditional guarantee should be given. It would now be seen that it was possible to saddle the public purse with an annuity of £36,000 a year for fifty years without obtaining one shilling advantage for the public, and almost without the knowledge of the House of Commons. The Contract Committee made a recommendation that should be borne in mind—that those matters should never be advanced unless a Resolution was placed on the Table of the House for a month beforehand, so that due inquiry might be made respecting them. Let them take the present case for their information. He had no doubt they would have to pay the money—indeed, he thought the extreme of good faith would require it; but at least they might learn a useful lesson from the fact. He, for one, adopted the recommendation of the Committee, and would religiously adhere to the advice they gave them, namely, to insist upon a Resolution being placed on the table one month previously, and then, if there was no action taken against it, it might be proceeded with with the sanction of Parliament and upon the responsibility of the Government. As the case, however, stood, he was persuaded that the Government could take no other course than to carry out the terms of the guarantee.

Mr. AYRTON said, he wished to ask the Chancellor of the Exchequer whether the Resolution to be submitted to the Committee was in terms that the Government should pay interest at 4½ per cent upon a certain sum under all circumstances. No doubt good faith would have to be kept with those with whom they contracted, but he did not understand that the Government should do more than the prospectus which the Government received stated. The hon. Member having referred to the terms of the prospectus, said there was no engagement to pay a dividend of 4½ per cent, but what the prospectus contemplated was that the Government should pay the subscribers their £800,000 and make the telegraph. That was the only alternative in case of failure, and that was a serious matter, because the working expenses of the Company were formidable, and the last half year published showed them to be larger than the income. Now, he believed, there was no income but expenses. He quite admitted that they were bound to act in good faith with the Company, whatever might be the construction of the contract.

Mr. WALPOLE said, with reference to the duties which the Committee would have to discharge, he wished to ask whether it was proposed that the Committee should give an opinion upon the legal effect of the contract, because, if so, it would be better for the Chancellor of the Exchequer to act on the opinion of the law officers of the Crown than to have the matter discussed in that House. On the other hand, were the Committee to give an opinion upon the question whether the contract was conditional or unconditional? If so, that would admit of their receiving parol evidence upon the matter. If the Government did not think that should be done, the safer course would be to take the Bill through the House in the usual way, and that the House should act under the authority of the responsible advisers of Crown.

Sir STAFFORD NORTHCOTE said, that in reply to the hon. Member for the Tower Hamlets (Mr. Ayrton) he wished to observe that in regard to the working expenses the Government would have the matter practically under their own control, because they had on the Board two officers directors, who would control the proceedings of the company, and prevent any unnecessary expenditure or charge being thrown upon the country. With regard to the penalty for the non-efficient conduct of the service, the Government might certainly take the line into their own hands; but there was no compulsory obligation to that effect. It was entirely optional for them to do so. He was not at the time this arrangement took place in the Treasury, and therefore was not cognizant of much that had taken place on the subject; but he had heard it was a proposed arrangement that if the company should fail the Government should be compelled to take the line. That proposition was, however, objected to, and therefore formed no part of the arrangement. In regard to what had fallen from the hon. Member for Evesham (Sir Henry Willoughby) as to the recommendation of the Committee last year, he apprehended that it would be impossible in future for any such bargain again to pass through the House without a distinct vote of the House had previously been come to. It should not be forgotten, at the same time, that the course pursued with regard to the Red Sea Telegraph Bill, though inconvenient enough, was not unusual, but that, on the contrary, it was the precise course which up to that time had been followed in all similar cases. Nor, he was sure, was there the smallest idea of deliberate concealment. Those who introduced the Bill had every reason to suppose that the terms of the contract would be made the subject of a rigid inquiry. There were seated at that time on the Opposition benches men of great intelligence and talent, who were perfectly well aware of the negotiations that had been in progress with the Red Sea Telegraph Company while they were themselves in office, and who knew that the Company had declined to undertake this service, except on the terms of an unconditional guarantee. He referred especially to the late Mr. Wilson, who had taken an especial interest in these negotiations, and who was not likely to allow any attempt to pass a measure of that sort unfairly through the House without exposing the proceeding. If, as had been stated, the law officers of the Crown had advised the Government that the contract was not binding upon them, he supposed there was no other course open to the Chancellor of the Exchequer than that which he had taken, though he could not himself see where the difficulty lay. Some surprise had been expressed that the Government had agreed to secure to the Telegraph Company a dividend of 4½ per cent, whether the line was kept in working order or not. It should be recollected, however, that it was shown by the correspondence laid before the House and in the evidence before the Packet Contract Committee that it was the deliberate intention of the Government of that day to enter into the contract by which they were to secure to the Company a dividend of 4½ per cent, whether the line was or was not successful. It was a matter which the Government decided ought to be made an exception to the general rule of giving only a conditional guarantee. It was a matter of great political interest and emergency at the time. The line was brought forward when the country was suffering under a double infliction. There was first the mutiny in India, which demanded the speediest communication with that country. There was next the monetary crisis in this kingdom, which rendered it most difficult to obtain money at a cheap rate. Again, it was to be remembered that it was the policy of the Government to lay these private enterprises under restrictions which impeded their commercial success, and gave them a claim to some compensating assistance. The policy of the Government was to prohibit English companies obtaining the monopoly of particular lines as was usually done by foreign Telegraphic Companies, and to demand certain rights in respect of the transmission of Government messages. It was not fair to require this without giving the Company some corresponding advantage. Those were the considerations in favour of this arrangement. The question now was one of good faith. He was glad there was no intention to throw the slightest doubt upon the good faith of the Government. Parties had invested their money in the undertaking with great confidence. He believed trust money and money under marriage settlements had been invested in the undertaking on the faith of the Government guarantee. It would be most unfortunate if anything should give rise to the idea that beause an unintentional blunder had been committed it should be open to Parliament to consider the contract again upon its merits.

SIR GEORGE LEWIS said, he was not disposed to charge the late Government with any concealment upon the subject of this contract. The Committee, however, was not called upon to go into a discussion of the prudence of the terms upon which the contract was arranged. The simple question they had to consider was, what was the understanding which existed between the parties, and which was ratified by Parliament. It would, undoubtedly, be the wish of the House to give effect to that understanding. Now, he confessed, having looked into the matter with some care, that he felt considerable doubt as to what the real understanding was with respect to the contingency which had arisen—namely, the entire failure of the line. It seemed to him that when the negotiations took place with the late Government, both parties assumed, as a matter of course, that the line once laid down, it would remain in working order, subject to only temporary interruptions. They accordingly entered into a guarantee that during any partial disturbance of the line, or any temporary want of funds on the part of the Company, a certain dividend should be paid to the subscribers; but he did not see any evidence in the papers that either party ever contemplated the contingency which had actually occurred. The contingency which had occurred, and the question the House had to consider was whether they were to pay 4½ per cent on these £800,000 for fifty years without the most remote prospect of any advantage to the public. As it was the desire of every hon. Member that the strictest good faith should be observed towards the shareholders, it would be satisfactory before the question was decided in Committee, or at any other stage of the Bill, that those persons connected with the late Government who were the principal parties in conducting this negotiation should give their assurance to the House that they understood that the contract as passed by Parliament did bind the country to the payment of that dividend on that sum in the contingency which had actually occurred. If such an assurance were distinctly given the House would feel, however disadvantageous the contract might be to the nation, the utmost willingness to retain faith with the shareholders.

Mr. DISRAELI observed that there were two kinds of guarantees in respect to these lines—the conditional guarantee and the unconditional guarantee. The conditional guarantee meant that a certain rate of interest for a certain amount of capital was secured to the Telegraph Company on the condition, first, that the line was laid; and next, that it was kept in working order. If the line were not kept in working order then the guarantee would of course lapse or be suspended. By the unconditional guarantee, however, the Government guaranteed a certain rate of interest on a certain capital, provided the line were laid, and, when laid, placed at once in working order, though not kept in working order. The only unconditional guarantee which was sanctioned by the late Government was this one of the Red Sea Telegraph. The line was laid, and it was first proposed that the guarantee should commence when the line had been ten days in complete working order after being laid down. The Government did not think that a sufficiently long time, and they inserted thirty days in the contract. The line having been completed and in working order for thirty days, the Government felt themselves engaged under the unconditional guarantee. What happened was certainly not contemplated. It was not supposed that on the 31st or 32nd day the machinery would fail; but it was perfectly clear that if the line was in successful operation for thirty days, the Government was entirely bound by the contract. The test which had been agreed upon had been successfully performed, and the case therefore came within the category of unconditional guarantees sanctioned by the Government. He agreed that the present was not the occasion on which to enter into the policy of these undertakings, though he was prepared to do so, were it necessary. He would only remark, in reference to an observation made by an hon. Member (Mr. Divett) who seemed to argue that, after the failure of the Atlantic cable, the Government should not have sanctioned such an operation as this, that the Government entered into the engagement before the failure of the Atlantic cable.

Mr. EDWIN JAMES said, many of his constituents were deeply interested in the question, and had subscribed their money upon the security of the public faith, and on considerations which he thought would influence any gentleman of ordinary prudence. The prospectus was published under the sanction of eminent solicitors in the City, and bankers did not hesitate to advise their customers to subscribe to the undertaking. There could be no doubt that the public faith was pledged to the undertaking, and he could not see that the late Government ought to be taxed with any improvident proceeding. It was easy to find fault after a failure which no human sagacity could contemplate, but at the time the line was proposed it was extremely desirable to have telegraphic communication with India. He agreed with the hon. Member for Evesham, that this proceeding might operate as a warning against the House voting hastily in such matters, but they had now to deal with parties out of doors, who had subscribed their money on the faith of the Government guarantee. He, however, did not see the necessity for the appointment of a Committee on the subject. Although the Bill was passed as a private Bill, the contract was published in the Estimates, and was therefore fully brought under the notice of the House.

The CHANCELLOR of the EXCHEQUER said, he was glad that the Committee had had so clear a declaration from the right hon. Member for Buckinghamshire of the intention and understanding of the late Government with regard to the contract. He quite agreed with what had fallen from the hon. Baronet the Member for Evesham as to the dangerous practice of inserting money clauses, which made a charge on the Consolidated Fund, in private Bills; and, without presuming to pronounce an absolute opinion on the point, it nevertheless appeared to him well worth the consideration of the House of Commons whether it would not be proper to provide that no such charge should be imposed, except through the medium of a public Bill. The right hon. Member for Cambridge had asked what would be the functions of the Select Committee. He did not think, as he had already stated, that the functions of the Committee would be to enter into the policy or providence of the arrangement made; but the contract was an instrument somewhat complex and very peculiar in its form, and it had been a matter of doubt what was the understanding on which the contract was adopted and the Act passed. These were matters which Government had examined for themselves, but the House did not act upon what the Government had done, and it was desirable that it should, by an organ of its own—a Select Committee—try these questions and verify the facts on which the Bill was founded. A Committee could, on the part of the House, very easily satisfy itself by the inspection of documents, and by the examination, perhaps, of a single witness, what was the understanding on which the contract was founded, and whether or not the terms of the Act carried out that understanding. With respect to the objection that the terms of the Resolution were not in conformity with the terms of the prospectus, he would remind him that a Resolution like this proposed in preliminary Committee rarely formed the exact measure of the enactment which was subsequently to follow, as the House could restrict, though they could not enlarge, the terms of the Resolution in its subsequent course. As to the Question whether, in the event of the working expenses of the Company not being defrayed by its receipts, the public of this country and the Indian Government jointly would be liable to be called upon to make good the deficit, the most consolatory answer he could give was, that the working expenses were brought within the discretion of the Government, and would be reduced within very narrow limits. According to the wording of the contract itself, he was afraid the working expenses, as well as the payment of the necessary advances, would have to be borne by this country in the event of the failure of certain resources mentioned in the instrument as originally drawn up. He was glad to find that there was a concurrence in the House, in regard to a question where public faith was involved, toward the side of what the right hon. Baronet called extreme public duty.

MR. ARTHUR KINNAIRD expressed his regret that the public credit seemed to have been somewhat tampered with by the course, with respect to the question, which had been adopted.

Motion *agreed to*.

Resolved,—

"That the Commissioners of Her Majesty's Treasury be authorised to guarantee to the Red Sea and India Telegraph Company a minimum dividend of four and a half per cent. per annum upon a certain amount of capital bonâ fide called up for the purpose of the said Company's undertaking."

Resolution to be reported on *Monday* next.

POST OFFICE SAVINGS BANKS (CONSOLIDATED FUND).

RESOLUTION.

Post Office Savings Banks (Consolidated Fund) *considered* in Committee.

(In the Committee.)

THE CHANCELLOR OF THE EXCHEQUER said he would take occasion to state that, in submitting the Resolution to the notice of the Committee, he did not seek to pledge hon. Members to an approval of either the principle or the details of the Bill which it was his intention to found upon it. The object which he had in view in dealing with the question was to afford facilities for the deposit of savings of small amount to those who did not possess them, or possessed them but imperfectly, under the present system of savings banks. The establishment of savings banks had undoubtedly been of immense service to the humbler classes throughout the country; but, while it was the wish of the Government so to improve their constitution as to render them still more advantageous, the mode of doing so was a problem which they found extremely difficult to solve. The main question, that of the liability of the trustees to the depositors, was one which had up to that time baffled the skill of those who had attempted to deal with it. Under those circumstances, they proposed to avail themselves of another description of machinery already inexistence, simple in form, and recommended by its incomparable convenience, for the purpose of carrying out more effectually the objects for which savings banks had been set on foot. Of those institutions there were only about 600 scattered throughout the country, and of that number but a small proportion were open for a sufficient number of hours in the week. Looking, however, to the Post Office Department, he found that it comprised between 2,000 and 3,000 money order offices; that the number of postmasters was perfectly adequate to the transaction of increased money business; that they held their situations under pecuniary responsibility, and that every one of their offices was open six days in the week for not less than eight or ten hours each day. Now, there was a machinery ready to hand and admirably adapted for extending the usefulness of the savings bank system. The experience, he might add, of the present winter must have demonstrated to anybody who thought upon the subject that the resources of the labouring population of the country had not of late years increased in proportion to the increase in the rate of their wages and the improvement in their standard of living. A smaller proportion of their gross income was laid by at that moment than was laid by twenty years before. He did not, however, think he was indulging in too sanguine an expectation in supposing that if readier means of laying by their small savings were afforded them than they now possessed, those savings would become much larger in amount, and their ability to cope with periods of distress consequently greater. He did not, of course, intended to propose that the machinery of the Post Office should be applied at once and wholesale to the purpose of affording to the working classes the facilities of which he spoke. The scheme to which he was about to invite the assent of the Committee would, it was true, be worked though the agency of the Postmaster General and not that of the National Debt Commissioners, whose duty it would be simply to receive and hold the funds handed over to them by the Post Office for investment; but then the new arrangements would in no way interfere with the primary objects, for the attainment of which that important branch of the public service was established. He proposed that the Post Office should receive and return deposits with interest in the same way as money orders were now dealt with, charging merely a fair remunerative price for the work thus performed. He might further observe that the principle upon which his scheme was founded differed in some respects from that on which savings banks were based. Those institutions had been established with the notion that the State might very fairly offer to the labouring classes a certain premium by way of inducing them to make deposits; but, while he was far from desiring to cast any censure upon that principle, he did not deem it right in the present case to hold out to depositors the expectation of obtaining any high rate of interest. All, then, that he meant to do was to give a fair and moderate premium to the depositors of small savings, and that premium, he hoped to be able to pay them without imposing any additional burden on the State, by turning to account the very extensive and extremely economical machinery of the Post Office. The rate of interest which was now paid on deposits in savings banks stood at the somewhat high rate of £3 5*s.* per cent, and he proposed that under the operation of the scheme to which he was asking the assent of the Committee it should be fixed at £2 10*s.*, with power to increase that amount within certain limits. Inasmuch as there were great difficulties in the way of dealing with the finances of savings banks and of attempting to alter their form of constitution, the Government proposed for the moment to pass over those difficulties, and to ask the assent of Parliament to a plan which, avoiding any competition with the existing savings banks, would greatly enlarge the facilities of making small deposits. The main difficulty in the present savings bank system was its imperfect organization in regard to the responsibility of the State. The State could only be responsible for the acts of its own officers, and as no plan had yet been devised by which the State could participate in all the proceedings of the savings banks, it was impossible to carry out the principle of a perfect Government guarantee. The State now only became responsible for the money of the depositors at the moment it received it from the savings banks' authorities. But as in this case the money would be received by the officers of the Government it would be inexcusable not to give a Government guarantee; and he proposed, therefore, to give a Government guarantee in the only effective technical form, by providing that if any difficulty arose in the means of meeting the demands of any lawful depositor it should be charged upon the Consolidated Fund. He hoped the notion of a Government guarantee would not cause any alarm in the minds of hon. Gentlemen, for he had expressly stated that the basis of this new arrangement was that it should be self-supporting. The right hon. Gentleman concluded by moving a Resolution:—

> "That it is expedient to charge upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland the deficiency, if any such should arise, in the sums which may be held on account of Post Office Savings, to meet the lawful demands of depositors in such Banks, in the event of their being established by law."

MR. FRANK CROSSLEY said, he thought it was impossible to over-estimate the advantages that would accrue to certain classes in the country from the proposition of the right hon. Gentleman the Chancellor of the Exchequer. There were no less than fifteen counties in England without a savings bank. There were also many important towns containing a population of 10,000 to 30,000 without such a thing as a savings bank. Many of the savings banks in existence were only open about one or two hours a week, and at a period of the day when the working people could not visit them. A great deal of fault had been found with the improvidence of the working people in not saving money, but let them first see what was done by the Government. The State provided beershops in every street for working men to spend their money in as fast as they earned it; but hitherto it had not been sufficiently forward in giving them facilities for saving their money. Working men were often very much afraid to let their masters know that they were saving money from a notion that it would lead to a reduction of their wages, and under the present system the masters were very often concerned in the management of these banks and could know exactly how each man's account stood. By this new arrangement each account would be a secret between the depositor and the postmaster. He felt very much indebted to the attention which the right hon. Gentleman had given to the representations addressed to him on the subject by Mr. Sykes of Huddersfield. He did not think the Government ought to make a profit on the business, nor ought they to lose by it, for the working classes of this country did not want charity. All they wanted was a fair field and no favour, and he was glad to find they were to have it. He hoped that if it were found at any time that without putting a charge on the country, the rate of interest could be increased, it would be done.

COLONEL SYKES said, that no praise could be too high for anything which tended to induce the working classes to lay by against a bad time. He wished, however, to point out what he thought would prove a drawback to the proposition just submitted. It would impose largely increased duties on officers who had already onerous functions to perform. Postmasters were generally shopkeepers who had their own business to attend to as well the duties of the post-office. He would also suggest that each man's account should be kept in a book, as under the present system.

MR. ARTHUR KINNAIRD took an opposite view from that taken by his gallant Friend with respect to some of the points referred to by him. He saw brighter prospects in the future before them than his hon. Friend. No one accustomed to study the wants of the labouring population could fail to perceive that the Bill would supply a peculiar want. It was simple and practical, and would save the labouring classes from incalculable loss, entailed by their advancing money on all sorts of schemes because they had no place for depositing their savings with security. He heartily congratulated the Chancellor of the Exchequer on having at last succeeded in one of the fondest hopes of his heart, that of creating a 2½ per cent stock.

MR. AYRTON expressed a hope that additional facilities would be afforded by the Post Office authorities for the transmission of small sums of money through the post. Threepence, or even twopence, would be a large sum to pay for the transmission of two or three shillings.

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he must repudiate the notion that the Government, by this Bill, were about to establish a national bank. Whatever moneys came into the hands of Government under the Bill would be dealt with in precisely the same manner as the moneys which came into their hands under the existing savings banks' law. With regard to the proposal that increased facilities should be given for the transmission of money through the Post Office, he could only say that no proposal to that effect had ever been laid before him which had assumed a practical shape. He should, however, be very glad to see the machinery of the Post Office made available for the purpose to an extent consistent with the due performance of the important functions to be discharged by the department. He believed that when hon. Members came to examine the provisions of the Bill they would be found well adapted for their purpose. Let him add that he felt greatly indebted to Mr. Sykes, who had been already referred to, for the labour which he had devoted to this subject. At the same time the Bill did not altogether embody Mr. Sykes' plan. The plan adopted was not precisely a plan of interest notes, but that was a matter of detail on which he would not enter then, as the Bill would be on the table in two or three days.

Motion *agreed to.*

Resolved,—

"That it is expedient to charge upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland the dificiency, if any should arise, in the sums which may be held on account of Post Office Savings Banks, to meet the lawful demands of depositors in such Banks, in the event of their being established by law."

Resolution to be reported on *Monday* next.

House adjourned at Eleven o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, February 11, 1861.

MINUTES.] PUBLIC BILLS.—1ª Statute Law Revision
2ª Indictable Offences (Metropolitan Districts).

STATUTE LAW REVISION BILL.

BILL PRESENTED—FIRST READING.

THE LORD CHANCELLOR *presented* a Bill having for its object clearing the statute-book of a mass of useless matter, which, he said, was a preliminary stage in the grand work of the consolidation of the statute law. It was not possible to make much progress in that important undertaking without knowing exactly what the statute law was. The Statutes at Large now occupied more than forty most ponderous quarto volumes. In most countries laws that were obsolete, or had gone out of use were considered as repealed, and ceased altogether to be binding; but in this country an Act of Parliament remained in force until it was expressly repealed. Many of these quarto volumes consisted for the greater part of Acts of Parliament now no longer in force, some of which had been repealed by implication, and some had become obsolete by disuse. The object of this Bill was expressly to repeal those Acts which might be considered to be now no longer in force, so that there might be an expurgated edition of the statute-book. We had fallen into a most vicious system in legislation of introducing into Acts of Parliament a provision repealing so much of any former Act as might be inconsistent with the present Act, and there was no editor who would like to take on himself the responsibility of publishing an edition of the statutes which would contain only just those portions which were actually in force. This Bill had been very carefully drawn by Messrs. Reilly and Wood It had been circulated during the recess to all the public offices, and they were asked whether any of the Acts proposed to be repealed were still in force or were of any utility, and the answers received from them in reply showed that it would require very slight amendment. The result of the repeals proposed by the Bill, if they were agreed to, would be that the statute-book would be reduced to one-fourth of its present bulk. The noble and learned Lord then *presented* a Bill for repealing divers Acts and parts of Acts, which have ceased to be in force.

Bill read 1ª.

SALMON FISHERIES IN SCOTLAND.

QUESTION.

LORD COLVILLE OF CULROSS said, it would be remembered that last Session a Select Committee of their Lordships' House was appointed to inquire whether, having regard to the rights of property of the Crown and individuals, it was expedient that any legislation should take place for the regulation of salmon fishing on the sea-coasts and rivers and estuaries in Scotland. That Committee sat for sixteen days, and, after hearing evidence, expressed the opinion, "That, with a view to the improvement of the Salmon Fisheries in Scotland, all cruives and fixed engines of whatever kind, both in the rivers and in the seas, should be abolished, and, at all events, no new fixed engines of any description should be permitted to be erected;" but, fearing that it would not be practicable to carry out so comprehensive a measure, they unanimously agreed upon a more moderate Report, and concluded by recommending "that a Bill should be introduced by Her Majesty's Government in the next Session of Parliament in conformity with their Report." He wished to ask whether it is the intention of Her Majesty's Government to introduce a Bill into Parliament this Session founded upon the Report of the Select Committee of the House of Lords upon Salmon Fisheries in Scotland? The Commissioners appointed to inquire into the English salmon fisheries had, he believed, made their Report, and, if so, he would also ask the noble Duke whether that Report would be laid before the House.

THE DUKE OF NEWCASTLE said, that it was the intention of the Government to introduce a Bill on the subject of Salmon Fishing in Scotland, and the Bill would mainly be founded on the Report of the Committee. The clauses of the measure were now under consideration. He could not say that they would entirely carry out the views of the Committee, but the leading provisions were founded on the Report. When the Bill would be introduced he could not exactly state, but at all events it would be brought forward in time to allow of its discussion in both Houses of Parliament. With regard to the second Question asked by the noble Lord, he was unable at this moment to answer it, but would do so on a future day.

RELIGIOUS PERSECUTIONS IN SPAIN.—THE PROTESTANT ALLIANCE.

PAPER MOVED FOR.

The MARQUESS OF NORMANBY rose, in pursuance of notice, to move for a copy of a Memorial from the Protestant Alliance, presented to Lord John Russell, on the subject of the alleged religious persecutions in Spain. The noble Marquess said, that when he gave notice of his intention to move for the copy of the memorial he mentioned to his noble Friend (Lord Wodehouse) that he would, at the same time, ask whether Her Majesty's Government assented to doctrines which were stated as facts in that document. The memorial, after setting forth certain alleged cases of persecution, went on to say that in the instance of another individual, a man much respected, he had been punished "solely for being a Christian, and for quitting the Church of Rome." Now, any person reading these words would perceive that they would be interpreted by Roman Catholics as implying that, in the opinion of the memorialists, a Roman Catholic was not a Christian, and that the words were calculated to give offence to a proud and high-spirited people such as those of Spain. He understood that his noble Friend was inclined to give another interpretation to these words. If so, and if the memorialists did not intend to convey the meaning which he (the Marquess of Normanby) had cited, he could only express his regret that they should have expressed themselves in such a manner as to be liable to misconstruction, and that they should, as they too often did, use language which was calculated to defeat rather than promote the objects which they had in view. Had the memorialists stated that the individual's sole offence was quitting the Church of Rome, he could understand that that might not be objectionable; but to say that he was punished "for being a Christian, and for quitting the Church of Rome," seemed to lead to the inevitable conclusion that the memorialists were of opinion that members of the Church of Rome were not Christians. As the words stood their plain meaning was that the man had being punished for being a Christian, and the intervention of the Foreign Secretary was asked for on this ground. Then the memorialists went on to express their fear lest persecution should extend to other towns, and they said that many Christians in Malaga were much alarmed. The phrase "many Christians in Malaga" seemed to point to the time when there were Moors as well as Christians there, else the conclusion to be drawn from the whole memorial was, that the members of the Romish Church were not Christians. Such a construction had been put upon these words, and he was sure that if this memorial were put into the hands of our Minister at Madrid, and it were shown to the Spanish Government, they would regard it as insulting. An injudicious use of expressions such as these was not likely to advance the objects which the society had in view, and abroad was calculated to produce a most unfavourable impression. The noble Marquess then moved an Address for

> "Copy of Memorial from the Protestant Alliance Society presented to Lord John Russell on the subject of Alleged Religious Persecutions in Spain."

LORD WODEHOUSE said, he had no objection to produce a copy of the memorial; but really he was at a loss to know how the intentions of the memorialists could be misapprehended. What led to their adoption of this particular form of words he could not, of course, say; but, no doubt, they meant that the person who had been imprisoned was a good Christian, and was only punished because he had embraced Protestant principles. At all events, the Foreign Secretary was not to be held responsible for particular expressions contained in any such document. He would leave the interpretation to the noble Earl (the Earl of Shaftesbury) who had signed it, and who was present.

THE EARL OF SHAFTESBURY said, that as his name was appended to the memorial he might, perhaps, be permitted to make one or two remarks. He could assure the noble Marquess that it was not the intention of himself or of any of the memorialists to convey the notion that Roman Catholics were not Christians. By the laws of Spain no religion was tolerated but the Roman Catholic; and what the memorialists meant to convey was this, that although a person left the Church of Rome, he did not by any means lose his Christian character. If this were so, the man was persecuted for being a Christian who had left the Church of Rome. He thought the grievance of the noble Marquess—if it were one—was not worth occupying their Lordships' time.

THE MARQUESS OF NORMANBY remarked that, if the memorialists had meant what the noble Earl now stated, it was a pity that they did not express themselves more clearly. He could not see the use of some of the words employed unless they had a meaning. They said that a man was punished "for being a Christian, and quitting the Church of Rome." If they meant merely to state that the man was punished "for quitting the Church of Rome," why did they not state so simply? Did not, he asked, the words "for being a Christian" mean something? He was satisfied when his noble Friend declared that it was not the intention of the memorialists to assert that the Church of Rome was not Christian; but he regretted that they had thought it proper to use words which, he was quite sure, would be interpreted by many as he himself had understood them. Supposing the Foreign Minister here was about to act upon the representations made to him, it was surely as well that he, too, should see that the memorial was not worded in an offensive manner to the Foreign Government whose conduct as to their own subjects was called in question.

Address *agreed to.*

House adjourned at half-past Five o'clock, till to-morrow, half-past Ten o'clock.

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HOUSE OF COMMONS,

Monday, February 11, 1861.

MINUTES.] PUBLIC BILLS.—1° Markets and Fairs (Ireland); Births, Deaths, and Marriages (Ireland); Bankruptcy and Insolvency; Chatham Dockyard Enlargement; Royal Marine Barracks (East Stonehouse, Devon); Post Office Savings Banks; Red Sea and India Telegraph.

The Earl of Shaftesbury

DISQUALIFIED WITNESSES.—QUESTION.

SIR JOHN TRELAWNY said, he rose to ask a Question of the Secretary of State for the Home Department with respect to a case that lately occurred in the County Court of Rochdale, where a witness on a trial on a question affecting her own property, was asked a question which she could not answer in the way she was expected to do. The question was whether she believed in a future state of rewards and punishments, and because she was not able to say that she did believe in them, the Judge announced that she must be nonsuited, and he was reported to have added words to the effect, that if she chose to outrage society by her opinions she must take the consequences. Now, the question he wished to ask the right hon. Secretary of State was, Whether, in his opinion, considering this case, any alteration in the law of evidence was likely to be made; or whether under circumstances where life was endangered, character insinuated away, or accusations made against a person which involved social degradation, that person would not be allowed to give evidence because he was not able conscientiously to declare that he believed in a future state of rewards and punishments?

SIR GEORGE LEWIS said, the question, as he apprehended it, was this, whether, in a criminal case, a witness who did not believe in a future state of rewards and punishments, and who was, therefore, incapacitated from taking an oath, should yet be allowed to give his evidence, subject to the disadvantage of not having been sworn. He could only say that the hon. Baronet had not given him notice of the question, and his attention not having been called to the subject, he was unwilling, on a professional question, to give an answer off-hand. If his hon. Friend would repeat his question on a future day he would then endeavour to give him an answer.

SIR JOHN TRELAWNY: I give notice Sir, that I shall ask the question again to-morrow.

MR. BRIGHT: In reference to the statement of my hon. Friend (Sir John Trelawny) I understand that the Judge of the County Court afterwards said that it was a mistake to say that he had used the words, "If the witness would outrage society she must take the consequences." He either explained away or denied those words, and as my hon. Friend has quoted them, I think it is only fair to the Judge that this should be told.
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THE CORPORATION OF LONDON.

QUESTION.

MR. EDWIN JAMES said, he wished to ask the Secretary of State for the Home Department, Whether Her Majesty's Government intend to introduce during the present Session any Bill to reform the Corporation of London?

SIR GEORGE LEWIS: It will be my duty Sir, before long to ask for leave to bring in a Bill relative to the question of the present Coal Duty, but it is not my intention at present to introduce any Bill on the subject of the Corporation.

PROPERTY TAX AND PAROCHIAL ASSESSMENT.—QUESTION.

MR. CHARLES WYNNE said, he would beg to ask the Secretary of State for the Home Department, Whether, in the measure which he proposes to introduce for the uniform assessment of the County Rate and Poors Rate upon a common basis, provision will be made for enabling the County Committees to have access for their guidance to the Property Tax Returns in each parish?

SIR GEORGE LEWIS said, the Bill was printed, and would shortly be delivered. It did not contain any such clause as the hon. Gentleman described; but there would be no objection to introduce, he understood, such a clause, provided it was limited to Schedule A.

MILITARY HOSPITAL, GREAT YARMOUTH.—QUESTION.

SIR HENRY STRACEY said, he would beg to ask the Under Secretary of State for War, Whether it be in contemplation to abolish or remove the Military Invalid or Convalescent Hospital, which has been in operation at Great Yarmouth for the last three years; and if so, what are the reasons?

MR. T. G. BARING, in reply, stated that the Military Invalid or Convalescent Hospital, which had been in operation at Great Yarmouth for the last three Sessions, belonged to the Admiralty, and had only been lent for the use of the military service. The Admiralty now desired to have the Hospital restored to them, and, as soon as the necessary arrangements were made, it would be handed over to them by the War Department.

SUPPLY.—INDIAN FINANCE.

Resolution, "That a Supply be granted to Her Majesty" *reported.*

MR. H. BAILLIE: Sir, I wish to take this opportunity to ask a Question of the right hon. Gentleman the Secretary for India, and in so doing, it is necessary that I should advert very briefly to a statemen the made to the House the other evening, with respect to the present state and condition of Indian Finance. The right hon. Gentleman on that occasion informed the House that he was about to raise a loan for the service of the Indian Government, but he cautioned the House not to suppose that this loan was about to be raised for the purpose of meeting any deficiency in the revenue of India. He said that this loan was about to be raised for the purpose of enabling the Government of India to meet the payments on behalf of the Indian railways. Now, that statement may be perfectly accurate, but at the same time standing by itself, and without any explanation, it is very much calculated to mislead the public. The case of the Indian railways is this. The money for the Indian railways is subscribed by the public in this country. As soon as the money is raised it is paid into the hands of the Indian Government, and the Indian Government make use of that money—it goes into the general treasury, and they make use of that money for their own purposes, and whether it is spent in England or whether it is spent in India is a matter of no importance whatever. But the Government, of course, become liable to pay the instalments to the contractors of the railways in India whenever they become due, on account of the works in India. Now, Sir, there appears to be some doubt—several people whom I have spoken to entertain considerable doubt—as to the meaning of the Secretary of State. If, as I believe, the Indian Government have received this money, and have used the money, and now find that the calls upon them will be greater than they anticipated—if that be the case, then it is clearly and obviously a deficit of £3,000,000 in the Indian treasury. But if, on the other hand, these people have not paid the money into the hands of the Government, and if the Government are about to raise a loan because the shareholders in the Indian railways decline to pay up their shares at the present time when the rate of interest is 8 per cent; then if the Government raise a loan for the purpose of paying those shares for them, it is nothing more or less than a bonus to the shareholders not to pay their money until the rate of interest shall fall from its present high rate to 3½ or 3 per cent, and when they may do so with greater facility. Now, I am at a loss to understand which of these two cases is the real one that we are to take, because no explanation whatever was given by the Secretary of State at the time; but if the first supposition is the correct one, namely, that the Government have received the money, but that they had a deficit in the Exchequer, and are unable to pay it, then clearly the Indian deficit this year, instead of being £6,000,000, as stated by the Governor General, will be £9,000,000. Now, let us just take a glance at the present state of the Indian Revenue. Among the papers which have lately been sent to this country by the authority of the Governor General, is the Report of the Financial Secretary of the Government, in which it is stated that the deficit for the year 1860-61, will, on the 30th of April, which is the end of the financial year, amount to upwards of £6,000,000. Now, the question is, how is that money to be provided ? If the first supposition is correct, than the deficit is £9,000,000, of course, £3,000,000 will be provided by the loan, and £6,000,000 will, as I understand, be provided out of the balances in the Indian Treasury. That may be, of course, one mode of meeting the difficulty, but at the same time we must bear in mind that the Indian Government, under the circumstances, will commence their financial career in 1861-62, with the balances in the Exchequer reduced by the sum of no less than £6,000,000. The right hon. Secretary of State then proceeded to give the House some rather loose calculations with respect to the future prospects of the Indian Government. He told the House that the Indian Government had been able to reduce the expenditure during the last year by no less than £3,300,000, and that if the increase of taxation and reduction of expenditure next year should be equal to what they were last, then there would be an equilibrium and balance between the revenue and expenditure. Now, that statement also is rather difficult to understand. We know that the deficit is £6,000,000, and the right hon. Gentleman says if that £3,300,000 of the expenditure be reduced that would not of course meet the deficit, but he adds £2,700,000, I suppose for what he means by an increase of taxation to be obtained. Then, in that case, the equilibrium will be established. This, of course, is a proposition very easily to be understood. But what has struck me as very peculiar in that statement is the great discrepancy between his view and that of the Governor General of India. Now, Sir, I have already referred to the documents which have been furnished by the Governor General of India, and I will read to the House an extract from those documents, in order that they may see how very different the view of the Governor General is from that expressed by the Secretary of State. This is the statement of the Financial Secretary, Mr. Lushington, dated the 19th of November, and published by authority of the Governor General. He says,—

> "That although he has made every possible effort to effect a reduction of the public expenditure, although he has deferred not only necessary and public works of all kinds, but works calculated directly to improve the revenue (to the execution of which Government is more or less pledged, and on some of which large sums have been expended) are suspended to such an extent, that an outlay of no less than £8,000,000 sterling would be required to complete them ; and although he has made an appeal to all his subordinates to cut down their departmental estimates to the lowest possible figure, yet the deficit for 1860-61, exceeds £6,000,000 sterling, being equal to more than 16 per cent on the total expected income from all sources."

I will leave the House to decide whether that is the statement of one who thinks he will be able to make a similar reduction next year, and at the same time to augment the taxation of the country by the amount of £2,700,000. In fact, I do not understand how the taxation can be increased by that amount, for surely the right hon. Gentleman could not expect the income tax to produce anything like that amount. The fact is, that the whole statement of the right hon. Baronet rested on two important "ifs;" and I will venture to add a third, and that is, if the Government maintains the European Army in India at its present amount, namely, 100,000 men, no such result as that he anticipates can possibly occur. Now, Sir, we may perhaps excuse this little flourish of the Secretary of State, when we consider the peculiar time at which the statement was made, The statement was made in this House on the eve of raising the loan. A question was very conveniently put to the Secretary of State by the hon. Member for London

(Mr. Crawford). No doubt the Secretary of State was very glad to "make things look pleasant;" and, no doubt, the hon. Member for London (Mr. Crawford), when he was told by the Secretary of State that there was no loss of interest on Indian securities, was very glad also to make things pleasant; and, no doubt, between them they concocted the question put to the Secretary of State. Now, I do not mean to say that the folks in the City of London are caught with chaff, but this I do say, that the speech of the Secretary of State did produce a great effect in the City of London, so that the loan, when it came out next morning, rose suddenly no less than 3 per cent, and that at all events is a proof of the great confidence which they entertain in the statement of the right hon. Gentleman the Secretary of State, as well as of great confidence with regard to the security of our Indiam empire. That, at least, must be a very gratifying reflection for the Secretary of State. Sir, having made these observations, I ask the right hon. Gentleman if he has any objection to lay on the table of the House all the financial correspondence which may have taken place between himself and the Governor General of India since the last Session of Parliament?

SIR CHARLES WOOD said, that there was one insinuation contained in the speech of his hon. Friend which he thought had hardly been intended—namely, that he was induced to make a statement which was not true in order to raise the probable price of the loan which was contracted next day. [MR. BAILLIE: "No, no!"] That the effect of the statement which he made was to raise the opinion of the public as to the state of the Indian Finances and of Indian credit he had not the slightest doubt, because for some weeks there had, to his knowledge, prevailed most unjust and unfounded opinions upon those subjects, and under those circumstances he had only done his duty in making that statement. He should have grievously erred if he had asserted anything but what he believed to be strictly accurate, but he could assure his hon. Friend that the statement which he made was entirely borne out by the despatches from India. His hon. Friend had fallen into the mistake of confounding balances with the actual income and expenditure of the State, and if the House would permit him he would shortly restate what he said upon a previous occasion. He then distinctly stated that he was going to raise a loan not for the service of India, but to make good an excess of expenditure in India, and a deficiency of payments in this country on railroad account. His hon. Friend had stated correctly that all the money required for the construction of railroads in India was raised by subscription in this country and paid into the Home Treasury; but it was by no means a matter of indifference whether the expenditure for which it was to provide was to take place in India or in England. If the expenditure was in England the money was paid in and then drawn out in England to pay the contractors or others to whom it might be due. If the expenditure occurred in India the money, instead of being remitted to India, as it naturally would be if there was no connection with the Government, was applied to Government purposes in England; and the money which the Indian Government would naturally have remitted to England to provide for those expenses was retained in India and applied to the construction of the railroads there. This was merely a cash transaction rendering unnecessary a remittance either way, but it had nothing to do with the income or expenditure of India. At the end of last Session he stated that he expected payments on account of railroads from this country, amounting to £7,000,000, and an expenditure in this country of £2,500,000, and in India of £4,750,000, £250,000 of this latter sum being provided by a reduction of the railway balances. If that had been the only amount drawn from the Indian Treasury for railway payments in that country he should have received from that country a remittance of about £1,250,000, for the purpose of defraying expenditure on Indian account in England. Circumstances, however, had been such that the expenditure on railway account in India would probably amount to £6,000,000, thus exactly absorbing the sum which he expected to receive from that country, and he was, therefore, obliged to borrow in this country in order to make good the deficiency. Up to this time the payments on account of railroads in this country amounted to £4,500,000; and he anticipated that by the 30th of April he might possibly receive £1,000,000 more. This would make five millions and a half instead of seven. The balance of £1,500,000 for which he was thus obliged to provide, added to the million and a quarter of which he had already spoken, made £2,750,000, which approached as closely as possible to the three millions he had been obliged to borrow to put the finances right at the end of the year. His hon. Friend would see that this had nothing to do with the income and expenditure of India; it was merely a cash transaction. Last year he had stated in detail to the House the prospects of Indian finance. He had told them that there would be a deficiency in 1860–61 of more than seven millions. To meet this he hoped, before the 30th of April, there would be receipts from income-tax to the extent of one million; while a reduction would take place, not on the whole expenditure, for in the Civil Department there would be some increase, but the military expenditure would be diminished by £800,000, more than he had anticipated. According to the last Estimate from India, the deficit at the end of this year would be £5,574,000. The statement put forward in India was erroneous to this extent—that it included in the disbursements upwards of £700,000 on account of compensations for losses sustained during the mutiny, which formed no portion of the annual expenditure, but, being taken from the Treasury, reduced the balance accordingly. The deficit, on what he might fairly call the income and charge of India for the present year, was £5,574,000, or, in round numbers, £5,500,000. This was very much better than he had anticipated when making his statement in August last. He now came to next year, as to which his hon. Friend said he did not understand on what grounds he had arrived at the conclusion that expenditure and income would about balance each other. The deficiency of £5,500,000 in the course of the present year would be partially met by the anticipated produce of £3,500,000 from the new taxes. Of this £1,000,000, as he had said, would be received in the course of the present year; but deducting the balance of £2,500,000 from the deficit of £5,500,000, it left £3,000,000 to be provided for. He had every reason to hope that the reduction of military expenditure was proceeding at such a rate in India that next year they would be able still further to reduce it by £3,000,000. In 1859–60 the Military Estimates had been reduced by £3,500,000; £3,300,000 had been struck off in 1860–61; and in 1861–62 they hoped to reduce the amount by a further sum of £3,000,000. If, therefore, an increase of £2,500,000 was obtained, and at the same time a reduction of expenditure to the extent of £3,000,000 took place, his hon. Friend would see that an equilibrium of income and expenditure would be established. He hoped he had succeeded in rendering his statement intelligible to the House, but in order further to elucidate his meaning, and to put hon. Members in possession of all the information which he himself had received, he was ready to lay on the table all the despatches which had passed between his department and the Governor General of India since the close of last Session.

MR. CRAWFORD said, he had no wish to prolong a rather irregular discussion on Indian finances, but he was unwilling that an erroneous impression should be created by the remarks of the hon. Member for Inverness shire, who had stated that shareholders in several Indian companies declined to pay up their subscriptions.

MR. BAILLIE denied that he had made a statement to that effect.

MR. CRAWFORD: I took down the hon. Gentleman's words.

MR. BAILLIE: Then you took them down wrong.

MR. CRAWFORD: I understood the hon. Gentleman to say that the shareholders were declining to pay up their subscriptions under the contract they had entered into.

Mr. BAILLIE: No, I did not say so.

MR. CRAWFORD said, he merely wished to observe that the money had been advanced by the shareholders on the security of the Government guarantee, and not on the prospects of the railways themselves. He thought the right hon. Gentleman the Secretary of State for India had taken the proper course in coming to the public himself as a borrower of money for the purposes of the railways, rather than, by raising the rate of the guarantee, still further to have depreciated the value of railway stock.

SIR HENRY WILLOUGHBY said, he wished to know whether certain railway companies, not having funds of their own, had not come to the Government for advances. In putting that question he was referring in particular to the Madras Railway Company and the Bombay and Baroda Railway Company. He understood that the resources of those companies had become exhausted, and that they had applied to the Government for money to enable them to complete their undertakings. This, if true, was a most important circumstance, because the funds to be dealt with would in that case be raised, not by the shareholders, but from the Indian Exchequer. The State would, moreover, run the risk of advancing money upon lines which were not under Government control. That would be a fatal blot, and one that must entirely change the character of the railway system. He could not help thinking that the right hon. Gentleman had made rather a prosperity speech, with regard to the prospects of Indian Finance. In a statement put forward by the Governor General, the income for the year 1860-61 was calculated at thirty-nine millions and a fraction; while the expenditure was taken at forty-five millions and a fraction—thereby leaving a formidable deficit. In the contrary opinion just expressed by the right hon. Gentleman, he wished to know whether he had taken into account the famine with which a large tract of Indian territory, particularly in the North-Western Provinces, was afflicted? It was difficult to overlook such a misfortune as that; but the right hon. Gentleman had not even alluded to it in asking the House to believe in his pleasant dream of a financial equilibrium in 1861-62. For his part, he did not in any way join in such sanguine expectations. The Governor General in his statement alluded to the home charges, amounting to £6,983,000. Such an extraordinary sum required explanation; and he therefore wished to know whether the right hon. Gentleman would place on the table of the House a document, showing in detail the expenditure of these charges. It would also be desirable to know what amount had been spent on the passage of officers and troops between India and this country, as he was informed that this item amounted to half a million, one third of which charge, he believed, was paid in this country, and the other two-thirds by the Indian Government. He was glad that the right hon. Baronet had volunteered to produce the official correspondence necessary to place the matter rightly before the House, because, sooner or later, he feared the United Kingdom would be called on to make good the financial position of India.

COLONEL SYKES said, he was glad the right hon. Gentleman was enabled to confirm the statement made last year that there was a prospect of revenue and expenditure becoming equalised in India. Nineteen months ago he had published a pamphlet (and he had gone over the figures with his right hon. Friend), in which he showed that, if the Secretary of State would only exercise the power he possessed, he could have compelled a readjustment of Indian Finance even before the period at which it was now thought that desirable event might take place. Under the old system every member of the Court of Directors had the power of introducing any subject and putting it to the vote of the Court. Unhappily, that was not the case now, otherwise more extensive reductions might have already taken place; but he had no doubt whatever of the correctness of his right hon. Friend's anticipation—namely, that the finances could be brought to a state of equilibrium, provided that the necessary reductions took place. In 1857 the revenues were £31,000,000, and then there was a balance of two to four lacs of rupees in favour of the Government. At present they were £39,000,000, independently of the income tax; but he believed there were now 100,000 European troops in India to do that which less than 50,000 did in 1857, when the mutiny was crushed; the Bengal Native Army of 100,000 men annihilated, and our power maintained, and now we had neither a Bengal Native Army nor a Native prince to oppose us, and the maintenance of 100,000 European Troops was a waste of the finances of India. He wished to observe that there was now in India a latent feeling the existence of which was dangerous. It existed in the Native mind, and was owing to the manner in which the income tax was levied. He had letters from various parts of the country—letters which spoke of the sentiments of the people from one end of India to the other—stating that the agents employed in levying the income tax did so, in many instances, under distraint, and exercised their powers in a very tyrannical manner. He regretted extremely that that dangerous tax had ever been introduced into that empire, for it might have been done without. He thought that the system under which the railway companies paid in money here, and payments were made for them by the Government in India, was one which afforded great convenience and effected a considerable saving. A somewhat similar arrangement was formerly made, before the introduction of railways, with the mercantile community, who received bills drawn on India for money paid here. Indeed, such a thing as sending home bullion from India had for many years been almost unknown.

Resolution *agreed to*, *Nemine Contradicente.*

Committee appointed for *Wednesday.*

RED SEA AND INDIA TELEGRAPH COMPANY.

RESOLUTION REPORTED.

MR. BAILLIE said, he wished to ask a Question of the right hon. Gentleman the Chancellor of the Exchequer. It was Whether it was really proved that the Telegraph Company had been in complete operation during a period of one month? Certainly he did not remember that any communication with India had been carried on for a month by means of their telegraph.

THE CHANCELLOR OF THE EXCHEQUER replied that in the statement which he had made a few nights before he had rather avoided attempting to make any precise statement on the part of the case which formed the subject of the hon. Gentleman's question, because it might involve matters of much nicety, on which the opinion of the law officers would have to be considered, and he thought that matters of this kind would be better examined by the Select Committee to whom the Bill was to be referred. What he apprehended to have been the case was this, that each of the six sections into which the line was divided had been in operation for the *minimum* term, but that the entire line had not been in operation for that term.

Resolution *reported*—

"That the Commissioners of Her Majesty's Treasury be authorised to Guarantee to the Red Sea and Indian Telegraphic Company a *minimum* dividend of four and a half per cent per annum upon a certain amount of capital, *bonâ fide* called upon for the purpose of the said Company's undertaking."

Resolution *agreed to;* Bill *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. PEEL.

Bill "for Amending the Red Sea and India Telegraph Act, 1859," *presented* and read 1°.

POST OFFICE SAVINGS BANKS (CONSOLIDATED FUND.)—REPORT.

Resolution *reported*—

"That it is expedient to charge upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland the deficiency, if any such should arise, in the sums which may be held on account of Post Office Savings Banks, to meet the lawful demands of depositors in such Banks, in the event of their being established by Law."

MR. SOTHERON ESTCOURT said, that though this stage of the proceeding with reference to the proposed scheme was rather formal, he thought it well to remind the House that they had no knowledge of the Bill which it was intended to found on the Resolution. They were, in fact, voting that they would go into the discussion of a matter on which up to that time, they were perfectly ignorant. It was a signal instance of the necessity that existed for an examination of some of their forms by the Committee which had been appointed on the business of the House. It was perfectly true that what they were about to do in this case was formal; but on the Resolution, which for the second time they were about to pass, a substantive proposition, in the shape of a Bill, would be founded. No one, who had heard the statement of the right hon. Gentleman could doubt that if that Bill passed, it would be pregnant with important results. Under its provisions the Government would be founding banks of deposit on a gigantic scale, and thus a risk would be encountered which many might think dangerous; and another important result of the measure would be its effect on the present savings-banks. He did not wish to be understood as throwing any obstacle in the way of any proposition which might be useful to the working classes. He merely wished to draw attention to the fact that by a merely formal proceeding they were laying the foundation for very important consequences. The merits of the right hon. Gentleman's (the Chancellor of the Exchequer's) scheme was another question, and one that was not then under discussion, for the House were, in fact, ignorant of it.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that the right hon. Gentleman must have made his remarks without having heard the precise terms of the Resolution, the reception of which was the question now before the House. Undoubtedly it had sometimes happened that the House was called on, in the case of money Bills, to assent to preliminary Resolutions for very large propositions, which appeared to assert, and positively did assert, certain positions of great importance, before the House knew the manner in which they were to be carried out; but in the present case the House was not called on to do anything of the kind. The Resolution now before it was a hypothetical one. It did not involve in any degree the sanction of the House to the Bill which he intended to propose. All it asserted was this, that if these Post Office Savings Banks were to be established, the charge should be made one on the Consolidated Fund; but the question whether there were to be Post-office savings-banks—which was one of great importance—was in no way whatever decided by the Resolution.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. MASSEY, Mr. CHANCELLOR of the EXCHEQUER, and Mr. PEEL.

BANKRUPTCY AND INSOLVENCY.

FIRST READING.

THE ATTORNEY GENERAL: Sir, I hope the Bill which I am about to move for leave to introduce will be brought before you under happier auspices than its predecessor of last year. At the same time I must say that, while I regret the necessity of abandoning the unfortunate Bill of last Session, I have been very much consoled by the reflection that in preparing the present measure I have had to direct my attention to a number of topics to which I felt it necessary that greater consideration should be given; and I hope that I have succeeded in framing a measure which you will receive with greater favour than you were disposed to show to that which preceded it. You will recollect that the two chief objections urged against that Bill were its late appearance and its ponderous dimensions. The first I have obviated by introducing the Bill at the present moment. With respect to the second I have deferred to the opinion then expressed, and surrendered my own judgment to the feeling that prevailed; and I am happy to say that the Bill which I now propose to introduce is less by one half than the Bill of last Session. But you will do me the favour to recollect that the Bill which I then introduced was a consolidating, as well as an amending measure. The law of bankruptcy is entirely *lex scripta.* It is wholly composed of statutory provisions, and those provisions are to be found scattered over a great number of Acts of Parliament, all of which must be consulted in order to obtain a just idea of the law. As there exists a general opinion that Acts of Parliament ought to be consolidated, I felt last year that it was my duty to attempt to consolidate into one Act the whole of the written law on the subject of bankruptcy. The present, however, is only an amending Bill, and is therefore of a fragmentary and disconnected character, the provisions of which cannot be at once perfectly understood, from the want of those lights that might be cast on them from other statutes which are left untouched. In framing the present Bill I have entirely abandoned consolidation, though I must frankly confess that my own feelings and sentiments are all in favour of a consolidating measure; but it is at all times desirable to propose that which is likely to pass, and if I can succeed in inducing you to pass this measure during the present Session—a measure more than ever demanded by the great body of the mercantile community—it will in some future Session probably enable us to consolidate the whole law of bankruptcy, of which this Bill, if it receives your approbation, will form an important element.

I will very shortly remind you of the important principles which it was desired to establish and carry into execution by the measure of last year. You will remember, probably, that one of the great evils which I thought called for a remedy was the confusion that now exists in bankruptcy between the judicial and administrative functions of the Court. These are, in point of fact, so mixed up and blended together that the one has no order, or economy, or regularity, and the other has neither dignity nor efficiency. One object of the last Bill, therefore, was to separate the judicial from the administrative functions; to bring home to the abode of the creditors all those duties touching the administrative part of the law which it is necessary should be discharged in the first instance; and, at the same time, to give to the judicial functions of the Court that uniformity and certainty of decision, and that elevation of judgment, which would wipe away the reproach that now attaches to the law as it stands, and render it more satisfactory and respected. One of the other features of the late measure was to restore to the creditors of the bankrupt the power of settling their own affairs. The principle on which the law of insolvency rests is, that the moment a man becomes clearly insolvent his estate belongs to his creditors, and the creditors are the parties who should be consulted as to the mode of administering and disposing of the estate. Unfortunately, the history of the law shows that, partly from the apathy of creditors, and party from other causes, great evils existed in the modes of administration formerly followed. Great changes were made in the hope of remedying these evils; but, nevertheless, it was found that creditors refused to avail themselves of proceedings which they fancied to be injurious to their interests. There was an enormous amount of formality and technicality, and whole legions of officials were brought into existence, who destroyed that property which it was their avowed province and duty to protect. To remedy these evils was one of the objects of the Bill of last year, and all that it was hoped to accomplish by that Bill in this respect will be embodied in the present measure. Another object of that Bill was to effect a reduction of the great expense incurred by the law charges of the Court of Bankruptcy. It is quite unnecessary that I should justify the introduction of a measure on this point, because the evil is universally admitted; but I shall shortly enumerate to the House some of the different sources of that expenditure, which exists in consequence of those changes that have at different times been made since 1831. On every estate brought into bankruptcy there is a considerable sum to be paid on its first introduction; then there are charges for the messengers, gentlemen who are receiving very considerable incomes for the performance of very slight duties; then there are fees paid to the auctioneer, the broker, and the accountant, fees on public sittings, registrar of meetings, and fees for sittings; the building fund, *ad valorem* per centage fees on the assets to the official assignee; the effect of the whole being to drive away from the Court of Bankruptcy the administration of large estates wherever possible. Besides these there are allowances to the bankrupt for maintenance, allowances on a dividend and excepted articles, and solicitors' charges. Probably it will be remembered that last year I showed, from returns before the House, that the collective charges on the administration of estates in bankruptcy amounted to not less than 33 per cent. Another object of the Bill of last year was to establish an effective system of audit and the control and superintendence of creditors through the medium of official assignees; and also to inform creditors, by the transmission of proper accounts, of the amount of the estate and the manner of collection, while at the same time it abolished many of the formalities by which an oftentimes unnecessary publicity was provided. Another object of the Bill of last year was the subjecting the insolvent or bankrupt, when applying for his discharge, to a proper tribunal, with the power of punishment in cases of fraudulency, and I am quite sure that all those who through the usual channels of information have had their attention called to the vast commercial frauds of the last year or two, will be ready to admit that this power ought to be most ample. All these different objects it has been my endeavour to provide for by this Bill. But, before entering more particularly into that point, I may be permitted to say that, in presenting this measure to the House, I present it as in my judgment the best that is attainable under the circumstances of having to abandon all attempts at consolidation. Any one who approaches this subject with the intention of reforming the law, finds the ground covered by establishments which have been again and again modified, until the Legislature has become, in regard to bankruptcy, jealous and suspicious of all further attempts at reform, and is adverse to permitting any expenditure of public money in this direction. Under these circumstances little can be done except to modify that which now exists. Undoubtedly, by giving away money under that odious name "compensation," it would be possible to build up a much simpler form of administration of this important part of the law. Whatever, too, may be done by way of enactment, a great deal is requisite for the reform of the administration of bankruptcy, which must be left to the prudence, care, and superintendence of the creditors themselves. No Act of Parliament can supply that want of care, attention, and supervision, and whatever safeguards Parliament may devise, if the creditors are apathetic or indifferent to their interests, if they show a perfect disregard whether they will or will not call for accounts, and examine the conduct of their debtors, we may expect to see the frequent exhibition of things that shock the feelings of morality and integrity that ought to prevail, we may expect to see enormous defalcations, or some great and outrageous instances of commercial delinquency, such as have lately been made manifest, and which have, unfortunately, remained unpunished. While, therefore, much may be done by the Legislature, much will still remain to be done by those who ought to watch over their own interests.

I will, first, direct the attention of the House to the alterations proposed to be made in the formation of the Court and the manner of administering the law; and I will then give a sketch of the procedure in bankruptcy as it will exist under this

Bill, if it should be passed. I will then pass on to another and separate branch of the subject, and consider the propriety of abolishing the present jurisdiction for the examination and discharge of insolvent debtors. I thought last year that it was desirable to have one law of insolvency, and to subject the trader and the non-trader to one uniform system of administering the law if they became insolvent.

The House will recollect that it received last Session with approbation the proposal to give a Chief Judge to the Court of Bankruptcy. At present the law is administered by numerous Commissioners, and, as to a portion of the cases, by the County Court Judges. It was thought that there was great difficulty in obtaining uniformity of decisions unless there were some ready means of approaching a court of appeal. The House was unanimous in thinking that it would be proper to have a Chief Judge at the head of the administration of bankruptcy to secure uniformity, certainty, and dignity. I have, therefore, retained that portion of the plan of last year. One of the proposals of the Bill of last year was, however, to abolish at once the five London Commissioners and to place two other Commissioners in their room. That proposal involved, of course, the necessity of giving to those gentlemen for the rest of their lives retiring annuities to the full amount of their present salaries. That proposal did not appear acceptable, and I have thought it right to continue these Commissioners in precisely the same situation as at present. Their duties under the present Bill will not probably be greatly augmented, considering the appointment of a Chief Judge and the proportion of labour that will fall on his shoulders. That will be, at all events, for the House to determine, but I propose, in the present Bill, to retain that part of the existing system without any alteration. The Bill of last year proposed the abolition of the Insolvent Debtors' Court, and with it the removal and discharge of the Commissioners of that Court. One of the Commissioners, Mr. Serjeant Murphy, has since died. Another Commissioner was appointed in his place, but on the understanding that if it pleased Parliament to put an end to the Court he was not to be entitled to any compensation. At present, therefore, so far as compensation is concerned, there is but one Commissioner of the Insolvent Court, and if the present scheme is carried into effect, it will leave the administration of justice, both in bankruptcy and insolvency in the London district, in one and the same Court. That district is exceedingly extensive, stretching from the extremity of Norfolk on one side to the borders of Hampshire on the other. There will, therefore, be in the London district a Chief Judge, and five London Commissioners to discharge the duties of the law of bankruptcy and insolvency. Another part of the Bill proposes to augment the jurisdiction of the County Courts. By the former Bill power was given to the creditors to take the administration of bankruptcy from the District Courts to the County Courts. It provided, however, that those estates only should be transferred by consent of the creditors from the Bankruptcy Courts to the County Courts where the assets do not exceed £1,000. I have since thought that no reason exists for that limit, that the creditors were able to judge for themselves on this point, and had the right to do so. I, therefore, propose to continue to the majority of the creditors the power of removing an estate from the Court of Bankruptcy to the County Court without any limit in point of amount. Under the former Bill it was proposed that the County Courts should have the right to take administrations in Bankruptcy where the assets did not exceed £300. It has, however, been represented to me that it is difficult to say whether the assets do or do not exceed £300, and I propose that all petitions for removing bankruptcy shall be presented in the first instance to the Court of Bankruptcy, except in those limited cases where the debts of the trader do not exceed £300. The facility of applying to the County Courts has led to many endeavours on the part of fraudulent traders to escape from justice, and I have therefore thought it right that all petitions for adjudications of bankruptcy, except in those smaller cases where the debts do not exceed £300, shall be presented in the first instance to the Court of Bankruptcy or the District Court. These are the material changes in the structure of the Bill, and these are all the differences that exist on this part of the subject between the Bill of last Session and the present.

I now come to the procedure in cases of bankruptcy. I have thought it most desirable to secure to the creditors of an insolvent the opportunity of determining whether they will enter the Court of Bankruptcy or not. The great fault of the present system is, that the creditor cannot get the benefit of the provisions of the Court of Bankruptcy without entering the walls of the court. There is, also, the further evil that once within the walls he cannot escape until he has paid the uttermost farthing. He must remain there until the whole of the estate has been ground down, collected, and administered. But I think it right that, with the consent of a certain portion of the creditors, a man who is an honest trader, or who, not being a trader, is an honest debtor, shall have the opportunity of surrendering his property and having it duly administered without incurring the opprobrium and stigma of having gone through the Bankruptcy Court. It is necessary to approach this part of the case with very great caution, because, if you give to the trader any protection during a certain period of time while he has solicited, or has represented that he has solicited, the consent of his creditors, you have suspended during that period the right of the creditors, and, unless care be taken, the opportunity may be converted into the means of defrauding the creditor by the debtor, and a great deal of injury may be done. I have endeavoured, as well as I could, to provide a remedy for this, and, while the creditors' rights are suspended, there will nevertheless be a provision in the Bill enabling the debtor's estate to be administered under a private deed without the necessity of an adjudication of bankruptcy. I attribute great importance to this scheme, and consider that a great part of the utility of the measure will depend on the possibility of working this portion with convenience and success; and, though, no doubt, it may on many occasions be desirable that, while the rights of the creditors are protected, the estate should be wound up without the debtor being subject to the opprobrium of passing through the Bankruptcy Court, yet I provide in the Bill that the creditor or debtor may at any time pass over the boundary and go into the Court of Bankruptcy, in order to meet any emergency or necessity, or to have a determination on any question which may arise in the administration of the estate under the trust. In effect, therefore, all the remedies in Bankruptcy will be applied to that state of things without the necessity of proceeding to an adjudication. But, supposing a petition presented for adjudication, and that the debtor is adjudicated a bankrupt, the next form of procedure by the Bill is that there should be an immediate meeting of the creditors, at which meeting it should be decided whether the administration of the estate should continue in the Court by which the adjudication had been pronounced, or be transferred to any other Court, as, for example, the County Court. As the same time, the creditors would have the opportunity of receiving any proposal of the debtor, and of determining whether the estate should go on in bankruptcy, or be wound up by a private deed of arrangement. Therefore, at the very first meeting—and there would be power to call any future meeting for the same purpose—an opportunity would be afforded to the creditors of deciding which was the best mode of administering the estate. Then, with regard to the proofs of debts—a proceeding at present attended with much unnecessary expense and great vexation—I have introduced, in conformity with general recommendation, a most simple mode of procedure. A written declaration, containing a statement of account, vouched and signed by the party, is, when unopposed, to be taken as equivalent to proof, and to have attached to it the same force as a formal affidavit, a penalty being attached for any false statement. With respect to the meeting of creditors I have also given most ample power that registrars should be authorised to attend at any convenient place, in order that the administrative business may be proceeded with. On this part of the subject I entertain very sanguine hopes of amendment, founded in a great degree on the experience derived from the Court of Chancery by the adoption of a more simple mode of proceeding. The facility and economy that now attend the administration of estates in Chancery, are matters of the utmost surprise to those who are familiar with the former mode of proceeding in that department of justice. I believe that at present the administration of an estate belonging to a deceased party in the Court of Chancery is effected more quickly and more economically than it could be effected even by private hands. I will refer the House to the evidence given before a Commission which sat a short time since, by the hon. and learned Member for Newcastle-upon-Tyne (Mr. Headlam) in proof of the excellent and economical administration of the Court of Chancery as compared with that of the Court of Bankruptcy. Another point to which I wish to call attention is the position in which the creditors' assignees and the official assignees will be placed by the Bill. All acquainted with this subject know that official assignees were introduced in 1831, in consequence of the great evils which were felt, chiefly from what I have denominated the indifference and carelessness of the creditors, under the previous system. The official assignee was invested with the right to receive the whole estate, and the consequence was that creditors found themselves, in their own opinion, entirely excluded from their proper position with respect to control over the administration. There has, therefore, been a general cry to be emancipated from the control of the official assignees, as great as there had been previously for relief from the maladministration and neglect incidental to the former system. I have endeavoured to provide a mode of proceeding which should be something between the two propositions. I hope the House will agree with me in thinking that it is proper to leave to the creditors' assignees the right of receiving, applying, and administering the estate; but that it is most essential that there should be an efficient auditor, active inspector, and vigilant superintendent over the creditors' assignees—able to ascertain, and who would have an interest in ascertaining, that the property was received by them and taken into hand for the benefit of the creditors. I propose, therefore, by the Bill, that as soon as the creditors' assignees should be chosen and appointed, the functions and duties of the official assignees should cease with respect to the collection and distribution of the property, save in one particular. I have found by an examination of the returns that small debts — debts not exceeding £10—due to bankrupts' estates are collected by the machinery in the power of the Court with infinite economy, and therefore I propose to continue to the official assignees the power of collecting debts not exceeding £10. With regard to the rest of their duties, I wish to make it incumbent on them to require periodical accounts from the creditors' assignees, to audit them, and send copies to every creditor who has proved a debt of £10 or upwards. The creditors' assignee will also have to return quarterly accounts of the estate, and those quarterly balance-sheets will be audited with the aid of the official assignee. The next point of the procedure after the ordinary meetings of the creditors, is that of the discharge to be granted to the bankrupt, and here the Bill which I am now seeking to introduce will be found to differ materially from the measure of last Session. It has appeared to me, upon much consideration of the subject, that an obligation should be thrown upon the Commissioners and upon the Chief Judge, whether there be any accusation by the creditors or not, of examining with care and attention the conduct of the bankrupt. Supposing, therefore, that there is an accusation by the creditors, or supposing the Commissioner to whom the matter may be committed thinks it right that the conduct of the bankrupt should be brought before the Chief Judge, the question of the discharge will, in the London district, be brought, in the first instance, before the Chief Judge for decision. I propose to arm the Chief Judge with two kinds of authority. In the first place, I give him authority to examine the conduct of the bankrupt in all cases of misconduct not included in the list of offences which the law treats as misdemeanours. The House is probably aware that, according to the existing law, the conduct of the bankrupt may be the subject of examination by the Commissioners, and that the certificate to be given to the bankrupt varies according to the opinion so formed of his conduct. There are three kinds of certificate—those of the first, those of the second, and those of the third class. The first class is a declaration that the insolvency of the bankrupt is attributable entirely to unavoidable misfortune; the second class states that it is attributable not entirely to unavoidable misfortune; while a certificate of the third class sets forth that it is attributable wholly to causes other than misfortune or accident. I am told, however, that practically the distinction between the different classes of certificates is almost wholly disregarded; that it is of little more use than if the certificates were written on so many pieces of white, or red, or pink paper. The bankrupts receive their certificates and go back to the commercial world apparently as much entitled in the one case as in the other to obtain credit. Hence, I have thought it better to persevere in the proposition which I made last year that these certificates should be wholly abolished. I do so with the more confidence now, because I believe it is necessary that something more stringent, something more definite, something the effect of which may be more severely felt, should be placed in the hands of the Judge than the mere power of giving a certain description of certificate. I have therefore described a number of instances of misconduct which are not characterized as misdemeanours, but which are treated as grave offences, warranting the judge in refusing or suspending the order of discharge, or in committing the bankrupt to prison for any period of time not exceeding one year. Among the offences so enumerated is one which I should have been very glad to make a criminal offence if I could have found the means of defining it with that amount of accuracy with which every criminal offence ought to be defined. I mean the creation of fictitious capital, the trading with false capital, principally produced by the excessive use and unjust application of accommodation bills. That, in point of fact, is nothing more than a mode of obtaining the means of trading by fraudulent pretences, and ought in the excess to be punished as fraud. But the difficulty is in making criminal that which is so only in the excess, because the excess is incapable of being defined in words, although no man can hesitate about recognizing it when it comes before him in actual business. It is impossible to assert that being a party to an accommodation bill shall, of itself, be an offence; yet no man of any information on the subject can hesitate to say that such a system of trading by accommodation bills as that which has been exhibited in the public journals, in connection with a recent case of bankruptcy, amounts to one of the worst description of offences. I have not hesitated, therefore, to give the Chief Judge, who will be a Judge of the highest rank, the power of inflicting a sentence of imprisonment for twelve months in those cases of delinquency which are not included in the list of offences amenable to the criminal law. I do so with less hesitation, because the existing law gives the power to a creditor, if he pleases, of inflicting a greater amount of imprisonment. The law as it at present stands is characterized probably by as much inhumanity and, at the same time inefficiency and impolicy as any law that could be devised. If the Commissioner suspends a certificate, or refuses it for any limited time, during that period any creditor may apply to the Commissioner for a certificate of his debt, and upon that certificate he has a right to commit the bankrupt to prison. Then, at the end of the imprisonment, which is an imprisonment for a limited period, any other creditor may proceed against the bankrupt in the same way, and subject him to a similar incarceration. I think that, if the delinquency of the bankrupt is such that it is just to expose him to the penalty of imprisonment, that penalty ought not to be left at the caprice of any creditor who might be prompted by malice or a vindictive feeling; while, on the other hand, I am equally of opinion that it is not fair that the creditors should be made the agents and instruments of inflicting a criminal sentence. Such a sentence, to have any effect in the way of deterring from similar crimes, ought to come from a Judge of the highest dignity. I therefore propose to take away the power of imprisonment now given to the creditors, and, in cases where the Judge shall be of opinion that the order of discharge ought to be refused or suspended, to give him the power of inflicting the amount of imprisonment I have mentioned. I have also thought it right that the same Judge—namely, the Chief Judge—should be armed with authorty to try the bankrupt for any offence of which he may be accused, because in handing the bankrupt over from the Court of Bankruptcy to a criminal tribunal there is not only very considerable difficulty in causing proofs of the offence to accompany the accusation, so as to enable them to be brought forward in the manner required by any ordinary criminal court, but there is great injustice in subjecting the estate to all the expense and delay incident to that description of prosecution. I have thought it right, therefore, as we propose to place at the head of the Court of Bankruptcy a Judge of the highest rank and character, the equal of any of the Judges of Westminster Hall, that such Judge should have the power of administering this part of the criminal jurisdiction. The Bill provides that, if the bankrupt desires to be tried by a jury, he shall be tried by a jury in the ordinary manner; but that if he does not desire to be so tried, then the Judge is to examine his conduct, the Commissioner who has had the immediate prosecution of the matter sitting as the assessor of the Chief Judge. The final sentence is to proceed from the Court so constituted, no appeal being allowed to any other tribunal. From the decisions of the Commissioners in the country and County Court Judges an appeal to the Chief Judge appears to be desirable, but from the sentence of the Chief judge in this matter I think it right that there should be no appeal. I think these provisions are not more stringent than the absolute necessity of the case requires. I hold that justice should be certainly adminstered in a manner in which humanity and consideration may be united with necessary severity, and so as to operate more efficiently than the present system. I have mentioned to the House the procedure applicable entirely to the case of traders.

It was part of the proposition of last year that the non-trader also should be brought within the area of the same tribunal. That was a proposition which, I believe, as far as general discussion has gone, has received the approval of, I may say, nearly all who have attended to the subject. The true policy of the bankrupt law is, I believe, that every species of encouragement should be given to a debtor the moment he finds himself in a state of insolvency to do that which justice requires, namely, to divide his estate equally among his creditors; but I must beg you also to observe that, with the exception of the trader, in the case of the non-trader the whole tendency of your law as at present established is to produce the very opposite result. You admit of execution against the person of the debtor: you admit the debtor being consigned to prison on that execution, but for what purpose? You cannot for one moment say that he is sent to prison for punishment. You have not been administering the criminal law at all. He is sent to prison at the pleasure of a creditor. Well, the creditor has become his creditor by his own voluntary act. To every debt, in that sense of the word, there are two parties—the man who contracts it, and the man who permits it to be contracted. The creditor, of his own accord, willingly gives credit—to what had he the right of trusting at the time he gave it? He trusted, of course, to the solvency and means of the individual. In the very nature of the contract, it is impossible to suppose that the power of consigning the debtor to prison ought to be regarded as one of the natural rights of the creditor. Consigning the debtor to prison cannot be justified on any other consideration than this, that it is a means of compelling the debtor to give up his property for payment of his debts. But if you can accomplish the same thing without imprisonment, the imprisonment would remain without reason to justify it. The imprisonment of the debtor is undoubtedly the means of rendering the debtor useless to himself and a burden to the community. To the creditor it produces no good; to the State at large it is an unmitigated evil. The debtor is demoralized; he is in a state of idleness and depravity frequently while in gaol; he comes out of gaol a worse man than he entered it. The whole process, therefore, is neither more nor less than a process of unmitigated evil, unless you say it is effectual as a preventive to men getting into debt. But I say you are not justified in imposing any such law with a view to prevent that consequence when men only get into debt with the consent of their creditors; and if the creditor consent, the act of the creditor entitles him to nothing more than the aid of the law, in the most expeditious manner, to get at the property of the debtor and divide that property equally among his creditors. But here, again, you give every temptation to fraudulent preferences, you stimulate the debtor to do that which in bankruptcy the Judge would stigmatize with the imputation of fraud. I cannot illustrate more forcibly the opinions that have prevailed on this subject, and dictated by good policy as well as humanity and justice, than by taking the liberty of reading one or two passages from the reports of various Commissioners who have considered the subject. In the Report of the Common Law Commissioners in 1832, the result of the law is thus accurately described:—

> "The practical effect of the law of arrest on final process, combined with the insolvent law, is the imprisonment of numbers merely to be discharged without opposition at the end of a few weeks. The consequence is misery, waste of funds, and multiplied frauds and perjuries. While no benefit arises to the creditor, the arrest, imprisonment, and expense are ruinous to the debtor. In short, the ordinary consequence is disappointment and loss to the creditor, destruction to the debtor."

I say this is a correct view of the case; statistical returns prove it in the strongest way by the number who are committed to prison, the short time they remain there and then are discharged; not one estate in 250 profiting thereby. You are bound by the principle of your law of debtor and creditor to give the creditor the most available remedy, but it so happens that the most available remedies to the creditor are those which are most consistent with humanity and justice to the debtor and the general benefit to the State at large. You tell the insolvent debtor that he shall be released and discharged on surrendering his property—why, then, do you make it a necessary condition that he shall go to prison before he surrenders his property? You have felt the injustice and have modified the operation of these laws by various Acts, which have had in them, perhaps, more humanity than consistency, and which were not quite impartial. You will recollect the Act of Parliament that was passed for an object I will not stop to explain, and which is commonly denominated the "Gentleman's Act." That is an Act by which in reality the insolvent may get the benefit of bankruptcy without going to prison. It was an Act, however, available to very few, but it is sufficient to establish that the Legislature, in passing it, at the same time condemned the general system, because it has by that and other protection Acts in effect declared that if a man will communicate with his creditors, and get the assent of a certain number and surrender his property, his person shall be free from arrest. Now, all I desire for the benefit of non-traders is this, that the law should give them an opportuuity of at once surrendering their property; and upon that surrender and free discovery, that they shall be protected from arrest. This is the first thing, therefore, that is proposed, and for the benefit, I trust, of the non-traders. I will venture to add one or two more extracts from the Report of the same learned Gentleman to which I before referred, in order to vindicate the proposition I have laid down. In another part of the same Report I find this statement:—

> "Thousands are every year imprisoned and discharged, not only at great pecuniary cost, but at a moral expense infinitely more detrimental to the interests of society."

Another Report was made in the year 1840 by the Commissioners appointed to consider the Bankruptcy and Insolvency Laws. The Report is signed by Mr. Justice Erskine, previously Chief Judge of the Court of Review, Mr. Evans, Mr. Fonblanque, and Mr. Holroyd, Commissioners of the Court of Insolvency, and Mr. William Crawford, Mr. Wynn Ellis, Mr. Benjamin Hawes, junior, Mr. G. C. Glyn, and Mr. John Horsley Palmer—a combination of authorities of the highest character. There are two passages I would read:—

> "It appears to us," the Commissioners say, "that to unite the jurisdiction in matters of bankruptcy and insolvency would, upon principle, tend much to benefit the public, but this benefit cannot, we think, be obtained without placing all insolvent estates under the administration of one uniform system of law. We can perceive no good reason why the estate of one debtor (a trader) who is unable to pay his debts in full should be administered in a different manner from that of another debtor not a trader under the same disability."

In whatever aspect, therefore, the law is regarded, I cannot but think that you must arrive at the conclusion that the greatest injustice is under the present system done to the non-trader, and, in reality, the greatest injury inflicted upon the creditor; because, as matters now stand, the former is led to submit to considerable sacrifices from time to time, frequently even to commit fraudulent acts, in order to evade the penalty of imprisonment; so that, instead of deeming it to be his interest to make an honest surrender of his property to his creditors, every species of inducement is held out to him to do that which under a just and politic administration of the law of debtor and creditor might not occur. That hundreds and thousands of debtors should be imprisoned only, as it would seem, to keep up a costly tribunal for the purpose of their discharge from confinement would appear to be the very extreme of folly. If, then, the case be as I state, it becomes the interest of all parties to place the law of insolvency upon the same footing as that of bankruptcy. It has, however, been made manifest to me since last year that some degree of odium attaches to the word "bankruptcy," in general acceptation, and that that circumstance was likely to become such a bugbear as to frighten hon. Gentlemen from a calm consideration of the question and a recognition of the beneficial results which I anticipated from the changes in the law which I then proposed. I have, therefore, been desirous of embodying in the present Bill words which should be certain and unmistakeable, as defining the test of insolvency as applied to non-traders; so that the law of bankruptcy might be brought into operation in such cases only upon the most distinct evidence of general inability to meet one's just claims. Now, I think the House will agree with me in the opinion that one of the greatest subjects of reproach in connection with cases of this description with which we have to deal is that which results from the habit which exists among men who happen to be involved in debt of withdrawing their property from this country and seeking a residence in some part of the Continent, where they may enjoy it, thus defrauding their creditors of that which ought to be distributed among them. We are all perfectly well aware that there are abroad certain localities which are well known as being the places of refuge of English debtors, and that being so, I have made the first test of insolvency in the present Bill the absconding from the country with the deliberate intent of defeating or delaying one's creditors in the prosecution of their just claims, and the remaining abroad with the same object. But now comes the question, what shall be the overt act which shall meet with general acceptance as evidence of the *malus animus*—of the intent to defraud? In dealing with that question, in which you have to collect from the acts of the debtor the proofs of the *animus* by which his absence from the country is influenced, I have been desirous to render it necessary that a certain process should be gone through. It now frequently happens that the declaration of bankruptcy constantly takes place behind the back of the debtor; but I shall require by the Bill that the petition be served at the last abode of the debtor. If there are any means of ascertaining the place of residence of a debtor abroad, I also give to the Court of Bankruptcy the power which is now possessed by the Court of Chancery and the courts of common law, to authorise the service of process abroad. I think, then, that the House, on an examination of the provisions of the Bill, will ultimately be of opinion that it will be impossible for any man to be declared an insolvent upon the ground of fraudulent absence from the kingdom without having a fair opportunity of knowing what is about to be done with respect to him, of entering an appearance against the petition, and of proving that he in reality was animated by no fraudulent intention in taking up his residence abroad. The next test of bankruptcy which I would make applicable to the non-trader is the fact of a creditor having obtained a judgment against him in accordance with the ordinary process of law or equity, and being unable to find him to enforce that judgment, and I propose that under those circumstances an opportunity should be afforded him of appearing to answer the demand, and of giving either satisfactory security to the creditor or proving that he was not liable to be called upon to liquidate the claim made upon him. If that be not done you will I think agree with me that a criterion of general insolvency is furnished which makes it the duty of the debtor to deliver up his property for the payment of his liabilities, and which renders it incumbent upon the framers of the law to enforce that surrender. Another test of insolvency is the fact that the debtor being a non-trader has been arrested on final process, and is placed in prison, where he lies for a certain time. Every hon. Member at all acquainted with this subject must be aware that it has not been unusual for persons so situated to prefer to remain in gaol and enjoy their property there, to giving up that property to be distributed among their creditors. The most absurd part of the English law with respect to this particular point is this—that it seems to assume that when you have got the body of your debtor you have obtained satisfaction of your debt, and if by any accident you lose the body the debt is satisfied, thus reminding one of the doctrine attributed to the Roman law of sanctioning the division piecemeal of a debtor among his creditors. The test of insolvency which I have last mentioned may be made the occasion of a petition for adjudication of bankruptcy being presented against a non-trader, and the result would be that his estate would be administered on the same principle as that of a trader. Touching upon this part of the question, we are naturally led to ask the very important question, whether in altering the law of bankruptcy we ought to import into the amended system that principle of the law of insolvency which makes the future estate of the debtor liable for his debts, or whether it would not be more advisable to extend to the non-trader the benefits of that humane principle of the bankruptcy law which gives the debtor an unqualified and general discharge for the future upon his giving up the entire property in his possession to satisfy the claims which exist against him. For my own part, I confess that I do not think a man, if he chooses to give credit, is entitled, morally or upon grounds of good policy, to anything more than an equitable distribution of all the means in the possession of his debtor at the time when he gives him credit. It is not, it seems to me, a just or a politic course so to legislate as to induce a creditor to speculate on the future prospects of the person whom he trusts. All just systems of law have annulled the credit so given. We know that in equity all bargains with expectant heirs upon the security of their expectations, and all contracts relating to future acquisitions of property, are regarded as unjust; and I feel therefore confident that the House will be of opinion that a debtor, having once honestly delivered up to his creditors all the property which he possesses, ought not to be liable to be pursued by them through life, and to be called upon to surrender that which he may afterwards secure to satisfy their claims. That is a principle on which the House will have to decide. I have the greatest possible confidence in a general Committee of this House. I know of no more searching tribunal for the examination of such a question; and this, as well as all the main provisions of this Bill, I shall submit unreservedly to discussion in Committee, accepting altogether that which its wisdom and sense of justice may approve. I must, however, tell you that in that part of the measure which deals with the orders of discharge of bankrupts, whether traders or non-traders, I have given to the Chief Judge in case of any delinquency, the power of annexing to such orders of discharge conditions affecting future acquired property. It will be for you to determine the prudence and propriety of that course: but the Bill proposes, as a penalty upon the bankrupt trader or non-trader, that in cases coming within just censure, such censure shall involve the liability of future acquired property.

Now, it may be asked whether this Bill goes the length of totally abolishing imprisonment for debt. My answer to that is that I regret it does not, I have hesitated on this point from a fear that if I had pledged myself to such a proposition I might not have found it accepted as satisfactory by this House. But I will tell you what I have done, and which in reality will, I trust, arrive at the same result, although it is not the same thing in name; neither is that boldly avowed which reason, justice, and policy appear to me to demand. The course adopted by the Bill is this:—In the first place, every pauper debtor, who, on account of his poverty, cannot petition for an adjudication of bankruptcy against himself, has the power of presenting a petition to a County Court, and of presenting it at the expense of a fund provided so long ago as the 33rd of George III, for promoting the discharge of pauper debtors. That is one of the modes by which I hope to relieve the gaols of some of their present occupants. But another mode is this:—The gaoler, by a provision of the Bill, is required to make out on the first day of every month a return of all prisoners in his custody for pure debt, or rather simply on account of debt, and to forward this return to the Chief Judge in the London district, or to the Commissioner in any country district of bankruptcy. On the receipt of that return notice is to be sent by the clerk to the execution creditor and the detaining creditor of every such person; and on the expiration of ten, or not more than twenty days from the date of the return, a registrar will examine every prisoner, whether there be a petition or not. The registrar will have power to make an adjudication—in other words to make an order vesting the estate of the prisoner in the official assignee—and, if he thinks fit, to grant the prisoner an order of protection—that is, a qualified discharge. When that machinery is in operation, I believe it will be impossible for any man to remain in prison simply on the ground of debt for a longer period than from fourteen to twenty days. And, if that be so, I think it will follow that no creditor would be willing to commit his debtor to prison; for he pays a considerable sum for that privilege or source of enjoyment, if it be such, and he would hardly avail himself of it when his debtor would be released from prison in the manner I have described. The House will recollect that prisoners for debt in this country are now divided into two classes. One of these classes, and by far the most numerous, are those who are imprisoned by the orders of the County Court Judges, for there is a species of imprisonment which must be called penal, not being for pure debt, inflicted by the sentence of a County Court Judge, or of a Commissioner of Bankruptcy, in cases of small debts which are found to have been contracted either under circumstances of fraud, when the debtor had no probable means or expectation of being able to pay, or under some other species of falsehood or delinquency. Now, of course, it would be very wrong to interfere with that description of criminal imprisonment; and, therefore, I do not propose that the registrar who attends for this gaol delivery of debtors should have any power to release persons so committed to custody. But for pure debt, for debt unaccompanied by these circumstances of fraud or reproach, no man will be permitted to remain in prison; but, whether he will or no, will be discharged, and his property, if he has any, taken from him and made available for the benefit of his creditors at large. These, then, are the principal provisions, some of which were included in the former Bill. I have only to add that connected with the additions made to the former measure there is this important circumstance:—I have mentioned my great desire to facilitate the process by which debtors, without incurring the reproach of bankruptcy, should be enabled to surrender their property for division among their creditors. But it repeatedly happens, and it cannot be otherwise, that the debtor cannot accomplish this, because he is unable to ascertain who are his creditors at the time, so as to obtain the assent of the required majority for a composition or arrangement. Every trader, for instance, is probably liable upon promissory notes or bills of exchange which are circulating about, it may be in foreign parts, and the holders of which cannot be discovered and communicated with in a short period of time. I have, therefore, introduced this provision, that, if the debtor obtains the required majority of those creditors who can be ascertained, and is willing to make the trust deed or deed of assignment, run in a very simple form, it shall be as effectual and complete a discharge and protection to him as if he had gained the assent of all his creditors. The simple form in which the deed shall run is to this effect, that he conveys all his estate and effects to certain trustees, to be by them collected, applied, and administered exactly as if, at the date of the deed, he had been regularly adjudged a bankrupt. It is impossible to quarrel with such a deed on the ground of length, and yet it is a complete assignment on trust. With regard also to deeds of arrangement after bankruptcy, I have incorporated some provisions from the Scotch system, in order to facilitate a change from the process in bankruptcy to proceedings by private arrangement. Such is the measure which I submit to this House for its approval. It must be recollected that we have at present a most artificial system. It is impossible, as I have already said, to sweep that system entirely away, and substitute for it a perfectly new one. All we pretend to do is to remedy its worst defects, to remove its undoubted grievances, and provide the means whereby, without incurring the expense of all its present formal modes of proceeding, the creditors may easiest obtain the property of the debtor for the satisfaction of their just claims. If these provisions work well and satisfactorily, I venture to anticipate that the charges of bankruptcy, where bankruptcy exists, will be diminished by one-half; but I hope that bankruptcy will seldom be resorted to, and that only in case of absolute fraud and delinquency. I hope that the mode of administering debtors' estates by private arrangement, incorporating, as it does, all the principles and appliances of the law of bankruptcy, will be the general rule, and the formal process of bankruptcy the exception. You cannot have a better illustration of the present unfortunate state of the law than is presented by the contrast between the number of cases of bankruptcy and the cases of composition. It proves to you this great truth, that whenever your law is not in harmony with the exigencies of society—it has the effect of driving the people out of the courts of justice into the by-ways which are still open to them, in order to secure those advantages which they ought to be able to obtain in a more legitimate manner. The cases of composition are estimated to amount to between 8,000 and 10,000 a year; while the bankruptcies and arrangement under the control of the Courts seldom exceed 1,000 or 1,100 in the same period. This only shows the great preference among creditors for private arrangements, even although under the present state of the law the trustee in such a case cannot have the expeditious remedy which this Bill will afford, and, although the only mode of securing the due performance of the trust is by a resort on the part of the creditors to the Court of Chancery against the trustee. In spite of these disadvantages, creditors have preferred to incur all the inconveniences of deeds of private arrangement. Not that the law of bankruptcy itself is wrong, but that there are impediments to its proper administration. I have thought it right to address myself to aid that which appears to be the general impression among the commercial community, and which in the abstract nature of things must be most desirable; for if a debtor comes and surrenders his property, and is willing to account, what do you want with a Bankruptcy Court? It is quite sufficient that there should be a facile remedy to compel the administration and performance of a trust when it is once created. Upon that ground, therefore, I trust that that portion of the Bill which applies the law of bankruptcy to deeds of trust and composition, and admits of the parties to them being placed in the same relative position, and subject to the same jurisdiction as if there had been actual bankruptcy; as if the trustees were assignees, and as if the creditors claiming under the deed had proved in bankruptcy, I say, I trust and believe that portion of the Bill would be found most useful and efficient.

It is upon that portion of the Bill that, as a question of finance, I hope to meet with the approval of the House. At present the House is aware that the Court of Bankruptcy is in constitution self-supporting. I do not propose to interfere with that principle, except in two particulars—one with respect to the salary of the Chief Judge, which I propose shall, like the salaries of other Judges employed in the administration of public justice, be paid out of the general revenue of the country; and the other is the unfortunate portion upon which the former Bill in a great measure suffered shipwreck. In the former Bill I proposed, in conformity with the recommendation of the Commissioners, and in conformity with repeated suggestions of former Commissions—that the compensations granted in 1831 to officers who were then discharged from their duties, and which compensations were charged upon the bankruptcy fund—most unjustly, as I think, because it made future generations of creditors pay for the faults of the law, and the improper mode of its administration previously existing—I proposed that those compensations should be thrown upon the Consolidated Fund. The House did not agree to that proposition, but did, I think, agree that the compensation should be defrayed by annual votes of Parliament. I hope hon. Gentlemen who listen to me will understand that my Bill creates no compensations at all, I am only dealing with compensations given nearly thirty years since, and I am only acting in accordance with common justice, in order that we may accomplish that result, without which all reforms are idle—namely, the introduction into the administration of the law of bankruptcy, the principles of economy and cheapness which are absolutely necessary, for if you tax creditors to the extent of 33 per cent, as at present, you compel them to resort to other remedies rather than seek one of Her Majesty's courts of justice for relief. The Bill will, I trust, be in the hands of hon. Gentlemen by Wednesday morning, and I trust that if they give me leave to introduce it now, they will accompany that favour with another, by permitting the Bill to proceed with all possible expedition, and I hope that, with the assistance of the House, the Bill will before we part for the Easter holidays have gone through Committee, and may be transmitted to the other House before the end of the next ensuing month. I have now only to thank the House for its kindness in listening to me, and trust that it will not consider me to have unnecessarily trespassed upon their patience. The hon. and learned Gentleman concluded by formally moving for leave to introduce a Bill to Amend the Law relating to Bankruptcy and Insolvency in England.

Mr. HADFIELD said, he felt authorized in the name of commercial communities of this country, to tender their thanks to the hon. and learned Gentleman for bestowing so much care and attention upon this important subject. He was glad to find that the hon. and learned Gentleman intended to proceed with the Bill expeditiously, and hoped, as this was no party measure, that hon. Members on both sides would assist in that desirable object, even if one or two morning sittings should be necessary for the purpose. He was glad to find that the old objection against submitting non-traders to the same law as traders had not weighed with the Attorney General, and, for his own part, he believed non-traders would benefit by the change. Let non-traders keep accounts and exercise caution in making contracts as commercial men were obliged to do, and there was no reason why an exclusive law should be created for them. He rejoiced, too, to hear the learned Attorney General's opinion on imprisonment for debt, as, from his experience, he had arrived at the conclusion that the system should be got rid of as soon as possible. It was gratifying to find that there was a prospect of diminishing the expense of winding-up bankrupts' estates, which was now more than 50 per cent of the assets distributed. In fact, at present the remedy was worse than the disease, and it would be better to let the creditors scramble for the bankrupt's property than subject it to such a monstrous tax. The Bill might require amendments in Committee, but he was sure they would not be of a formidable nature, and he would afford every assistance in his power to enable the measure to pass the House.

Mr. MALINS observed, that although that was a stage of the Bill upon which there could be no difference of opinion, yet he could not refrain from expressing his satisfaction in listening to the statement of his hon. and learned Friend, and his concurrence in the principles which were involved in this Bill. He had, however, heard one thing in which he did not concur. Many of the provisions of the Bill had already received the sanction of the House;

for instance, the House was unanimous last year in approving of the principle of a Chief Judge, and in that of abolishing the distinction between certificates; whilst the part of the Bill upon which the great difference of opinion prevailed was that which he regarded as one of the most important provisions of the measure, namely, that with reference to non-traders. He recollected that the Bill was now so guarded and protected in that respect, that non-traders would be subject to no injustice, for they could not be made bankrupt on any debt but a judgment debt, while there was complete security for their having notice before proceedings could be taken. He interpreted the empty state of the benches usually occupied by country Gentlemen as an indication that their alarm had been removed, and that they would not offer any very formidable opposition. He thought that there could be no difference of opinion, when the matter was seriously considered, on the question whether the law of debtor and creditor, both as regarded traders and non-traders, should be uniform. The true principle was, that all persons should be bound to surrender their property to creditors if they became insolvent; and that, having done so, they should be completely absolved from all liability, and should be restored to a capacity to trade as soon as possible. He regarded with great satisfaction that portion of the Bill in which it was proposed to give to the Judge the power of making future property liable to debts which had been incurred. A nobleman, for instance, might get into debt recklessly, leading people to believe that he had large property, when, in truth, the property which he already possessed was small; and he (Mr. Malins) most cordially agreed that in such a case future acquired property should be made liable. The only part of the statement of his hon. and learned Friend on which he looked at present with distrust was that which proposed to abolish the office of official assignee, or at all events greatly to diminish their powers; because he understood that hereafter official assignees would be rather in the position of auditors, with a power of collecting small debts, than persons having that control over creditors' assignees which was at present possessed. He thought the House would do well to bear in mind the advantages which had followed the appointment of an Accountant General in Chancery; and it appeared to him that it would be equally valuable to have the assets of bankrupts placed in official hands rather than in the hands of trade assignees. These, however, were matters of detail which could be considered in Committee. He quite concurred in the necessity of going on with the measure as speedily as possible; but, at the same time, he would suggest that his hon. and learned Friend should fix a moderately distant day for the second reading, so that the country might have, first, an opportunity of considering the details of the measure. In the meantime he must congratulate the country on the course of practical legislation on which it seemed to be this year embarking, in lieu of discussing mere theoretical questions which everybody detested, and knew would have no valuable result.

MR. CRAWFORD said, it would ill-become one who was unacquainted with the principles of law to offer any criticism on the luminous speech of the hon. and learned Attorney General; but, as he represented the largest commercial city in the world, he should fail to do justice to their feelings if he did not take the earliest opportunity of tendering to the hon. and learned Gentleman their thanks for the manner in which he had dealt with the question. He agreed with the hon. Member for Sheffield (Mr. Hadfield) that it was not a question of party politics. The notice was now in the hands of the House, and he hoped Parliament would, as soon as possible, pass the Bill into law.

MR. WALPOLE:—Sir, I very much concur in the observations which have fallen from the hon. Gentleman who has just sat down. This Bill is one upon which no party question arises. It is a Bill of the utmost moment to the commercial classes, and it should be proceeded with in a temper and with an expedition to enable it to pass into law. With that object in view, I do not quite subscribe to the observations of my hon. and learned Friend (Mr. Malins), inasmuch as I think it better that the second reading should be put for an early day, and that the Committee should be postponed to such a period as will enable those who take an interest in it to examine the details of the measure. That there may be no mistake upon the points which will arise on the second reading, I will state briefly what I consider are the objects of the Bill. I conceive those objects are, first, a speedier and more economical administration of the bankruptcy laws; second, as a consequence of that, increased facility to private arrangements, compositions, and agreements between creditors and debtors; third, a gradual approximation to the abolition of the punishment of imprisonment as the means of obtaining satisfaction for a debt; and fourth, a gradual assimilation of the laws of bankruptcy and insolvency, so that the same principles shall apply in future to the trader and non-trader. These are the four great points involved in the Bill, and it is obvious that if hon. Gentlemen agree mainly on those points, the second reading may be fairly assented to on an early day, and the details considered when the Bill has been in the hands of the public. I will not enter into any discussion of those points at the present moment, because I think it is almost unfair to the hon. and learned Attorney General that we should throw doubts on portions of the Bill until we are satisfied from examination of the Bill itself that those doubts are well-founded. The luminous exposition which the hon. and learned Gentleman has made of the whole of the measure, also, is such as to preclude the possibility of cavil at this stage. If I throw out one or two suggestions it is more with a view to keep them open for myself in future discussion, than anything else, for in the general objects of the Bill I most heartily and entirely concur. The points which I should like an opportunity of considering are these:—First of all, with regard to the administration of the law, whether it would be wise to place the administration of bankruptcy in the County Courts—whether we cannot acquire a facility of administration independent of those courts. The reason that I have a doubt on this point is that the County Courts are, and ought to be, kept as litigant courts. The Court of Bankruptcy is essentially an administrative court, and there must be great difficulty, though I do not say it is impossible, of reconciling those two kinds of jurisdiction in the same court, without detriment to the court to which the jurisdictions of the other is transferred. I entirely approve, also, of the provision that where a debtor has been guilty of misconduct the Court should have power to come upon any property which he may subsequently acquire, so that he should not be able to defeat his just debts by his misconduct. As to the mode of trying offences, I am not quite sure that I understood my learned Friend. It seemed to me that he proposed that a case of misconduct should be sent, if the debtor demanded it, to a Court of law where it would be heard before a jury, but that where no such demand was made by the bankrupt, the case should be proceeded with before the Chief Judge in Bankruptcy. I would suggest that such cases should not be removed from the Bankruptcy Court, but that the Chief Judge should have in all cases the assistance of a jury. I would confine the trial to the court that is to administer the property; but I think it is due both to the Judge and to the bankrupt that the assistance of a jury should be called in. I will not go into the grave question of the gradual abolition of the punishment of debt, nor the equally, if not more important question, of the assimilation of bankruptcy and insolvency, because my learned Friend has treated those subjects so clearly, and has alleged such forcible reasons for the propositions he has made, that with proper precautions, I think they must recommend themselves to general approbation. I will say no more, except that I hope my learned Friend will receive such assistance as the House can afford him in promoting this measure, and that, after all the changes that have been made in the law of bankruptcy, and after all the dissatisfaction that has been expressed as to the administration of a matter so important to a mercantile people, he may be able to identify his name with a measure that will be at once satisfactory and permanent.

Mr. EDWIN JAMES said, he concurred with the right hon. Gentleman in trusting that the learned Attorney General would be able to proceed without delay to the second reading of the Bill. He would not utter a word that might be deemed fulsome praise of the Attorney General for the very lucid manner in which he had explained the measure to the House. There were one or two important principles involved in it which would require the serious consideration of the House. One of these was the new plan which, he believed, would be an improvement, of allowing creditors to settle their own affairs among themselves. It must not be forgotten, however, that, although the system of official assignees had proved costly and troublesome at the first, it had led to the collection of large amounts and long arrears; and that cases were well known where creditors' assignees had retained large sums in their possession for a very long period without distributing them among the creditors. Abuses of that nature might, however, be guarded against by a stringent system of audit. There were, he conceived, safeguards in the present Bill which entirely removed the just objections urged against the assimilation of bankruptcy and insolvency in the measure of last Session. He approved the power which the Judge was to have with regard to property afterwards acquired. It would be the duty of the Judge to consider, not merely whether the debtor had contracted the liability in a fraudulent and improper manner, but also whether the creditor's share in the transaction would bear investigation—for if there were extravagant and fraudulent bankrupts on the one side, there were also grasping and avaricious creditors on the other. The Courts of law and equity frequently brought to light the most monstrous conduct on the part of creditors against young men with expectations of future means. He himself had been concerned in one case in which a debt of £25,000 was alleged against a young man who had declared to him on his honour that the only portion of that sum he had ever received was £500, which had been advanced by a Jew money lender; but by renewals and interest the debt had risen from £500 to the enormous amount he had stated. If non-traders were to be brought under the bankruptcy law they ought to be protected from the extortion of avaricious and usurious creditors, and he believed the measure of the learned Gentleman would secure that end.

MR. TURNER said, he was glad to see that there was no room this year for the reproach which had been cast upon the mercantile community for having caused the failure of the Bill of last year, by abandoning it to the bickerings of the lawyers. That night the representative of a great commercial constituency had been amongst the first to rise and express his approval of the Bill. It was all very well for the lawyers to discuss these questions, but the commercial men were those who were chiefly interested in them. The lawyers were, in fact, the cats, and the traders the mice. What the mercantile community sought was, that where a bankruptcy was due to misfortune the bankrupt should receive honourable acquittal, and that the creditors should be enabled to realize speedily and inexpensively whatever property was left. He could express general approval of the Bill of the learned Gentleman, and he hoped its progress would not be delayed. If misfortunes occurred, mercantile men were perfectly ready to allow their debtor to be honourably acquitted; all that they wanted was, that a debtor's estate should be promptly realised and equitably divided, and which he believed the measure of the Attorney General was well calculated to secure.

MR. MELLOR observed, that he thought the present Bill steered clear of all those objections raised against the Bill of last year, and that it would be likely to pass without serious objection. That portion of the Bill which gave power to creditors to make arrangements particularly met with the approbation of his own constituents.

MR. ROEBUCK said, he wanted to ask the hon. and learned Attorney General what he meant when he said that his Bill was not a Bill which gave any compensation for losses created by the Bill itself? He not only took away the power of the official assignees, but their means of support also; and he would ask what he proposed to do for the remuneration of those persons whose services we had had for many years. They certainly could not be turned adrift without any compensation. He had only one word to say as to the statement of the hon. Member for Manchester, who, on speaking of the commercial men and the lawyers, had compared them to cats and mice; the lawyers being the cats and the commercial men the mice. He would only remind the hon. Member that he placed commercial men in the category of vermin.

MR. PAULL said, he agreed that it was most desirable that the Bill should be proceeded with early in the Session, and he would suggest the hon. and learned Attorney General should induce his colleagues to reserve, after going into Committee, one day in each week for the consideration of the Bill.

THE ATTORNEY GENERAL said, he had to thank hon. Members on both sides of the House for the manner in which his humble effort to amend the laws of bankruptcy and insolvency had been received. As the measure was one almost entirely of detail, he should not consider that its second reading pledged the House to anything more than the simple proposition that the law and the administration of the law of bankruptcy required amendment. He had quite felt the force of the doubt which had been suggested by his right hon. Friend the Member for Cambridge as to giving jurisdiction in bankruptcy to the County Courts; but his right hon. Friend would observe that he gave to those Courts no greater powers than they already possessed, except as concerned that voluntary jurisdiction, if he might so express it, which they would receive by the vote of creditors. If the hon. and learned Member for Sheffield (Mr. Roebuck) referred to the reports of the speeches which were made upon the measure for establishing official assignees, he would find that those officers were appointed upon the hypothesis that the income received by them in London would be about £800 or £1,000. The returns which had been made by themselves for a series of years showed that the income received by them in London had been about £1,100 a year. This Bill proposed to make allowances to official assignees, which would give them in London a *maximum* of £1,200, and in the country of £1,000 a year—a standard exceeding that of their own returns. They would also be relieved from the responsibility—which some of them had severely felt—of being liable to the costs of suits that might be brought against them; and, therefore, he thought that the proposition which was to be made would leave them little grounds for complaint. The Bill which he introduced last year was allowed to be read a second time *pro formâ*, and under those circumstances he should venture to ask the House to allow him to take the second reading of this Bill on Thursday; not that there might be a debate, but that the House might more rapidly go into Committee, where there must necessarily be much discussion. In Committee he trusted that the Bill would receive such consideration that we might not two years hence find ourselves in such a situation as that in which we now stood with reference to past changes in the law.

Motion *agreed to.*

Bill *ordered* to be brought in by MR. ATTORNEY GENERAL, Lord JOHN RUSSELL, and MR. SOLICITOR GENERAL.

Bill *presented*, and read 1°.

BIRTHS, DEATHS, AND MARRIAGES (IRELAND).

LEAVE. FIRST READING.

MR. CARDWELL said he rose to move for leave to bring in a Bill for the Registration of Births, Deaths, and Marriages in Ireland. He thought he should not be justified in detaining the House at any length in endeavouring to point out the advantages to a country of a general system of registration. In whatever light regarded, the advantage of a general system of registration of Births, Deaths, and Marriages was universally admitted by all civilised countries, and it would be, therefore, only a waste of time for him to trouble the House with any general observations with reference to it. In every country in Europe the system existed, but in this kingdom they had not been quick in adopting it. In Scotland the system of registration had been in existence for not more than eight years, and it was with very great surprise that the representatives of different parts of Europe who attended the International Statistical Congress, which met in Paris a few years ago, found that no system of registration had hitherto been established to show the number of Births, Deaths, and Marriages in Ireland. He was sure it was the desire of Parliament to extend the system to Ireland, and it was the more important that the Bill should be passed this Session, for, as it was intended this year to take the census, the commencement of a fresh decade would form a good starting point for a new system of registration. He would now say a few words as to the mode in which this was to be done. He would speak first of the Births and Deaths. In England the clerks of the various unions were the superintending registrars, who received the reports of the parochial officers who conducted the primary registration in their several districts. In Ireland there already existed admirable machinery for carrying out a similar system by means of the clerks of Poor Law Unions and the officers of the medical districts. He proposed that every Poor Law Union should be the district of a superintending registrar, and that every medical district into which the unions in Ireland were divided, should be the district of a registrar, who was to collect the statistics. There were 163 unions in Ireland, and in each union there would be the office of a superintendent registrar. There were between 700 and 800 sub-divisions of unions into medical districts in Ireland; but it might be found necessary again to subdivide some of the larger medical districts, for the purpose of registration, so as to bring the machinery more nearly home to the people, so that there would be somewhat more than the number of 700 or 800 registration districts throughout the country. As for the machinery to be used, it was proposed that the clerks of unions should be, in almost all cases, the superintendent registrars, and that the medical gentlemen of the various medical districts should be the persons charged with the duty of actually obtaining the statistics immediately from the population. He assumed that the remuneration to be made them, calculated according to the English scale of remuneration, would be an adequate inducement to those gentlemen to accept the office of registrars. It was intended that the clerks of unions should be the superintendent registrars, and that the actual statistics should be obtained by the medical gentleman; and he thought that, besides other advantages of employing the local agency of persons familiar to the people, and trusted by them, great public advantage would result from enlisting in the service of the State, for an object so conducive to social and sanitary science, the members of the medical profession, who might be expected to bring some most useful qualities to that task. The same arrangement that worked so well in Scotland and England might be expected to work well in Ireland, and the Registrar General in England had lent the valuable aid of his experience to devise this measure. It was proposed to make it compulsory on the surviving relatives, or on the occupier of a house in which a death should have occurred, to give notice to the district registrar; or the medical adviser would be subject to the same provision. The district registrar would make a half-yearly return to the superintendent registrar, in the shape of a duplicate of the entries he had made; and the superintendent registrar would make a similar return half-yearly to the Registrar General. The whole result of these statistics would be laid before Parliament, in the same manner as the statistics collected in England by the Registrar General. He had now to approach the most difficult part of his measure, the registration of marriages. With regard, indeed, to the marriages of Protestants, no difficulty would arise, as their registration was already provided for by law, and it would not be necessary to interfere with that which at present existed. But a question arose, how were the statistics of Roman Catholic marriages to be obtained? He proposed that the State should furnish to the Roman Catholic clergymen duplicate books, in which they would have to make entries recording the marriages lawfully celebrated by them; and he trusted that, looking to the great advantages which this system was to confer on the community, they would not object to return copies of those duplicates to the local officers, the superintendent registrars, who would generally be the clerks of the unions, persons selected by the ratepayers or their representatives. The registers of Marriages would thus be sent in to the Registrar General in the same way as Births and Deaths. Thus a complete system of registration would be supplied, without trespassing on the feelings of any class or section of the community. With regard to the cost of it, those charges which in England now were defrayed by the Consolidated Fund should, in the same manner, in Ireland, fall on the Consolidated Fund; while those charges which in England and Scotland fell upon local rates should be defrayed in Ireland by the guardians of the poor. Such was a brief outline of the Bill he asked the House to entertain, and he hoped it would receive careful consideration, and that they would this year establish a complete system of registration of Births, Deaths, and Marriages throughout the United Kingdom. He would now move for leave to bring in the Bill.

MR. VINCENT SCULLY said, he highly approved the establishment of a correct and uniform system of registration in Ireland, but he was afraid that there were some parts of the Bill which would require alteration to make it generally acceptable. He did not object to the machinery it was intended to employ, so far as the clerks of the unions and the dispensary gentlemen were concerned. He thought, however, it would popularise the system if the appointment of the registrars were to be vested in the Boards of Guardians. But there would be great objection, he should imagine, on the part of the Roman Catholic clergy to be made the responsible officers of a Government which took notice of them in no other way, subject to a variety of pains and penalties, for the paltry remuneration of 6*d*. per entry, which, on an average, would amount to about 20*s*. for each clergyman. It would be better to require the parties themselves to take a certificate from the officiating clergyman to the registrar and register their own marriages. The penalties imposed on a Roman Catholic clergyman for the celebration of a mixed marriage were inflicted neither on Protestant nor Presbyterian clergymen. The continuance of the Act by which these were imposed was a disgrace to the statute-book, and its abolition had been recommended in 1858 by a Committee of the Dublin Statistical Society, composed of gentlemen of eminence, the majority of whom were Protestants. But, although the Act was one which he personally felt ought to be disregarded as long as it remained in force, clergymen either did not dare to disobey it, or, if they did, were prevented from recording the marriages in the registers. He hoped the right hon. Gentleman would see the propriety of amending the Act in the particulars to which he had called attention.

Mr. M'MAHON said, when the Bill was before the House last Session, he had spoken to the Attorney General for Ireland with reference to repealing the Act which made it penal for a Roman Catholic priest to celebrate mixed marriages, and the learned Gentleman replied that in his opinion there would be very great difficulty in approaching the repeal of that measure. He (Mr. M'Mahon) told his hon. and learned Friend that he should endeavour to obtain a Committee of that House in order to have the matter discussed, and to have that statute repealed. There was one other matter to which he wished to call the attention of the right hon. Gentleman the Chief Secretary for Ireland. There were at present registrars of Marriages in Ireland but not of Births and Deaths; but by the provisions of this Bill those Gentlemen would be deprived of their offices. He considered that difficulty might be met if the right hon. Gentleman would allow those gentlemen to continue to hold their offices, and to act as registrars of Births and Deaths as well as of Marriages, or if not, that some compensation should be made to them for being deprived of offices which they had held so long.

Mr. CARDWELL said, the Bill did not interfere with the registrars. It left them entirely untouched, so that no case for compensation would arise. With regard to the question of mixed marriages, all he could say was, that the Bill had been most carefully framed so as not to impose any difficulty or any penalty upon Roman Catholic clergymen. It was true that certain statutes imposed the penalty of felony on Roman Catholic clergymen who celebrated mixed marriages. For his own part he had no wish that any penalty or disqualification should apply to Roman Catholic clergymen which did not apply to clergymen of the Church of which he was himself a member. But the House would be aware that there was a great difficulty connected with the marriage question, and it was not possible to deal with a part without bringing up the whole subject for discussion. His endeavour in this measure had been to frame a Bill which should steer clear of this difficult question. He wished to promote a most useful and important matter, to have a proper system of registration of Births, Deaths, and Marriages, in this census year 1861, and to provide a cheap and efficient means whereby the legitimacy of children might be proved. This was important not only to the peer but to the peasant, who, he was happy to say, was frequently receiving from his relatives in other countries, humble legacies which he might wish to leave to his children. In order to obtain this boon, he had endeavoured to steer clear of the law of marriage.

Motion *agreed to.*

Bill for the Registration of Births, Deaths, and Marriages in Ireland, *ordered* to be brought in by Mr. Cardwell and Mr. Bagwell.

Bill *presented,* and read 1°.

FAIRS AND MARKETS IN IRELAND.

LEAVE.

Mr. CARDWELL, in moving for leave to bring in a Bill for the better regulation of Markets and Fairs in Ireland said, it related to a subject of great importance to Ireland, which, however, was surrounded by difficulties; and he should have to throw himself upon the consideration and indulgence of Irish Members when the Bill came into Committee. He would not dwell upon the great importance to an agricultural community of having an effective regulation of those places where they dispose of their produce. Although Ireland was happily becoming more and more a commercial country, yet, for some time at least, the extension of agriculture must remain the great object of interest for the people of Ireland. The subject of Fairs and Markets in Ireland had for years attracted the attention of Parliament, and so recently as 1852, during the Viceroyalty of the Earl of Eglinton, a Commission was appointed to inquire into the subject. In the following year they presented a Report, in which they stated that they had held public sittings in ninety-four towns; they had examined upwards of 700 witnesses, and they found the subject regarded as one of great interest by all classes, both mercantile and agricultural. They found that the owners of markets were generally willing to afford that accommodation which the traffickers required, and which was not now afforded, provided they got security for their rates and tolls. The traffickers were ready on the other hand, to pay reasonable tolls, provided they obtained in return that fair accommodation to which they were entitled. But it happened, when the ancient grants under which a great number of these fairs and markets still existed were granted, people were not so clearly informed on the subject as now. And, consequently, the Commissioners reported that in the 349 market towns which existed, and the nearly 1,300 fairs, there was every variety of tolls. They spoke of unreasonable tolls, not warranted by law, charter, or usage, and of tolls collected in the most arbitrary and oppressive manner. From these no remedy could be obtained except by a proceeding at law of the most costly character, quite out of the reach of the poorer classes; and therefore redress was practically impossible. The Commissioners further reported that this went to so great a length that at last there grew up an organised system of resistance, with such effect that in many towns in the northern and eastern parts of Ireland no tolls were collected. Nor did the evil terminate when the tolls were abolished, for it was found that those were the worst markets where the evil had been violently redressed, and that in them were practised the grossest frauds upon the poorer classes. Now, he did not know whether, for purposes of legislation, all should be taken exactly as it was in the Report, although he believed it to be correct; but so much was beyond dispute, that there was a state of things most inconvenient both to buyers and sellers, it being for the manifest interest of both that the best accommodation should be given in the markets which they frequented. More than two centuries ago this subject attracted the attention of Government. As long since as 1640 a Bill passed through the Irish House of Commons to remedy the very evils of which they were still complaining at the present day. The contemplation of the past might lead them to this conclusion, that it was not reasonably to be expected that in the compass of one Bill a remedy could be found for all the complicated evils which existed. And, therefore, he had arrived at the conclusion that the principle on which the Bill should be framed was that principle of modern legislation, by which each locality was allowed to take the thing into its own hands, and to apply the remedy best adapted to its own case. He had accordingly given power to the individuals interested to obtain the aid and cooperation of Parliament for the purpose of giving statutory authority to local regulations. He proposed that in every fair and market a limited time should be allowed to the person known as the owner of the market to put the statute into operation; but if he failed to do so within the time required, then it should be open to the public of the district to take the matter out of his hands and to put the statute in operation for themselves. For the purposes of the Act the "public" would be either two justices of the peace in the neighbourhood of the market or fair who might certify that the provisions of the statute had not been complied with, or a certain number of persons who commonly resorted to the market. Those persons would have a right to make application to the Lord Lieutenant in Council, and his Excellency would be authorized to direct a local inquiry, and, by order in Council, to bring the particular market under the operation of the General Markets Act of 1847, or of such portions of that Act as it might be thought advisable to apply to it. If the order in Council touched nothing beyond what was contained in the schedule of the present Bill, it would have a binding force *proprio vigore.* In cases in which land was to be taken, the subsequent ratification of Parliament might be necessary. Indeed, under the Local Government Act, the rule was to apply to Parliament in such cases, and it appeared to him that it would be right to follow the precedent. He proposed that in cases in which there was a vested interest in tolls the party who claimed it might make an application to the Judges of the Landed Estates Court, in order to establish his title, and then the tolls would be regulated so as to furnish an equivalent for the rights thus established. In other cases, the rates in the schedule to the Bill would be the *maximum* to which the tolls could be raised, and the object of the tolls, would be merely to pay the necessary expenses for the accommodation of persons resorting to the market. For the summary adjustment of disputes, prevention of fraud in weights and measures, and matters of that kind, a cheap and easy remedy would be provided. Uniformity of weights and measures was a matter which all classes in Ireland desired. By the Act of last Session the difficulties had been removed, which the limited powers given to the constabulary had previously created. The Bill, therefore, contemplated the establishment in every fair and market of weigh-masters, who would be charged with the duty of keeping proper weights and measures, and who would weigh commodities for a small charge. The whole scope and object of the measure would be to provide a cheap, easy, and expeditious machinery by which, through the medium of local legislation, persons should be enabled to deal with their own interests, and settle their own affairs in their own way. The right hon. Gentleman concluded by moving for leave to introduce the Bill.

Mr. HENNESSY said, the Irish Members were indebted to the right hon. Gentleman for having brought in the Bill early in the Session. It would not, however, be complete without something were done by the Government for the purpose of introducing greater uniformity into the system of weights and measures throughout Ireland. At present, wheat, oats, and potatoes were sold by barrel, which differed in almost every county and market town.

Mr. M'MAHON observed, that for the last four or five years, in compliance with the wishes of his constituents, it had been his duty to resist the Bills introduced on this subject. The present measure, however, was likely to be more favourably received than any before proposed. Substantially, it copied the Local Government Act of England, giving power to localities to adopt the provisions of a general Bill, and that principle would, he believed, be regarded as satisfactory. With regard to the tolls to be levied in the markets, he suggested that some person should be appointed by the Crown to watch the claims made in the Encumbered Estates Court, so that in all such cases the public might be represented.

Captain STACKPOOLE was understood to say that compensation ought to be provided for discharged officers.

Mr. VINCENT SCULLY said, he could not gather from the statements of the right hon. Gentleman that the provisions of the Bill were as extensive as the proposition laid down by the late Attorney General for Ireland, who had been removed to another and a better place. However, were that so or not, he trusted that the same course would not be followed as last Session—he meant the introduction of Irish measures at the beginning of the Session to be thrown out at the end. He thought the Bill ought to contain clauses to enable persons in possession of tolls to dispose of their rights in them.

Mr. CARDWELL said, he thought when the Bill was examined it would be found to meet the requirements of the hon. Gentlemen who had spoken, and he tendered them his thanks for the manner in which they had received the measure.

Motion *agreed to.*

Bill for the better Regulation of Markets and Fairs in Ireland, *ordered* to be brought in by Mr. Cardwell, and Mr. Bagwell.

Bill *presented,* and read 1°.

CHATHAM DOCKYARD ENLARGEMENT.

LEAVE. FIRST READING.

Lord CLARENCE PAGET said, he rose to move for leave to bring in a Bill enabling the Admiralty to acquire property for the enlargement of Her Majesty's Dockyard at Chatham, and to embank part of the River Medway and for other purposes connected therewith. The immediate object of the Bill was to enable the Admiralty to enclose St. Mary's Creek, near Chatham, with the ultimate object of enlarging the Dockyard in that direction. When the Naval Estimates were brought in he should be prepared to state the amount that would be asked for for this purpose, and describe the plan of the works proposed.

Sir FREDERIC SMITH said, he was glad the noble Lord intended to introduce this Bill. No arsenal required enlargement so much as Chatham. In the last Session he had himself brought this subject under the consideration of the House and Her Majesty's Government; an enlargement of the Dockyard at Chatham was proposed so long ago as 1814, and he believed the plan then suggested by the late Mr. Rennie, the great civil engineer, was the best ever devised. No doubt, the Government had some other plan to bring forward, but in a great work of this kind plans ought to be called for from the most eminent men of the day, and thoroughly discussed by the Government or a Committee of the House, that they might know exactly what they had to deal with. The propriety of acquiring the land he perfectly admitted, and he should, therefore, support the proposal; but he hoped the plan of the works in detail would be laid before the House, before the Government asked for a Vote of Money to carry them into execution. If the arsenal of Chatham had been extended some years back, the country would have saved the immense outlay of money at Woolwich, Deptford, and Sheerness; the two first undefended, and the latter incapable of adequate defence, except at an unjustifiable outlay. Chatham, with proper works, could be better defended even than Portsmouth. No doubt, a large amount would be demanded, both in the present and succeeding years, to divert the Medway, embank it, and enclose St. Mary's Creek; but if it be intended to increase the Navy by the addition of large vessels, they must enlarge their docks to receive the ships of increased dimensions. There was no locality better adapted for such docks than the Medway; but the Government should make certain that the river was not silting up, and that the present depth of water could be preserved by dredging. He hoped the House would be well-informed of the extent and plan of the works to be carried out.

MR. WHITE observed there were only seven hon. Members present on the Opposition side of the House, and about a dozen on the Ministerial benches, most of them Members of the Government. He supposed the noble Lord's eloquence had been frozen by the empty appearance of the House; but he ought to have told them a little more about the Bill he asked leave to introduce; other Government measures that had been introduced that evening had been explained at length. He should not be surprised if hon. Members were told next year this was part of the £75,000,000 they were spending; and it would be thrown in their teeth that they were not in their places when the Bill was brought in, doing their duty by watching the action of an extravagant Government. When the noble Lord was asked why the Admiralty had dismissed a large number of the workmen at present employed in the dockyards, he stated that the Government were now building ships in private yards. If experience had shown that ships could be built more cheaply in private yards than in Government establishments, the noble Lord ought to give good reasons when he asked for an extension of the dockyard system. He (Mr. White) thought the whole system a blunder. When the noble Lord was on the other side of the House he was most eloquent in denouncing it. He proved satisfactorily that vessels could be built cheaper and better in private establishments than by the Government, or, if not better, certainly cheaper. The noble Lord ought to have given some explanation of the plan before asking the House to consent even to the introduction of the Bill. But in the present state of the House he would not divide against it.

LORD CLARENCE PAGET said, the reason he did not raise a discussion on the subject at present was that in a few days the Navy Estimates would be proposed. He should then have to ask for an inconsiderable sum of money, which, however, he was bound to say, would be only for the commencement of a very large work. It was his intention also to lay before the House at that time a general plan of that work. He could not promise to produce a plan minute in all its details, but it would be sufficient to give the House a general idea of the whole plan proposed by the Government. The object of the Bill was not to enable the Admiralty to purchase more than a very small portion of land, and he doubted whether it would be necessary to purchase any. The main object of the measure was to enable the Government to reclaim St. Mary's Island, by which ran a creek little used, but which it would be necessary to appropriate for the purpose of enlarging the dockyard. He assured the House he would not conceal from it any of the ultimate intentions of the Government.

Motion *agreed to.*

Bill *ordered* to be brought in by Lord CLARENCE PAGET and Mr. WHITBREAD.

Bill *presented*, and read 1°.

LAW OF LUNACY.—QUESTION.

MR. WALPOLE said, he would beg leave to ask the Secretary of State for the Home Department, Whether he proposed to bring in any Bill or Bills for amending the laws relating to lunatics, pursuant to the Report or recommendations of the Select Committee made to the House last Session?

SIR GEORGE LEWIS said, a Bill on the subject to which the right hon. Gentleman referred was in preparation, and he hoped to be able to give notice of it upon an early day. He would take that opportunity of stating that he believed the Lord Chancellor intended to introduce a Bill in the other House of Parliament relating to Chancery lunatics. That would be a separate measure.

House adjourned at Ten o'clock.

HOUSE OF LORDS,

Tuesday, February 12, 1861.

MINUTES.] PUBLIC BILLS.—1ª Trade Marks.
2ª Fictitious Savings Banks.

TRADE MARKS BILL.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR laid on the table a Bill which he said was of the highest importance to the manufacturers of this country, inasmuch as it would afford to them a protection they had long desired —protection not from fair competition but from fraud. Its chief object was to remedy the grievances under which they suffered from the forging of trade marks. As their Lordships were aware all great manufacturers had a particular mark to denote their manufactures, which was known at home and abroad, and which was a guarantee of the genuineness and excellence of the article. It had of late years become extremely common to forge the mark of a successful, eminent, and celebrated manufacturer, thus not only depriving him of the profits to which he was justly entitled, but bringing disgrace on him in addition; because the articles thus imposed on the public with false marks were generally of an inferior quality and of a fraudulent nature. In most other countries the forging of such marks was a crime punishable by law, but with us the only remedy was to apply to the Court of Chancery for an injunction and to bring an action at law for damages. This had been found to be a dilatory, expensive, and uncertain remedy. The noble and learned Lord on the bench near him (Lord Chelmsford) would remember that one of the last cases on which he was engaged at the close of his brilliant career at the bar was an action brought by Farina, of Cologne, against some person who had forged his mark on Eau de Cologne. There was a long litigation, both in the Court of Chancery and in the Queen's Bench, and a very imperfect remedy was obtained by the person who had been wronged. It was proposed by this Bill that the forging of these marks, or the sale of articles bearing forged marks, with the intent to defraud, should be made a misdemeanour, punishable by fine and imprisonment. This it was to be hoped would provide an effectual remedy. Another benefit would be conferred on manufacturers in this way. Our countrymen suffered very much by these practices in foreign countries, and when they complained the answer they received was, "You do nothing to protect us in your country. There must be reciprocity. If you would give us a remedy we would most willingly listen to your complaint." When this Bill became law that reproach would cease, and our manufacturers, it was to be hoped, would have justice done to them in all parts of the world. There was also a fraudulent practice of using marks to denote the quantity and quality of goods which were utterly false; for instance, a mark would be put on a piece of textile fabric to denote that it was of a certain length, when it was, in fact, much shorter, or of a certain material when it was made of much inferior materials. He proposed to make a fraud of this sort a misdemeanour, punishable in the same way. It had also, of late, become an exceedingly common practice, in the sale of works of art, to put on them the name, mark, or monogram of some particular artist, so as to deceive even connoisseurs. Under this Bill, if the name or monogram of any particular artist were fraudulently attached to any work of art, so as to deceive persons reasonably skilled in such articles, that would be a misdemeanour, punishable by fine and imprisonment.

The noble and learned Lord then *presented* a Bill to amend the Law relating to the fraudulent Marking of Merchandise.

FICTITIOUS SAVINGS BANKS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD MONTEAGLE said, that their Lordships were aware that the savings-bank system, established in 1817, had progressed year by year until it had reached enormous magnitude, the amount of deposits extending to £40,000,000. Before 1817 such banks were entirely voluntary in their institution and character, but in that year Parliament thought it unwise to allow them to remain without Government connection, and Parliamentary organization. They were, therefore, required to conform to certain rules for the safety of depositors, and various Acts had since been passed for their regulation. The Acts, however, had produced a very complicated state of law, which he hoped to see revised and amended in the present Session. Of late years, however, banks had been established altogether exempted from the salutary safeguards required by Parliament for the management and control of the original institutions; for there was no necessity imposed upon them of investing their deposits in Government securities, of having their rules certified, or making returns to Parliament; nevertheless, they assumed the name of savings banks, and deposits were made in them under the impression that they were real savings banks established in conformity with the law. So great was their number that in Glasgow alone, in 1857, there were sixteen of these spurious banks established entirely free from the operation of all the enactments which were calculated to ensure the security of deposits made in them. In 1858 a Select Committee of the other House, presided over by Mr. Sotheron Estcourt, a Gentleman perfectly familiar with this subject, inquired into the subject. Sir Alexander Spearman stated before the Committee that it was essential that measures should be adopted for preventing persons being deceived by the pretensions of these so-called "Savings Banks," and the Committee came to the conclusion that no banking concerns should be permitted to assume the name of savings banks except such as had their rules duly certified. He proposed to meet the abuse in question by enacting that if any person should

> "Establish, continue, or carry on any bank, institution, or society of whatsoever kind for receipt of deposits of money at interest or otherwise, assuming or using for such bank, institution, or society, the name, title, or description of a savings bank of whatsoever kind, except in respect of savings banks established under Acts in force for the creation, support, and management thereof, or in respect of any penny savings bank by which the moneys are deposited in any savings banks established under any Act or Acts of Parliament relating thereto, such person or persons shall be held guilty of a misdemeanour."

He had endeavoured last year to accomplish the same object, there being then a Savings' Banks Bill going through Parliament; but the noble Earl (Earl Granville) who had charge of that Bill said that, though he had nothing to urge against the clause, but that it was not consistent with the scope and character of the measure then being discussed, and it could not, therefore be adopted. The system was no longer applicable. He (Lord Monteagle) now understood that in a Bill on the subject of Post-office savings banks lately introduced in the other House a similar clause was inserted. He was ignorant of the intentions of the Government in this respect when he brought forward this Bill; but the Goverment measure was a complicated one, and its provisions might give rise to delay, or they might not meet the assent of Parliament, so that he should persevere with his own proposal until he saw whether the Government were successful in carrying theirs. Until security had been obtained against the evil attendant on these Fictitious Savings Banks, and a real remedy provided for it, he should not cease to urge upon their Lordships, respectfully but firmly, the necessity of adopting some measure like the present. He now moved the second reading of this Bill. He did not propose to go into Committee on the Bill for some time, because the noble Lord the Chairman of Committees, who had always taken a very great interest in savings banks, was likely to be absent from town. He would, therefore, propose to defer going into Committee on the Bill for some weeks.

Moved, That the Bill be now read 2^a.

EARL GRANVILLE said, he had no intention of opposing the Bill, the object of which was perfectly right. The noble Lord was perfectly correct in stating that another Bill on the subject of savings banks was pending in the other House, containing a provision to the same effect as the one clause of the present Bill. The present measure might, therefore, be sent down to the other House and there considered in conjunction with the Bill he had alluded to.

Motion *agreed to*.

Bill read 2^a accordingly, and *committed* to a Committee of the Whole House on *Tuesday next*.

THE STATE OF IRELAND.—ILLEGAL SOCIETIES.—PETITION.

The EARL OF LEITRIM *presented* a Petition of Farmers and Inhabitants of the Southern Part of the county of Leitrim, praying for the Suppression of Illegal Societies, for Protection from Violence, and that the laws may be properly administered. The noble Earl said that the petitioners numbered 2,079, and they complained of the existence of an organised system of murder under a system called Ribbonism—a system that was maintained for political purposes and party objects; it created the utmost terror throughout the country, and exposed the lives of many of the most respectable inhabitants to the greatest danger. The petitioners feared, unless the law were put in force, there would be a return of the anarchy and disturbances of 1845 and 1846. They felt aggrieved that magistrates not having any property in the county of Leitrim, and who did not contribute to the county rates, should be permitted to attend the sessions, and there to swamp the opinions of the cess payers. They prayed that every means should be afforded for the redress of grievances and the punishment of crime, that justice might be administered without fear, favour, or affection, and that they might enjoy the same liberties as others of Her Majesty's subjects. The noble Earl said he wished to mention several facts which formed the basis of the complaints of the petitioners. It would be remembered that in 1857 the present Lord Lieutenant of Ireland was in office. It was perfectly notorious the part which that noble Earl took in elections at that period. In the county of Leitrim the noble Earl had not only shown himself a zealous partisan, but had actually since appointed one of the paid agents of the Liberal party to the office of Clerk of the Crown. At the same time the Lord Lieutenant of the county of Roscommon became a candidate for the county of Leitrim, and a mob from the former county was brought into Leitrim, for the purpose of intimidating and damaging the property of those who had interested themselves on the opposite side. At the same time the Lord Lieutenant of the county of Leitrim put forward his brother as a candidate for the county. The noble Earl opposite (Earl of Granard) — who was connected with a neighbouring county — allowed the mob to enter into his demesne in Longford, where they provided themselves with bludgeons. He (the Earl of Leitrim) thought it necessary to mention those facts, inasmuch as they hinged closely upon events that occurred afterwards. In the elections of 1859 they had fortunately a Lord Lieutenant of Ireland who was respected by all parties. He regretted that his noble Friend (the Earl of Eglinton) was now absent from domestic affliction. That noble Earl was as popular a Lord Lieutenant as ever held that office in Ireland. He was too honourable and high-minded to interfere in matters of this kind. The consequence was there was a total cessation of that riot and disorder which existed during the two years previously. But what was the conduct of the noble Earl who succeeded him? No sooner had he (the Earl of Carlisle) arrived in Ireland than he commenced the old system which had entailed such disastrous results. The noble Earl was instrumental in bringing a certain gentleman before a legal tribunal. The barrister who presided on that occasion, it was generally believed, had no legal authority to administer an oath. In regard to the county of Leitrim, the noble Earl at the head of the Government in Ireland, as he had said before, appointed the Clerk of the Crown one of the paid agents of the Liberal party, who continued to act in that capacity. He mentioned those facts for the purpose of showing that, however popular that nobleman might have been in some respects, he was wholly unfitted for the position which he now held. The petitioners prayed to be relieved from what was commonly known as the Ribbon system. There was only one other country in Europe where such a system prevailed, and that was Naples. He was convinced that that system of terrorism could not continue to exist if there was a sincere desire on the part of the Government to put it down, and that it would not now remain a disgrace to Ireland if it were not winked at by the authorities. There were magistrates and others connected with the administration of justice who were suspected of Ribbonism. In 1858 a trial of an extraordinary character took place in that country. Several persons were charged with crimes committed under the Ribbon system, amongst whom was a man named Daniel Sullivan, a schoolmaster under the National Board of Education. The indictment charged him with having conspired, with other persons, feloniously to deprive Her Majesty of Her Crown. It was given in evidence that those Ribbon societies were in active organisation throughout the country, and indictments were brought in Belfast and Kerry. In the case of Sullivan, Mr. O'Hagan, who was then one of the Commissioners of Education, went down to the trial as counsel for the national schoolmaster; the result, however, of the trial was the conviction of Sullivan, who was accordingly sentenced to ten years' penal servitude. A change of Government soon afterwards took place, when the gentleman who acted as counsel for Sullivan was appointed Solicitor General.

Six months had scarcely passed since the conviction of Sullivan when he was released. He (the Earl of Leitrim) considered that such a system of Government was a downright encouragement to treason and other crimes of Ribbonism. If ever there was a time when a Lord Lieutenant should be cautious in extending pardon, it was, he thought, in such cases as that of Sullivan, when men were tried and convicted under the preceding Government. The system was to pardon everybody; pardon was the rule, and punishment the exception, with those who had the administration of the laws in Ireland. Here he would call the attention of the Government to the atrocities of the Pope's army. It was said that three or four hundred of the police went to join the Pope's army, and it was also said that they were brought back at the public expense. However that might be, they lost no time in showing their gratitude by marching through the city of Dublin on three successive nights, smashing the church windows, and those of such inhabitants who were obnoxious to them, and assaulting the peaceable inhabitants under the very nose of the Viceroy: yet no proclamation was ever made under the Party Processions Act, nor were any steps taken to prevent these atrocious proceedings. He would now call attention to the acts of a noble Earl whom he saw opposite (the Earl of Granard). As soon as the noble Earl was of age, he recommended one Mr. Evers to be appointed a magistrate of the county, although he had neither property nor residence in it, and that gentleman had shown himself to be the most mischievous person with whom he had ever met. On one occasion the noble Earl came down to the quarter sessions with his phalanx of magistrates, for the purpose of restoring to two publicans their licences, which they had lost for keeping disorderly houses; the consequence was that a rev. gentleman, who was a magistrate of the county, had received notice that his life was not worth six months' purchase. The noble Earl desired to keep the county in a state of ferment, and therefore the very life of the rev. gentleman was placed in jeopardy, and the licenses of these two public-houses were made the means of keeping up the agitation; and the decision of the magistrates who had refused the licences was unjustifiably reversed. Nor was this all. The parties keeping one of these houses were of the worst character, and it became the rendezvous of the most disreputable people, and within a short time of the restoring of the licence a man was dragged from his cart, in the neighbourhood, and murdered, by being beaten to death with sticks, or something like sticks; and from the evidence of the widow there was good ground for believing that the murderers had gone, after committing the crime, to one of these houses. The accused person was sentenced to a year's imprisonment. When his noble Friend was Lord Lieutenant of Ireland he hab himself solicited a remission of three months of that man's punishment on the understanding that there should no longer be a public-house in the locality, and that the son should leave the country. The son did leave the country, but returned; he was refused a certificate of character by the magistrates at petty sessions. But it was necessary for the purposes of agitation in the county that there should be a public-house, and that this man should have a licence. The stipendiary magistrate attended the following petty sessions, and gave the man a certificate, and the licence was renewed. It was only necessary to continue this course for the perpetrator of every crime, treason, murder, and robbery to escape. He anticipated the most fearful results for the future, for he had no hesitation in saying that the whole course of justice was perverted. The people were intimidated before trial, at the trial, and after trial; and the whole system was so corrupt that it was impossible for those who desired the well-being of the country to struggle against such a mass of iniquity. The people were beginning to be of opinion that they could not be worse off than they were at present. The noble Earl opposite had recommended the magistrates at quarter sessions to grant a licence in the same locality to which he had previously referred to a person named Thomas Kinahan, who received a licence to sell spirits in October, 1859, and no sooner was his house licensed than another outrage took place in the same locality, by a party of four men breaking into a house and beating the family, and stealing arms. The Lord Lieutenant ought to take steps to prevent this state of things. The noble Earl referred to some documents to show that the Ribbon society had of late become more active; and said that he was quite sure that the farmers wished to be free from this atrocious system, and that they also wished to be loyal, peaceable, and industrious. This, however, could not be if the present system of political agitation were allowed to continue, a part of which consisted in men getting up false evidence for the assizes, and sitting in open court, under the very nose of the Judge, staring jurors out of countenance, intimidating, brow-beating, and afterwards waylaying and beating persons connected with the administration of justice. The noble Earl referred to an instance of denouncing Protestant tradesmen from the altar, which resulted in their shops being virtually closed for six months; but an end was put to this state of things by the landlord threatening to give the Roman Catholic tradesnen notice to quit if such a state of things continued. He denied that there was any such thing as agrarian outrage, and the very name itself was a sham; but the truth was that the country being agricultural, and there being very little doing in the manufacturing way, the principal source of trouble was got up by the priests raising causes of quarrel between landlords and tenants. The whole system was as regular as clockwork; they got some hot-headed man to quarrel with his landlord, and the tenant having been ejected they raised him up as a martyr. He complained of the conduct of the noble Earl opposite for having presided at a meeting in the county of Longford, at which it was resolved to apply to the Lord Lieutenant that the Peace Preservation Act should be applied to a certain district, and yet that no additional police should be sent there to preserve the peace. This, he contended, was absurd and preposterous. The district had been aggrieved by the conduct of its magistrates in a variety of other ways tending to provoke a breach of the peace, driving the Roman Catholics to emigrate or to join the Ribbon societies; but they had chosen in the meantime to take the constitutional course of sending a petition to their Lordships' House, which they had entrusted to his hands.

THE EARL OF GRANARD said, he heard with regret the attack made by the noble Lord upon the Lord Lieutenant of Ireland; and, although it was not his province to defend him, he was bound to say, without detracting from the merits of any of his predecessors, that a more popular and amiable nobleman never represented Her Majesty in Ireland. He (the Earl of Granard) felt himself in a rather painful position in consequence of the serious and vague charges brought against him, of not one of which had he received the slightest notice from the noble Earl. The noble Earl merely wrote to him stating that he was about to bring his conduct as Lord Lieutenant of the county of Leitrim before the House, but he did not furnish him with the nature of the charges.

THE EARL OF LEITRIM: I answered that I was going to arraign the whole of your acts.

THE EARL OF GRANARD said, that he had never received that answer, but that during the three or four years he had held the position of Lord Lieutenant of the county, he had met with the approbation, not only of the present, but the late Lord Lieutenant of Ireland, as well as of the present and late Lord Chancellor of Ireland. With reference to the appointment of magistrates, he had to state that he was not Lord Lieutenant of the county when Mr. George Evers was appointed, but he did recommend that he should receive the commission of the peace, believing him to be a fit and proper person to hold that office. He had been High Sheriff of Longford, and during a long life he had, by his conduct, endeared himself to his neighbours. He had been a surgeon in the British army during the Peninsular war, and after Waterloo had served for many years in Ceylon. The noble Earl having referred to some other appointments mentioned by the noble Earl, said, he took exception to the petition on two grounds. First the allegations contained in it were unfounded; and, secondly, it represented neither the feelings nor convictions of the people of Leitrim. He might state, in answer to the noble Earl, that the population of the county of Leitrim in 1841 was 155,297, and in 1851 only 111,841, showing a decrease of 43,456. In 1845, a favourite year with the noble Earl, the aggregate crime of Leitrim amounted to 999 cases, while in 1860 it was represented by only 92 cases, showing a decrease of 907 cases. Moreover, he denied that the county was in a disturbed state; that the several protection posts, deemed necessary in 1847, had been discontinued, with the exception of one at Cornaghy, for the protection of Mr. David Stuart; that this post was no longer, in his opinion, necessary, but had been retained at the instance of the noble Earl opposite, and had cost the county already, from 1852 to 1861, £830; but, at the same time, every measure had been taken to secure its peace; that the three baronies of Mohill Carrigallen, and Leitrim, were still proclaimed; that over their Parliamentary force of 251 constables, they had in the county sixty extra men, at an annual cost of £1,050; that three resident magistrates attended in the county, while the local magistrates were most strenuous in their endeavours to administer the law efficiently. The noble Earl read several letters from persons whose names were attached to the petition, stating that they had signed it under a misapprehension of its purport, and it was got up by the noble Earl opposite; and concluded by saying he trusted he had now convinced their Lordships that the county of Leitrim was not in such a state as that described by the noble Earl. He also wished he could equally have convinced the noble Earl of that fact, but he feared that that was impossible, and that even, if he were convinced by his arguments, he would say, as was said by one, who of old indulged a fond fancy, "*Demptus per vim, mentis gratissimus error.*"

Earl GRANVILLE complained that the noble Earl (Earl of Leitrim) had given to the Lord Lieutenant no sufficient information as to the charges which he intended to bring against that nobleman. In a letter to Lord Carlisle he stated that he proposed this evening to call attention

> "To the conduct of the Earl of Carlisle as regards the general government of the country, his appointments, and his improperly influencing the election of Members to be returned to the House of Commons, and thus disturbing the peace of the country and rendering life and property insecure."

Surely, the noble Earl, to use a legal term, was bound to have furnished further and better particulars. At all events it was impossible for the Lord Lieutenant, upon an intimation so vague and general, to give to any one in that House the facts and the information which would fully answer the charges that might be made in pursuance of such a notice. He (Earl Granville) had listened attentively to the speech of the noble Earl—more attentively than the noble Earl's own friends, who had speedily, and in the most unfeeling manner, left him quite alone; but even now he could not make out any of the charges which had been brought against the Lord Lieutenant. Old election stories had been raked up, applying to Lord Carlisle's conduct during his former Lord Lieutenancy; but it was clearly impossible, without any previous notice, to enter into these. With regard to one person mentioned by the noble Earl, a satisfactory investigation had taken place, and Lord Carlisle, in consequence, had great pleasure in putting that gentleman down as a sheriff for the present year. As to the misguided men who had returned from the Papal dominions, the noble Earl was misinformed when he said they had committed every sort of outrage unrepressed. It was true they had returned as had been stated; but so long as they kept perfectly peaceable it was thought more judicious not to interfere with them, and if outrages were committed the law would assuredly be enforced. The noble Earl stated that his object in bringing forward these matters was to provide for the defence of his Protestant neighbours and to secure the peace and welfare of Catholics. But was that object likely to be promoted by making in that House wholesale charges of the most serious character against the Viceroy, against the Lord Lieutenant of the county in which the noble Earl resided, against his neighbours, whether in or out of the commission, and whether lay or spiritual? He recommended the noble Earl to consider whether the peace and welfare of Ireland could not be promoted by some other means.

Petition to lie on the Table.

House adjourned at a Quarter before Eight o'clock, to Thursday next, a Quarter before Five o'clock.

HOUSE OF COMMONS,

Tuesday, February 12, 1861.

MINUTES.] PUBLIC BILLS.—1° County Rates and Expenditure; Public Offices Extension; University Elections; Church Rates Law Amendment.

ARMY.—VACANCIES IN CAVALRY REGIMENTS.—QUESTION.

Mr. DARBY GRIFFITH said, he wished to ask the Under Secretary for War how many vacancies of cornets are now existing in the Cavalry of the Line, and also in the Cavalry of the Household Troops, respectively?

Mr. BARING said, he was happy to be able to state that the number of vacancies in the cavalry regiments had been very much reduced. At present there were eight vacancies in the Household regiments, and twenty-four in the Cavalry regiments of the Line. There were, however, eighteen gentlemen who were now, or would be shortly, under examination for cornetcies; and, therefore, if they succeeded in passing the ordeal, as he trusted they would, the number of vacancies in the Cavalry regiments of the Line would be reduced to six. The present number of vacancies compared with the number at the commencement of last year, when there were sometimes as many as sixty, would show the House that the measures introduced by the noble Lord the Secretary of State for War had had the beneficial effect of facilitating the entrance of officers into these regiments.

WARRANT OFFICERS OF THE NAVY.

QUESTION.

Sir MICHAEL SEYMOUR said, he would beg to ask the Secretary to the Admiralty, Whether he has received a memorial from the Warrant Officers of the Devonport Division, seeking an improvement in their position as officers in the Royal Navy, and whether their case has been taken into consideration by the Admiralty Board.

Lord CLARENCE PAGET stated, in reply, that a memorial had been received by the Admiralty from the Warrant Officers of the Devonport Division, seeking an improvement in their position as officers of the Royal Navy. He regretted to say that many of their demands were such as could not be complied with, but there were some of them which appeared to the Board to deserve serious consideration.

ARMY.—MILITARY ACADEMY AT WOOLWICH.—QUESTION.

Mr. BENTINCK said, he wished to ask the Under Secretary of State for War, Whether the ages of the candidates for admission into the Royal Military Academy at Woolwich will be published in the next Report?

Mr. BARING said, that the ages of the candidates for admission into the Royal Military Academy at Woolwich would be published in the next Report.

MEXICO.—SAN JUAN DE FUCA.—THE ANDERSON CASE.—QUESTIONS.

Mr. ARTHUR MILLS said, he rose to ask the Secretary of State for Foreign Affairs whether the disputes concerning the respective rights of Great Britain and America in the Straits of San Juan de Fuca, under the Ashburton Treaty, have been adjusted; also, whether any correspondence has passed between Her Majesty's Government and that of the United States on the case of the fugitive slave Anderson, as affected by the provisions of the same treaty.

Mr. BRISTOW said, he would also beg to ask the noble Lord the Secretary of State for Foreign Affairs what measures have been taken, or are in contemplation, to protect British interests in Mexico.

Lord JOHN RUSSELL: As to the last of the Questions which have been addressed to me, I have to say that it is very difficult to give proper instructions for the protection of British interests in Mexico, owing to the position of the two parties struggling for Supreme power in that State. Each of the parties into which the State is divided seems to have thought that the best means of providing sufficient funds to carry on the war is by plundering foreigners, and accordingly the cases of robbery have been very frequent. There was one instance where a very large sum of money was seized, and when our consul went to claim the restoration of the money he received 400,000 dollars. A dispute, however, arose as to whether the money was intended solely in payment of the claims of British owners, or whether a portion of it did not belong to the subjects of other nations; and the Judge of the district through which the money was passing decided that the whole amount should be sequesterated for the time, in order that inquiries might be made. When we were informed of the recent most shameful robbery that was committed in the city of Mexico itself, by General Miramon and others connected with the Government of the Republic, Her Majesty's Government gave immediate orders that the restoration of the sums carried off should be demanded, and that redress and satisfaction should be obtained; but the hon. Gentleman will see that there is great difficulty in applying any measures of force. Reprisals against property in Vera Cruz or the cargoes in ships would have been directed not against General Miramon, but against the very persons who were endeavouring to overturn his power; and, of course, to carry on war upon the Government of Mexico was a measure of an extreme nature which we had not in contemplation. Very soon after we received the intelligence we sent orders to Mr. Mathew immediately to communicate with

President Juarez, and to intimate that we should be prepared to recognize his Government if he would acknowledge that the Government was responsible for the losses inflicted by the different parties upon British owners. But long before that despatch arrived at its destination the Government of General Miramon had been overthrown, and the power had fallen into the hands of President Juarez, who derived his title from the Constitution under which Comonfort was President of the Republic. When the latter left Mexico, and the whole of his party were driven out of the State, Juarez became President, as the proper substitute in that office. We have now applied to President Juarez for an acknowledgment of the responsibility of the State of Mexico for the injuries inflicted on the persons and properties of foreigners, and we have reason to believe that he will comply with the application. It is to be hoped that the civil war which has so long desolated Mexico will now cease. The greater part of the country is already in the possession of what is called the Constitutional party, and if order be established in Mexico there is every reason to believe that that Republic, with its great sources, will again flourish, and that the claims which have been so long neglected will, at last, be satisfied. Our agent at Vera Cruz, who always acted with great merit and success, has obtained the payment from the Customs of 40 per cent, and an additional 10 per cent has been added for the purpose of paying the bondholders. I trust that for the future we shall have better accounts to give of Mexico.

As to the other Questions which have been put to me—the dispute as to the Straits of San Juan de Fuca did not arise under the Ashburton but under the Oregon Treaty, and it has not yet been adjusted. There was an agreement for the temporary occupation, under which each party obtained possession of a portion of the island of San Juan de Fuca. The proposition which has been made by Her Majesty's Government has been received by the American Government in so fair a spirit that I trust they will accede to it; but they have naturally been so much occupied with the unfortunate dissensions that have arisen among the States that they have not yet given an answer to our proposal. As soon as we receive their response, however, I will take care to inform the House of the proposition that has been made, and the manner in which it has been accepted.

No communication has taken place between Her Majesty's Government and that of the United States on the case of the fugitive slave Anderson, beyond the original demand on the part of the States.

DISQUALIFICATION OF WITNESSES—ALTERATION IN WORDING OF QUESTION — QUESTION.

MR. SPEAKER: In calling upon the hon. Baronet the Member for Tavistock, I wish to explain to the House how it has occurred that the Question appears now in the Paper, upon the Table of the House, in a somewhat different form from that in which it appeared in the Notice Paper delivered to the Members this morning. The hon. Baronet, yesterday, in giving notice of the Question publicly, used the words, "The inability of the witness to affirm her belief in a future state of rewards and punishments." But, in the printed notice the words were, "The inability of the witness to affirm her belief in *certain speculative propositions.*" It was by my direction that these words have been changed, as they appeared to me not to be becoming words so applied; and the words which were used by the hon. Baronet in his public notice have been restored. At the same time I had a confident belief that the hon. Baronet did not mean anything disrespectful to the House; and I am happy to be confirmed in that opinion by the statement of the hon. Baronet himself, and by his ready acceptance of the change which I have made.

SIR JOHN TRELAWNY: Sir, I can assure you that I never had the slightest idea of being guilty of any disrespect to the House. The woman had been asked several questions, and I thought that I was putting the Question in the most comprehensive way, in the written notice, by writing that she was not able "to affirm her belief in certain speculative propositions." I thought that was the milder way in which to put the Question; and that was my sole reason for writing down those words. It is perfectly true that I did publicly state to the House the question in the other form. I now take the opportunity of asking the Secretary of State for the Home Department, as a matter that involves the proper administration of justice, Whether he has been informed of a recent decision in the County Court at Rochdale by the Judge, Mr. C. Temple, who is alleged to have non-suited a plaintiff on account of the inability of the witness to affirm her belief in God or in a future state of rewards and punishments; and whether, on the assumption that the Judge ruled properly, the Government will deem it necessary to amend the law applicable to similar cases?

SIR GEORGE LEWIS: Sir, in consequence of the notice given by the hon. Baronet, I have to-day communicated with the County Court Judge who tried the case to which reference was made. I find it was the case of Maden *versus* Catenach. It was an action brought by a daughter against her mother for the value of a pianoforte. The only witness for the plaintiff was herself, and, upon her appearing in the witness-box, the attorney for the defendant put to her the question whether she "believed in a God, and in a future state of rewards and punishments." She answered both those questions in the negative; and, thereupon, the Judge ruled that she was not a competent witness, that her evidence could not be received, and, consequently, the plaintiff was non-suited. Since that time there has been, I believe, a motion made for a new trial in the cause, of which I have before me a newspaper report, from which it appears that the motion was refused. I have no reason to doubt the accuracy of that report. Those are the facts, so far as they have come to my knowledge; and the hon. Baronet is aware whether they have been correctly stated. I will take the liberty, if the House will permit me, of reading a statement of the law upon the subject, which I find in Starkie's work upon *Evidence*—a well-known standard work upon the subject. He says:—

> "Before a witness takes an oath, he may be asked whether he believes in the existence of a God, in the obligation of an oath, and in a future state of rewards and punishments; and if he does he may be admitted to give evidence—and it seems that he ought to be admitted if he believes in the existence of a God who is the rewarder or punisher in this world, although he does not believe in a future state. But it is not sufficient that he believes himself to be bound to speak the truth merely from a regard to character or the interests of society, or fear of punishment by the temporal law."

This is a clear statement of the rule of law upon the subject. Now, the law is not at all narrow or intolerant with respect to the administration of an oath, for it permits any oath which is binding, according to the religious belief of the witness, to be administered. So that a Mahomedan, a Hindoo, or a Chinese may be sworn according to the ceremonies which are binding on his conscience. The existence of some religious belief is invariably presumed; and the only instance in which an oath is dispensed with is in the case of members of the Society of Friends, who, by a special Act of Parliament, are allowed to make a declaration which implies religious belief in place of an oath. That, Sir, being the state of the law, I can only say, in answer to the second Question of the hon. Baronet, that it is not my intention to ask the House for leave to bring in a Bill to make any alteration in the law.

VISCOUNT PALMERSTON moved that this House at its rising do adjourn till two o'clock, to-morrow, being Ash-Wednesday.

SIR JOHN TRELAWNY: Mr. Speaker, as the matter to which I have called attention is one of great gravity, I think the House ought not to adjourn until it has given redress in a matter of this sort. I think it my duty, before I hear this Motion put, to state that I do not think the answer of the right hon. Gentleman satisfactory. He has stated the facts and appealed to me as to whether or not his description of the facts was accurate. It is not accurate. He has stated that it was a suit by Mrs. Maden against her mother for a pianoforte. [SIR GEORGE LEWIS: By her husband.] Of course I withdraw. As the right hon. Baronet's statement reached my ears this evening, I thought he said it was by Mrs. Maden herself. As he has stated now that it was by her husband, I accept his correction. The suit was brought by Mr. Samuel Maden against Mr. Catenach for £6 3*s*., the value of a piano alleged to be detained. I thought the right hon. Gentleman's statement raised an impression against Mrs. Maden, that she was suing her own mother for a pianoforte. That seemed not a fair way of putting the case, and I do not think that this House ought to adjourn even till two o'clock to-morrow, while we are in the position of denying justice. [*A laugh.*] Hon. Gentlemen may laugh when they hear that the plaintiff was non-suited, because the witness was held to be incapable of stating what was true. I was very much struck with the general laugh on the other side, as if that were any ground for denying justice. I was quite surprised that hon. Gentlemen on that side of the House should act in a manner so disrespectful to the great cause of justice, to the British people of all sorts of opinions. Are we not to give justice to persons of all opinions? I will ask the hon. Gentlemen this question. Suppose when they are going home to-night one of them were attacked by any body, or ill-treated in any manner, and had his property plundered; and suppose another person observed what took place, and he happened to be of certain religious opinions, how would that hon. Gentleman like it if that person were forbidden to give evidence in his favour?—or suppose it was a matter involving life or involving reputation, or social position, and the only witness was a person who was disqualified from giving evidence, on account of absence of religious belief? Hon. Gentlemen laugh a great deal too easily. They may depend upon it that it is a much more serious matter than they suppose. In the North of England there are a great many persons who would be disqualified from giving evidence on this ground. It is all very well to varnish over the facts and say that a thing is not so when it is so. I am not sure that there are not persons in the Church of England who would not have some difficulty in answering some of the questions which were put to Mrs. Maden. This is much too serious a matter to be passed over in this way, and I think the right hon. Baronet the Home Secretary would act in a manner more becoming his situation, as the great guardian of justice in the administration of law in this country, if he undertook to bring in a measure to enable persons of all or no religious opinions to give evidence, upon stating that they intend to be bound by what they say, and that they regard it as a conscientious duty to fulfil that which they have promised. It does not at all follow that witnesses should be of particular or no religious opinions. I say it without the slightest disrespect to those opinions. On the contrary, I should wish as much as any one in this House, that we should support those opinions in every way in our power.

MR. CONINGHAM: Sir, I entirely agree with the address of my hon. Friend. I think it is a monstrous proposition that a title to justice is to be made conditional upon the profession of religious belief. I have always understood that the great principle of religious liberty was the boast of this country, and that a man is not to be questioned as to his having or not having any religious opinions, that no such conditions are to be imposed upon him, and that a profession of faith is not to be required from him—that his religious belief rests entirely between himself and his Maker. I confess I heard with great regret the declaration made by the Home Secretary. I think it is a crying injustice that because a man honestly states his belief or non-belief, no matter what it is, that upon that ground he is to be denied justice by those whose duty it is to administer the law. I put in my solemn protest against such a doctrine, and I do not believe that the cheers I heard from the opposite side of the House will be at all reciprocated by public opinion out-of-doors.

Motion *agreed to.*

House at rising to adjourn till *Tomorrow*, at Two o'clock.

CONVEYANCE OF VOTERS.

LEAVE. FIRST READING.

MR. COLLIER, in moving for leave to bring in a Bill to prohibit the payment of the expenses of conveying Voters to the Poll in boroughs, said that, as no great measure of Reform now stopped the way, it might be a convenient time to pass a few small ones; and he had a small measure of Reform which he believed to be a very useful and important one. Several of his hon. Friends had other small measures, and the Government had their own small measure to transfer certain seats to large constituencies; and it might be that this mode of dealing with the subject might lead to the best solution of the great Reform question. He was one of those who really desired that the Reform Bill of last Session should pass, and knowing that there was a combination to talk it out, he determined to give it a silent support. He regretted that the measure should have been withdrawn; but it was impossible not to see that that was the act rather of the House than of the Government. The Ministry had no choice, and, therefore, it was unfair to blame them. It was true that the noble Lord the Secretary of State for Foreign Affairs overthrew the Government of Lord Derby upon the question of Reform; but it should be borne in mind that the noble Lord then announced in substance the measure which he would introduce, and upon his accession to office he introduced the very measure which he had promised. That a number of Gentlemen who had supported him on the division by which Lord Derby's Government was overthrown should afterwards turn round and do all they could to thwart, obstruct, and defeat the measure which the noble Lord had then promised, was a course for which no statesman could have been prepared. They all knew how that measure was received. The failure of the Reform Bill of last year was due not to any shortcoming of the Government; it was damaged by the admirers of Reform in the abstract; but who, nevertheless, felt it their duty to expose and dwell on the faults of that particular Bill. Some Gentlemen, who had objected to Lord Derby's Bill as too complicated, complained of Lord John Russell's as too simple; while others exaggerated its proportions for the purpose of creating alarm. Everybody was for Reform in general and nobody for that particular measure. He appealed to the House whether every speech tending to damage it was not received with uproarious applause, while every speech delivered in its favour—of which he believed there were but two—fell coldly on the ear of the House. It seemed to him that, without a greater pressure of public opinion than had last Session been brought to bear, the House would not pass a comprehensive measure of Reform, and in the present Session he confessed that he did not see any stronger manifestation of public sentiment in its favour than was exhibited in the last. If, therefore, the noble Lord had introduced a similar measure, he did not see any reason to suppose that it would receive more cordial support, or encounter less opposition. There would have been a repetition of the same dreary debates and interminable speeches, resulting in the delay and obstruction of all business of a practical character; and, therefore, he thought the noble Lord was not to blame for not having introduced some similar measure on the present reassembling of the House. Some Gentlemen, he knew, were of opinion that the noble Lord ought to have brought in the Bill, and, if it was not supported, that he ought then to have appealed to the country. But the fact was, that the Reform question would not have afforded a favourable subject for such an appeal. It would be a mistake to suppose that the public were indifferent to Reform; a deep-seated conviction prevailed among all reasonable men that our electoral system required amendment, that the franchise was too narrow, and that the representation was unequally distributed. But this opinion had not yet risen to the surface, and as it was always the subject uppermost in the public mind by which elections were influenced, the last thing which a Reformer ought to desire at this moment was a dissolution of Parliament. The country was in an attitude of expectation, looking for what Garibaldi would do next, where a European war would break out, and where it would end; it was, moreover, perplexed between the pacific assurances and the iron-plated frigates of the Emperor of the French, and it was engaged in forming Volunteer corps. But this diversion of the public mind from the question of Reform was, he believed, but temporary; at some future time it would be forced on the occupants of the Treasury benches, whoever they might be; and when the mind of the country was made up, and not before, a Reform Bill would be carried. He did not believe, with the hon. Member for Birmingham (Mr. Bright), that a repetition of the scenes which preceded the passing of the first Reform Bill would take place, for the House now was more sensible to popular influences. All that was required to insure the adoption of such a measure, and to carry it over the bar of the House of Lords, was a steady breeze in its favour. The noble Lord the Member for the City of London had set sail three times in the Reform ship, and each time had been becalmed; his crew had struck work, and some had even attempted to reverse the engines, and the noble Lord had been obliged to return into port. He was, therefore, quite justified in refusing to start again without a steady breeze and a willing crew. He (Mr. Collier) was unable to give his support to the Amendment of the hon. Member for Brighton (Mr. White), because it implied a censure on the noble Lord, whose whole career, from youth to age, had been one continued testimony of his earnestness in the cause of Reform. The House had already addressed the Crown four times in favour of Reform, and nothing had come of it; and with the greatest respect for the hon. Member for Brighton, he believed he had framed his Motion in such a manner as to secure for it the least possible amount of support. There could be no greater mistake than to suppose that the forty-six Gentlemen who went with the hon. Gentleman into the lobby were the only Reformers in the House. Many Liberal Members who did not wish to be misunderstood by their constituents had left without voting; and he himself had thought it better to take the responsibility of voting against the Amendment. But though he would not consent to censure the Government for not introducing a Reform Bill, there was no reason why independent Members should not deal with the question themselves; and he, for one, would be prepared to support every measure with that object which was brought in by his Friends, though, perhaps, he ought slightly to qualify that declaration. He himself was now asking for leave to bring a special measure calculated to remove what he considered a special grievance. As the law at present stood, it was illegal to give a voter money to pay his own travelling expenses, but it was perfectly allowable to pay them for him—a distinction between money and money's worth which was totally frivolous, and could not be maintained even logically. The Bill which he brought in in 1859 for the purpose of rendering illegal the conveyance of electors to the poll, whether in boroughs or in counties, was defeated by a dissolution; but some of its provisions were borrowed in Lord Derby' Reform Bill. Last year, when he brought forward a similar measure, it was referred to a Committee on Corrupt Practices, who reported in favour of the plan, as far as boroughs were concerned, but opposed its application to counties. Although he believed that the same principle ought to be applied to both, his desire was to avoid opposition; and in the present instance he, therefore, confined the operation of his Bill to boroughs. The Secretary of State for the Home Department had apprized him of his intention to introduce a measure founded on the recommendations of the Committee, in which it was probable that the object he desired to accomplish would be included. But, as the measure was of a comprehensive character, he confessed that he was afraid of the result, and the right hon. Gentleman would not consider him guilty of discourtesy when he said that he preferred his own measure on account of its simplicity. It was important to pass it speedily, in order that if a dissolution took place in the course of the Session—an event which was not impossible—the Act might be in operation; in which case certain Gentlemen, especially those representing metropolitan constituencies, would find its provisions beneficial. Since the conveyance of voters had been legalized, a notion had sprung up that it was altogether un-English and unconstitutional to walk to the poll, and the candidate who would not hire cabs was regarded as a mean-spirited wretch, unfit to sit in Parliament. The hon. and learned Member concluded by asking leave to introduce a Bill which would repeal the property qualification which was now virtually imposed, and which was inconsistent with the legislation enabling a poor man to sit in Parliament.

MR. PEACOCKE thought the hon. Member, if he were satisfied with the conduct of Her Majesty's Government, ought to have left this question in their hands. It would be discourteous to offer any formal opposition to the introduction of the Bill, and he should not therefore meet the Motion with a negative; but at any future stage he should certainly do so. There was no difference in principle between the conveyance of voters in boroughs and in counties, and he begged to inform the hon. Gentleman that there were some boroughs three times the size of some counties or Parliamentary divisions of counties. The borough he had the honour to represent (Maldon) extended for seven miles, and that of Aylesbury, he was informed, was three times the size of the county. He would not oppose the Motion for leave, but he gave notice that if this Bill were carried with regard to boroughs, he should move that the principle be extended to counties as well.

SIR GEORGE LEWIS said, he did not intend to follow the hon. and learned Gentleman the Member for Plymouth (Mr. Collier) into the general subject of Reform. The hon. and learned Gentleman seemed to consider the Bill which he asked leave to introduce a small Reform Bill; but, according to the manner in which the word "Reform" was generally understood in that House, a Bill which merely related to the conduct of elections—to the manner in which votes were to be taken—was not a measure of Parliamentary Reform. It was his (Sir George Lewis's) intention, within a short period, to ask the House for leave to bring in a Bill to amend the present law relating to corrupt practices at elections; but if he imagined that such a measure would be open to all the objections which might at the present time be taken to a general measure of Reform, he certainly should not press it on the attention of hon. Members. He wished to remind the House that they already had a comprehensive enactment on the subject of corrupt practices at elections; and that a Select Committee was last Session appointed to consider its provisions. That Committee having carefully considered the subject, had offered a number of recommendations; and he hoped to be able to introduce at an early day a Bill framed on the recommendations of that Committee; and one part of it would deal with the subject to which his hon. and learned Friend's Bill was directed. Indeed, he believed they had taken their respective plans from the same source—the recommendations of the Committee of last Session. He should not, therefore, enter into the question of travelling expenses when the Motion before the House was merely for leave to introduce the Bill; but in answer to the observations of an hon. Gentleman (Mr. Peacocke), that nothing could be more inconsistent than to allow payment of these expenses in counties, and to prohibit such payment in boroughs, he (Sir George Lewis) would observe that counties were in general much larger than boroughs. In the next place, no one was qualified to vote in a borough who was not resident within seven miles of the borough in which the vote was to be recorded, while a person might have a vote for a county and yet reside in any other part of the United Kingdom. Therefore, there were reasons for those payments in the case of counties which did not exist in the case of boroughs. Whether they were sufficient to induce the House to make the proposed distinction, was a question which had yet to come under discussion. If the House were willing to deal in this fragmentary form with the question of the conditions under which Parliamentary elections were to be carried on, he had no objection to make to the Motion of his hon. and learned Friend.

Mr. DARBY GRIFFITH said, he did not think it would be sufficient to make the payment of travelling expenses merely illegal; it should also be made penal, and treated as an act of bribery, which should vacate the seat. Otherwise the practice would still be continued. The Committee which sat on the Huddersfield case decided that it was illegal to make a positive payment to the voter for his travelling expenses, but they did not deprive of his seat the Member who had made such payment, and consequently the penalty was entirely inoperative, since no candidate for a seat in this House would care one straw for being pronounced illegal—the only thing he cared about, was the forfeiture of his seat.

Mr. VINCENT SCULLY said, the Home Secretary had described the Bill as a fragment: he (Mr. Scully) should characterise it rather as the fragment of a fragment of a Bill. There was no reason in the world why the provisions of the Bill should not be extended to counties. It was a rather serious thing to have to contest a county in which 2,000 or 3,000 voters expected to be conveyed to the poll at the expense perhaps of £1 a head. If voters would not come to the poll of their own accord they did not deserve to have the franchise.

Mr. STEUART wished to guard himself against being supposed to concur in the proposition of the hon. and learned Gentleman the Member for Plymouth, and if the hon. Member for Maldon had moved a negative he would have voted with him. His experience of Cambridge had led him to conclude that the payment did not lead to any illegal expenditure in the borough. The hon. and learned Gentleman said that the Bill of Lord Derby's Government contained a similar proposition. That was true; but it should be remembered that in that Bill the proposal was accompanied by another, affording a new mode of voting—namely, by voting papers. The measure of Lord Derby's Government would have led to a great increase in the franchise; but some of the Bills brought in by hon. Gentlemen on the Liberal side of the House would practically result in its restriction.

Mr. EDWIN JAMES said, that when Alexander died his lieutenants struggled for his Empire. A somewhat similar struggle appeared to be going on among the lieutenants of the noble Lord, for the Bill which had been supposed to be in his charge. His hon. and learned Friend the Member for Plymouth said, that his measure was a first small modicum of Reform. Now, that seemed to place the question of Reform in an awkward position. He agreed with the right hon. Gentleman the Home Secretary that the proposal could not be called a measure of Reform, because it was one to carry out an existing franchise rather than to confer a new one. However, he thought the Bill useful in its way, and it should have his support. He thought, nevertheless, that as the Government had taken upon themselves the task of dealing with the question of Parliamentary Reform, the introduction of Reform Bills by private Members of that House only relieved the Government from the responsiblity which they had undertaken. None had been more severe on Lord

Derby's Government in reference to their dealings with Reform than the Members of the present Government. In 1859, when Lord Derby's Government was in office, the noble Lord the Member for the City of London said Lord Derby was pledged to bring in a Reform Bill and ought to do so. The noble Lord now at the head of the Government twitted the Derby Government with having taken office with all its engagements — a sporting phrase which Lord Derby would well understand. He told them they were bound to go on with a Reform Bill, and went so far as to say that the Government of Lord Derby "could not resign and should not resign," but should proceed with a measure of Reform. He would apply the same principle to the present Government, and say that the proper course was to leave the responsibility of introducing a measure with them, seeing that they also took office and received the support of the Liberal party under a solemn engagement to take up the question of Reform. No doubt the Government would rejoice at seeing small measures of Reform brought in by private Members, as it shifted the responsibility from their own shoulders—a responsibility which they incurred when they removed the Government of Lord Derby from office. What had they now before the House? A Motion for one kind of Reform, and no doubt a very proper measure. The hon. Member for Southampton (Mr. Digby Seymour), had given notice of a Bill for a £6 franchise, and the hon. Member for Leeds (Mr. Baines), had a Resolution on the paper for a £6 borough franchise. The hon. Member for East Surrey (Mr. Locke King), had a notice for a £10 franchise in counties. The right hon. Gentleman the Secretary for the Home Department had a species of bit by bit Reform Bill, by which he intended to give the vacant seats of St. Albans and Sudbury to two other places. The hon. Member for Salford (Mr. Massey), had likewise a Motion to appropriate one of the vacant seats; and the noble Lord the Member for Middlesex (Viscount Enfield), sought to give representation to Chelsea and Kensington. These might be all very proper Bills, but their introduction only had the effect of relieving the Government from the responsibility that rested upon them, and they referred to reforms which the noble Lord at the head of the Government and the noble Lord the Foreign Secretary had both said ought to be introduced by the Government of the country. There was a very extraordinary Motion of which notice had been given by the hon. Member for Norwich (Mr. Warner); it was to refer the whole question of Reform to a Select Committee. To send the question of the representation of the people of England to a Select Committee. Had the hon. Member for Norwich thought for a moment what would take place before that Committee? Who were the parties whose business it would be to be present? There would be the advocates of universal suffrage, ballot-men, old freemen, and all persons struggling for an extension of the suffrage, to whatever extent. And who would be the witnesses? They would be so numerous, and the proceedings would be necessarily so prolonged that long before the end of the Session the Committee would become wonderfully select, and but few would remain to take part in the inquiry. Among the witnesses would be all the advocates and all the opponents of Reform who chose to attend. Perhaps the Chancellor of the Exchequer would be there to tell them that close boroughs were the salvation of the country; while the right hon. Gentleman the Member for Ashton (Mr. M. Gibson) and the right hon. Member for Wolverhampton (Mr. Villiers) would be called to say that close boroughs were the disgrace and degradation of our political system. In short, they would have before that Committee everything that was contradictory, not to say absurd. Such was the position in which the great question of Reform stood. He did not wish to blame the noble Lord the Foreign Secretary for withdrawing his Bill of last Session. On the hustings the noble Lord said he would introduce a Reform Bill and submit it to the criticism of the House of Commons. The Bill was introduced, criticism was bestowed upon it, and under that criticism the Bill withered. But the Government were not on that account absolved from the responsibility of introducing another Bill. They were responsible to the country for not having done so; and he repeated that it would be better and more politic to leave them under that responsibility.

MR. DIGBY SEYMOUR rose to deny that the forty-six Members who had divided in favour of the Amendment to the Address had any wish to take the question of Reform off the shoulders of the Government. But they thought that the absence of all reference to Reform in the Royal Speech made it imperative on the Liberal Members to take some steps towards the vindication of their principles. They felt that they had been deserted by their leaders, and they thought it their duty to redeem the pledges they had made on the hustings by thus declaring their sentiments. With the same view, he (Mr. Seymour) felt himself bound to give notice of the Motion which he had put on the paper, in order to give the House an opportunity of considering the important question of the franchise. He agreed with the hon. Member for Marylebone (Mr. James) in thinking that the duty of introducing that question belonged to the Ministers of the Crown; but if they failed in their duty the House was bound to take measures to maintain its own position. The noble Lord the Member for the City of London had a great deal to answer for, and could urge no reasonable excuse for his conduct. There were no peculiar circumstances connected with the present Session such as occurred in the last to prevent a Reform Bill being introduced, and the calm which prevailed was peculiarly favourable to the consideration of such a measure. The noble Lord had told them last Session that a time of peace was a fitting time to carry a Reform Bill, and contrasted the period of the riots of Nottingham with the peacefulness and loyalty of the present time, which he thought gave a good opportunity of introducing his measure. They all remembered the lines of Canning in the *Anti-Jacobin*—

> " Now these and more, a phrenzied choir,
> Sweep with bold hands confusion's lyre;
> While mad'ning crowds around them storm
> For one great Radical Reform."

The very contrast of the present to those times indicated that now was a fitting opportunity for dealing with a measure of Reform, and after having been six times announced in Royal Speeches, and after a Parliamentary history of fifteen years, he could not help thinking that it was time this important question was disposed of. He had put a notice for a Bill on the paper, but, the hon. Member for Leeds having given notice of a Motion on the same evening, he had thought it right to give way to one holding so high a position in the country and possessing so much more experience than himself.

Mr. MACKINNON said, he wished to correct a mistake made by an hon. Member in a former debate with respect to his Motion of last Session.

Mr. SPEAKER said, it was out of order to refer to a former debate unless on a matter of personal explanation.

Mr. Digby Seymour

Mr. MACKINNON bowed to the ruling of the Chair. It had, however, been said that he had been acting in concert with the Government when he came forward to postpone the Reform Bill last Session. Now, upon his honour, as a gentleman and a Member of that House, he had no communication, direct or indirect, with the noble Lord at the head of the Government before opposing that Bill. Nor had he any communication either with the Secretary of State for Foreign Affairs or any other Member of the Cabinet. He might be asked why he took it upon himself, not being in office, to throw out the Reform Bill last Session. He had done so for these reasons. He happened to be Chairman of a Committee which sat for two or three Sessions to inquire into the best mode of settling disputes between masters and operatives. This inquiry gave him an opportunity of knowing the feelings of the middle and lower classes on the subject of Parliamentary Reform. He found that the middle classes were apprehensive of a farther extension of the franchise, fearing that their power would be swamped by the lower classes; while the working men, who it was said would be enfranchised by the £6 franchise, were totally indifferent about the matter. He, therefore, thought it right to oppose and to annihilate the Bill, and the attitude both of the middle and lower classes since the withdrawal of the Bill had convinced him that he had come to a sound conclusion. If the noble Lord had brought in a Bill this year, he would have acted in an injudicious and imprudent manner in going against the feelings of the middle classes and the perfect apathy of the lower classes.

Motion *agreed to.*

Bill *ordered* to be brought in by Mr. Collier and Mr. Mellor.

COUNTY RATES AND EXPENDITURE.

LEAVE. FIRST READING.

Sir JOHN TRELAWNY moved for leave to bring in a Bill to establish County Financial Boards for the assessing of County Rates and for the administration of County Expenditure in England and Wales. He did not apprehend that there would be any opposition to the measure, and he proposed that it should be read a second time on an early day, in order that it might be referred to a Select Committee.

Sir JOHN PAKINGTON said, that this was a subject which was not at all new to the House, having been introduced several years ago by a right hon. Gentleman opposite (Mr. M. Gibson). To the plan which was then proposed he thought it his duty to offer a very strong opposition. He begged to assure the hon. Baronet that he was as willing as the hon. Baronet could himself be to join in any fair and just extension of the representative principle which could reasonably be desired by ratepayers with respect to county rates and expenditure; but he asked the House to consider whether, in legislating hastily on this question, they would not run the risk of losing the substance while grasping at the shadow, and render the system under which the county rates were managed really less popular than at present? This was not the proper moment to enter into the question, but it was a matter which gravely affected the interests of the counties, and ought to be well considered. He hoped, therefore, that not only the right hon. Baronet, but the Home Secretary, would give the matter their earnest attention, and that ample time would be afforded the House before the Bill came on for second reading.

SIR GEORGE LEWIS said, the House was aware that this subject had been discussed for many successive years; and, on one, occasion the entire subject was referred to a Select Committee, where it underwent considerable investigation. He was not aware—and the office he held gave him an opportunity of hearing of any dissatisfaction —that any increased demand had arisen of late years for the application of the representative system, either wholly or in part, to the administration of the county funds. There were certain counties in which the present system did not give entire satisfaction; but, in general, very little if any complaint existed. The magistrates were always interested in the land of their respective counties, and appeared to be always disposed to provide for the economical administration of the county funds. He was not averse to the introduction of the Bill, or that it should receive the consideration of the House; but with regard to referring it to a Select Committee he begged to say one word. If the Bill were referred to a Select Committee it must be mainly for the consideration of clauses, and without the power of calling witnesses. Now, after the full examination which the subject had already received, he did not see the advantage of discussing the clauses upstairs. If, however, the hon. Gentleman desired to examine witnesses his better course would be not to bring in a measure, but to move for a Select Committee of Inquiry.

Motion *agreed to.*

Bill "to establish County Financial Boards for the assessing of County Rates, and for the administration of County Expenditure in England and Wales," *ordered* to be brought in by SIR JOHN TRELAWNY, SIR JOHN SHELLY and MR. BARROW.

Bill *presented,* and read 1°.

OFFICES HELD BY MEMBERS.

RETURN MOVED FOR.

MR. WHITE moved for a Return of every Member of this House holding any Civil, Military, Naval, Diplomatic, or other Place, Office, or Pension to which he had been nominated or appointed by the Crown, Government, Ministers, or Chiefs of Departments; stating the date of his nomination or appointment, and the emoluments he received, and whether the same be temporary, permanent, or progressive, arranged under the heads in the schedule.

[*Form omitted.*]

SIR GEORGE LEWIS thought it his duty to oppose the Motion. The hon. Member had not stated any ground why he desired that the Return, which was of an unusual character, should be made. There was this objection—that the information sought for by the hon. Member was already accessible, and that he proposed to incur unnecessary trouble and expense in preparing and printing it. With regard to all civil and political offices held by Members, the salaries were voted by the House, and could be seen by any one who would refer to the Estimates. With respect to the military officers their pay could be easily ascertained. Their salaries stood on a different footing from the salaries of civil servants as, in most cases, they had been the subject of purchase. He could not see any advantage that would arise from laying on the table a Return of the pay received by military officers in that House. The same remark applied to naval officers; and so, with respect to diplomatic servants, their pay could be known by reference to the Finance Accounts. Under these circumstances he could not see any advantage in having this Return presented to the House. It appeared only to be wanted in order to save trouble to the hon. Gentleman, who, instead of referring to the different sources of information, desired that the clerks in the public offices should make out the Return for him. The information required could be obtained from other sources, and, moreover, formed no subject for a Return by the House of Commons. He, therefore, did not feel justified in assenting to the Motion.

Mr. WHITE, in moving for the Return, had thought it wholly unnecessary to enter into any argument in support of it. But after the ingenious objections which had been made by the right hon. Gentleman (Sir George Lewis), he must say that he thought nothing could be more unsatisfactory than the reasons which he gave for not granting the Return. The right hon. Gentleman alleged that he (Mr. White) had made this Motion to save himself trouble. He (Mr. White) begged to assure him that his (Mr. White's) constant attendance there should show him that he did not begrudge any amount of trouble when he believed it to be for the advantage of his constituents, or in discharge of his public duties. And, most assuredly, he should not shrink from taking any trouble if he thought he could get the information which he now desired to obtain for the House. When the right hon. Gentleman (Sir George Lewis) told him that the information which he wished to obtain was already published, and could be extracted from papers which had been laid on the table of the House, he said that which, if correct—which it was not—would apply to almost every return that Members ever asked for. If a Member wanted to know how much silk had been imported, or what was the amount of duty levied on hops, he could find it, no doubt, in the usual returns as to the trade of the country. But, yet, the return was granted immediately by Government; and when he (Mr. White) asked for information for his own gratification, if the right hon. Gentleman liked, as to the offices, places, and emoluments held and derived by Members of that House, he thought it was only courteous that it should be granted to him. He would not be guilty of uttering so heretical a thing as to say that the votes of Members of the House were influenced by their connections with Government, although there were people outside who contended that the effect of being in the Government was, that a Member must falsify his political antecedents, and that when once a man was enmeshed in the toils of office he became totally oblivious or forgetful of all former principles. With regard to the remarks made by the right hon. Gentleman (Sir George Lewis) as to the salaries of naval and military Members of that House, he believed that if the amount of the stipend derived from their offices was known, the nation would be shocked at the injustice done to them by the small payment they received. And he would further add that, looking to the scale of expenditure in modern times, everybody would say that the Ministers of the Crown were not overpaid. In fact, the men who did the work of the country were much underpaid. But there was a class of people whose names appeared on the civil estimates, and perhaps, some of them were Members of that House—who neither did any work, nor were entitled to receive that which they were paid. It would, therefore, give satisfaction to himself and the country if he could obtain a Return of the nature of that for which he begged to move. If he had inadequately expressed himself in support of his Motion, it was because he had not anticipated any opposition to it. He should most certainly press it to a division, if he went out with his seconder alone.

Lord ROBERT CECIL said, that if the House divided on the Motion, he should vote with the right hon. Gentleman the Home Secretary. Still, he hardly thought it prudent for the Government to refuse this return. A short time ago, the hon. Member for Birmingham accused all on that (the Opposition) side of the House of receiving more from the taxes than they paid. The charge was ridiculous, but nevertheless, it was believed by some of the simple admirers before whom the hon. Member spoke, and therefore it was desirable that every opportunity should be afforded for the public mind to be rendered clear on this point. If the Return were granted, it would be seen that, besides officers in the army and navy, and persons holding political offices—all of whom the hon. Gentleman admitted to be underpaid—there was scarcely any Member in that House receiving anything from the public.

Mr. HADFIELD supported the Motion. He thought the noble Lord (Lord Robert Cecil) had expressed quite enough to induce them to order the Return. The only difference between himself and the noble Lord was, that while he (Mr. Hadfield) should consistently vote for the Return, the noble Lord would throw discredit on the speech he had just delivered by inconsistently voting against it.

Mr. BASS hoped that the arguments of the noble Lord would have weight with the Government, and that the noble Lord would not himself discredit so capital a speech as that which he had made by going into the lobby against the Return. He (Mr. Bass) most cordially hoped that it would be obtained.

Mr. CONINGHAM said, that the hon. Member for Birmingham, in alluding to the receipt of public money by certain persons, referred not to Members of that House alone, but to their friends, relations, and followers; and the intense violence of the contests for the possession of the Ministerial benches arose from the knowledge that they were contentions for the division, not only of political power, but of the enormous patronage at the disposal of the occupants of the Treasury benches. Seeing how the present Government was constituted, he was not surprised at the determined resistance offered to the production of this Return; for the Treasury benches were wholly occupied by the most exclusive clique that ever ruled the destinies of this country. He was surprised that the Home Secretary should refuse a plain statement of facts, from which the country might learn how the taxes, raised from the hard-working classes, were divided among the possessors of places and their followers. Both sides of the House resisted any attempt to reform the institutions of the country, because it was felt that as soon as the franchise should be largely extended an end would be put to abuses and to the wasteful manner in which the people's money was squandered.

The House *divided:*—Ayes 53; Noes 112: Majority 59.

Motion *negatived.*

CHURCH RATES.

LEAVE. FIRST READING.

MR. HUBBARD moved for leave to bring in a Bill to amend the Law of Church Rates. The hon. Gentleman said that the Bill in its essentials was the counterpart of his Bill of last Session, but in some minor respects it would be found calculated to carry out more comprehensively the object in view. He should best explain the measure by passing its provisions in review. In the first place it was proposed to remove the difficulties which were supposed to exist with regard to permissable objects, by defining the objects for which church rates might be lawfully levied. It then proposed to remove a grievance which was much complained of by Churchmen who were compelled to pay rates, not only for their own district churches, but for the parish churches. One clause of the Bill therefore proposed to give district churches the power of rating themselves. Another clause was directed to the assimilation of the law of church rate and the law of poor rate, so as to give greater facilities for the assessment of small sums leviable upon small tenements. Another clause would have the effect of removing the jurisdiction in disputed matters of church rates from the Ecclesiastical Courts, but without affecting the authority of the Ordinary or his officers in the visitation of churches and the direction of the necessary repairs. The most important provision of the Bill, and the one that was most likely to provoke discussion, was that by which it was proposed to deal with the scruples of those who had objections to church rates upon principle. In approaching the consideration of that part of the Bill, he begged the House to understand that he did so with two distinct propositions in view. The first was that the National Church of England was to be maintained in all its prerogatives; and the second, that as the great principles of religious liberty were the accepted rule of Government in this country, the conscientious feelings of certain portions of the community should be viewed in a liberal spirit. It was, therefore, proposed that any person might by a simple declaration emancipate himself from the payment of church rates in respect of a particular property, whether he were the landlord or tenant of that property. He would only ask those members who supported church rates, to consider the claims of Nonconformists in a candid and liberal spirit, and he would ask those who opposed church rates, to remember that the Church of England, as the Church of the nation, had also her rights, which she was bound to vindicate and maintain.

MR. DARBY GRIFFITH seconded the Motion.

MR. HADFIELD thought the hon. Member could hardly expect the House to agree to the Bill which he asked leave to bring in. He (Mr. Hadfield) should not, however, oppose its introduction. The declaration required by it was one which would not be made. Last year they successfully resisted a clause in the Census Bill, to compel by force of law Nonconformists to declare their religious sentiments; and such a declaration would never be exacted to escape a few pence or shillings under a church rate. Any consequences would be suffered by thousands sooner than make it. Did the hon. Gentleman suppose that those terms would be accepted? They might call it a concession, but such a concession would never be accepted. A declaration from year to year would, in fact, be even more distasteful to the majority of Dissenters than the rate itself. And in return for what would they be called upon to make the declaration? At present there were 4,000 churches not entitled by law to levy church rates; yet the Bill proposed to grant them power to make a rate. But this Bill would, in every case where the rates were rejected, give facilities for renewing them. One-third of the population of the country, or more, were at this moment freed from the rates altogether. This Bill would give facilities for collecting them in those districts. It would bring 4,000 churches under the rate which now had no rate, and it would give facilities for obtaining a rate which did not now exist, and never ought to exist. And for the small advantage of being permitted to sign a declaration once a year they were to concede those immense advantages to the Church of England. He should like to know whether even upon this small concession the party opposite were unanimous ("Hear!") He was very doubtful of it. He understood that they were very much disunited, and that some would concede no principle whatever. It was said two or three years ago, by the Chancellor of the Duchy of Lancaster that the rate produced about £260,000 a year; but the expenses of collecting the rate were considerable. He did not think the net amount exceeded £200,000 a year, and yet all this immense excitement in the country was to be kept up in order to give this pittance to the richest Church in the world. His own opinion respecting this rate was, that it was not the money that they cared for, it was for the superiority—the supremacy—the prestige—which the Church of England claimed over the rest of the community. Now, he would call attention to the state of the country, and appeal to hon. Gentlemen whether it was a fitting time to agitate this question, or to resist any longer the concession that was demanded? They had been challenged by his hon. Friend the Member for Leeds, last year, to take the new census on the same principle that it had been taken last time; but the fact was known that at the last census the majority of attendances in places of worship was greater in the case of Nonconformists by more than 300,000 than in the case of the Church of England. The people of Scotland did not belong to the Episcopal Established Church, and the great majority of the people of Ireland were not members of that Church. In fact, upon an estimate which had been carefully taken, it appeared that there were in the United Kingdom at least 5,000,000 of population more out of the pale of the Church than within it. But even if the Dissenters were in a minority in the United Kingdom, was it proper to keep up the excitement which existed in regard to this subject? It could only be done in defiance of what he should consider true Christian principles and of sound policy. He thought the present Bill was a one-sided concession, and he felt confident it would never pass into law.

Mr. DARBY GRIFFITH thought this Bill was an honourable attempt to settle a question which had much agitated the country. No doubt it would be opposed on that account by sectarian fanaticism on the one hand, and by Tory bigotry on the other. A great portion of the moderate Dissenters would, he believed, readily accept the olive branch held out to them by his hon. Friend, were they not prevented by those who called themselves their champions in and out of this House. When the Conservatives were in office, a Bill embodying the principle that Dissenters should be relieved from the payment of church rates was proposed by a member of the Cabinet; and, therefore, it would now ill become the Conservatives to resist a proposition of this kind. Was *Nusquam tuta fides* to be their motto? Did the Conservatives intend to have two sets of principles—one set to act upon whilst they occupied the Government side of the House, and the other whilst they sat on the Opposition benches? If so, their conduct would be open to the same reproach as that which they so frequently imputed to the Members occupying the opposite benches, and they would lose character in the eyes of the country. Why should the advocates of church rates abolition attempt, for the sake of relieving the Dissenters in a few towns, to upset the ecclesiastical system in the thousands of rural parishes where the people were satisfied with the present system? Great objection had been made to the proposed declaration of dissent required from Dissenters as the means of relieving them from liability to the payment of church rates; but, if all the practical difference which remained between us was reduced to a paper document, it was making a mountain of a molehill to describe that declaration as a great grievance.

Motion *agreed to.*

Bill *ordered* to be brought in by Mr. HUBBARD and Lord ROBERT CECIL.

Bill *presented*, and read 1°.

House adjourned at Seven o'clock.

HOUSE OF COMMONS,

Wednesday, February 13, 1861.

MINUTES.]—NEW MEMBER SWORN.—For Bradford, William Edward Forester, esquire.

THE ROYAL MARINES.—EXPLANATION.

LORD CLARENCE PAGET: I must beg permission of the House to make a personal explanation with respect to a few words which I used the other day, and which I am sorry to say, have given considerable offence to that noble corps, the Royal Marines. I think I shall best explain myself by reading a letter which I have written to their Adjutant General:—

"Admiralty, Feb. 13, 1861.

"My dear General Wesley,—I greatly regret that a passing remark of mine, in the House of Commons on Friday last, intended to convey the very high opinion entertained by the Navy of their sister corps of Royal Marines, and the importance of encouraging the youth of this country in looking upon a career in that noble service as being equally to be coveted with a career in the sister services, should have been misunderstood by the officers of Royal Marines.

"I have on all occasions ardently advocated the extension of the corps, because I consider it to be the mainstay of the Navy,—see my evidence before the Manning Commission in 1858.

"With regard to the social position of the officers of the corps, no one could for a moment doubt that it is equal to that of any other branches of Her Majesty's service, and as to their conduct on all occasions, none have surpassed them.

"Having near connections myself in the corps of Royal Marines, I am, apart from the foregoing considerations, naturally jealous of its reputation, and, consequently, the more regretful if I have said anything which would in the remotest degree reflect upon its high character and efficiency.

"I have the honour to be, my dear General, yours faithfully, "C. PAGET.

"To Major General Wesley, Deputy Adjutant General."

I have now only to thank the House for its indulgence.

TRUSTEES OF CHARITIES BILL.

SECOND READING DEFERRED.

On Order of the Day for the Second Reading of the Trustees Charities Bill:—

MR. DISRAELI said, he wished to make an inquiry of the hon. Member for Swansea (Mr. Dillwyn), whether he would postpone the second reading of his Bill to a future day. The Bill had only been placed in the hands of Members yesterday, and, as the sitting of the House commenced at a late hour, the discussion would not be likely to terminate before the adjournment; the hon. Gentleman would, therefore, not be in a worse position by assenting to the proposition and consulting the convenience of Members.

MR. DILLWYN said, he was extremely averse to taking the House by surprise; but he should have thought that a Bill of a few lines, the same as one brought in last year, and similar to one introduced by Lord Stanley of Alderley two years ago, could have been well discussed to-day. He trusted the right hon. Gentleman would not think him too hasty if he proposed the second reading to-morrow night.

Second Reading *deferred* till *To-morrow.*

House adjourned at Half after
Two o'clock.

HOUSE OF LORDS,

Thursday, February 14, 1861.

MINUTES.] PUBLIC BILLS.—1^a Subdivision of Dioceses; Admiralty Court Jurisdiction.

VOTE OF THANKS—(CHINA.)—RESOLUTIONS.

LORD HERBERT, in rising, pursuant to Notice, to move the Thanks of this House to Her Majesty's naval and military forces engaged in the operations in the North of China, said,—My Lords, I deem it fortunate that upon this, the first occasion on which I am called by official duty to trespass upon your Lordships' indulgence, I should have a subject which requires so little advocacy from any man, and which will meet, I believe, not only with the approbation but with the most cordial concurrence of all your Lordships.

My Lords, in describing the military events which have taken place during the short but brilliant and decisive campaign which terminated in the capture of Pekin, I need not go back to the causes of the war, or raise any question which may have formed matter of debate in either House of Parliament. Upon receiving the news of what I must call the disaster of the Peiho, accounts of which reached England in the autumn of 1859, it became necessary to take measures forthwith lest the Chinese Government and people, intoxicated by the successes which they had achieved in the destruction of our ships and the capture of our guns at the mouth of the Peiho, should rise in other towns and ports of that vast Empire, and should endanger the safety of our large mercantile population there. Troops were, therefore, sent out immediately, *matériel* was despatched, and every precaution taken to prevent such a calamity. Later it became obvious that the Chinese Government would be unwilling to make any reparation for the affair at the Peiho, when Mr. Bruce was beaten back in his attempt to proceed to Pekin for the purpose of obtaining the ratification of the Treaty of Tien-tsin. A large force was accordingly collected and organized at Hong Kong in May of last year, and was enabled, by the great exertions of its officers, to leave at the end of the month or the commencement of the next. There was one officer of great promise and ability, Colonel Haythorne, who had been selected as Chief of the Staff, to whom we are indebted, by his admirable arrangements at Hong Kong, for much of the after success of the campaign. He, however, reaped not where he had sown; he was called away to fill a still higher position in India, where, I have no doubt, he will evince equal ability to that shown by him in China. This force sailed at the time fixed, and reached the rendezvous at the entrance of the Gulf of Pecheli; and while collected there Sir Hope Grant had an opportunity of displaying to General Montauban the force under his command. His troops had been collected from India, from the Cape of Good Hope, and from England; and, on the 13th of July, General Montauban, at the request of the English Commander-in-Chief, came over to review them. This is the description which, in a private letter, Sir Hope Grant gives of this review:—

> "On the 13th of July I took General Montauban and his suite to Odin Bay to show them our force of cavalry and artillery. We had about 1,000 men on parade, and their turn-out was really beautiful. The men, both Europeans and Sikhs, were fine, handsome, stalwart fellows, well dressed, very clean, and their horses all in rare condition and with shining coats. It really was a sight worth seeing, and I felt proud of being in command of such a force. General Montauban said, 'it was a sight to see in Hyde Park or Paris, but one that he could never have expected so far away from home.' The infantry force is also very fine, and their behaviour excellent."

I mention this because I think it does credit, not only to the officers who organized the expedition, but to the naval commanders, who made such excellent arrangements for transporting this large force, and for landing them at the rendezvous after some bad weather, and after a very lengthened voyage, in such perfect health and efficiency. On the 1st of August the expedition landed at the mouth of the Peh-tang. They occupied the forts and town without opposition, though, in disembarking the stores, the guns, and artillery horses, they met, owing to the nature of the shore, with considerable difficulty. General Grant was anxious to move his troops as quickly as he could out of a place which seemed so unhealthy. The retiring tide left a great surface of mud exposed, and the whole country around was nothing but a swamp, and he feared lest fever should break out. But the rains at first were so violent that he had great difficulty in effecting his departure from Peh-tang. Sir Robert Napier, an officer of Her Majesty's Indian forces, and who evinced throughout the distinguished military talent which seems common to all bearing his name, was the Commander of the First Division. He says that it was with some difficulty that his columns got through the swamp, that the gun-wheels were frequently imbedded axle-deep in the mud; and that it cost two hours' hard labour to the troops to traverse the first two miles. The state of the country, in fact, was such as to render military operations almost impossible. But the troops persevered, and they very soon came in sight of a Chinese force, consisting principally of cavalry. The first engagement which then took place exercised considerable influence upon the after part of the campaign. Sir Robert Napier states that the enemy's cavalry nearly surrounded the whole of his force in skirmishing order. Their number was very large, and the Tartar horsemen showed not the slightest fear or hesitation in meeting our troops. One body of cavalry gallopped close up to a half battery of our guns, which was protected only by an escort of thirty of Fane's Horse. This escort was almost overwhelmed by the numbers opposed to it; but Lieutenant Macgregor, who was in command, undismayed by the disparity of numbers, rode at them with his thirty men with such a will that they broke quite through the Tartar ranks and scattered them most effectually. This was an important achievement. The Chinese cavalry were numerically vastly superior to our own, and it was important to solve the problem whether the Sikh horsemen could cope with them under such circumstances. Lieutenant Macgregor and his troopers answered the question most satisfactorily. This engagement had the effect of dispiriting thenceforward the Tartar cavalry; and, in the encounters near Pekin, as we shall presently see, our cavalry, by their rapid and impetuous charges, had the best of every encounter. On the following day the allied forces captured an intrenched camp with over forty guns. Then came the attack upon the Taku forts. These forts formed very formidable obstacles to any army. The whole country was a salt marsh, and the troops could only move forward on extremely narrow causeways, where the ground was so little consolidated that it became almost impassable after a shower of rain. Some nights were occupied in bringing up the heavy guns, and the canals were bridged by our engineers, who, night after night, had the most laborious duties to perform in erecting the works and bridges. The Peiho Forts were extremely strong. Sir Hope Grant, in one of his despatches, describes them as being redoubts, with a thick rampart, heavily armed with guns and wall pieces; they had two unfordable wet ditches, between which and the parapet was a spiked bamboo palisade, leaving only a narrow approach, which was, of course, commanded by the enemy's guns. The attack was then commenced. But the facts of this engagement are so recent that I do not think it necessary to describe them in any detail. After the forts were breached, a most gallant and successful attempt was made to storm them, both by the French and English forces. The Chinese kept up a deadly fire, so that fifteen of the Sappers, who were carrying the pontoon bridge, were struck down in an instant. I mention this because now that Pekin is taken, and the war at an end, people are apt to underrate the deeds of our men before the enemy, and to make light of the difficulties which existed, owing to the nature of the country and the uncertainty as to the character of the resistance which would be attempted. It is said by Sir Robert Napier that he never saw forts better defended. His words are worth quoting:—

> "The enemy made a noble and vigorous resistence, no entry had yet been made, the breach had not been completed, the gate was known to be built up, the attempts of the French to escalade at their angle were unsuccessful. At this juncture, with the permission of the Commander-in-Chief, I brought up two 24-pounder howitzers and two 9-pounder guns of Govan's to within eighty yards of the rampart, which, firing over the heads of the men on the berm, cut away the parapet at the point where the defence was most obstinate. After a lengthened struggle the French entered the embrasure at their angle by escalade, and the British climbed into the partial breach near the gate at the same moment, Lieutenant Rogers, of the 44th Regiment, being the first man on our side established in the place. The troops of both nations now poured into the place, but foot by foot the brave garrison disputed the ground, and as their was no means of exit other than by dropping over the wall and crossing the defensive obstacles of ditches, stakes, and abbatis, the loss of the enemy when they were ultimately driven out of the work was very severe, both from the rifles of our infantry, who crowded the cavalier, and from guns moved round to the left which swept their line of retreat on the further Northern Fort. It was half-past eight o'clock when this fort, now proved to be the key of the whole position, was in our hands."

When the fort surrendered, the rest followed the example. We found ourselves in possession of no less than 400 guns, some of which it was highly necessary to recover, for they were our own guns which had been lost in the gunboats sunk at the Peiho. I pass by the particulars of the march to and arrival at Tien-tsin. There negotiations were begun. Our troops, upon an understanding with the Chinese, advanced to a place about five miles from Pekin (I forget the name of it, and if I could remember it I could not pronounce it), and when they arrived at this spot they were to be met by Chinese Commissioners, with whom a treaty was proposed to be negotiated. But it was found that on this spot the Chinese had thrown up extensive works, placed heavy guns on them, and filled them with troops, the Chinese cavalry threatening both flanks of our little army. I believe it has been said that the action was commenced by us prematurely, and that we misunderstood the intentions of the Chinese, who, if we had not commenced an attack upon them, would have offered terms of peace. Now, I believe nothing can be more contrary to the facts. By the statements of Sir Hope Grant, both publicly and privately made, that gallant officer had repeatedly expressed his hope that the whole of these proceedings might be spared—that peace might be effected without bloodshed; and on this particular occasion so anxious was Sir Hope Grant that bloodshed should be spared, and that peace should be concluded without the sacrifice of human life, so anxious not to encounter the risk of provoking hostilities, that he allowed himself to be almost surrounded by the Tartar cavalry before the action was commenced. All the evidence that has since been obtained from the Chinese papers that were found shows that it was a pre-arranged scheme on their part, and that the Commander-in-Chief had no option left except to defend himself; he, therefore, made a vigorous attack upon the enemy, and by the charges of his cavalry on both flanks of the enemy, and by the power of his artillery and infantry, he was able to disperse the forces of the Chinese and to capture a large number of guns. Three days afterwards something almost similar occurred. Again, it was found that the Chinese had placed themselves in order of battle by the side of the canal leading to Pekin; again an attack was necessarily made, and again the Chinese troops were repulsed. On this occasion a charge was made by our cavalry, which I will mention, because it proved that they could overcome the difficulties of any kind of country. The Tartar cavalry were posted on an eminence, with a sudden fall below it; at the bottom was a ditch; the Chinese calculated that while our men were crossing this ditch it would be easy to pick them off with their matchlocks. The place has been described to me, by an eye-witness, as one that in a hunting-field would be called "ugly;" one that many riders would look at, but which would be "gone at" by very few; those on the field who were rather discreet than valiant would go round some other way. The King's Dragoon Guards, however, rode at it, and so successfully that they cleared it, only leaving one or two saddles empty in the ranks, and they speedily remounted. The Sikh cavalry, equally ready to face anything, also rode at the ditch, but with their long bits and short martingales, their horses' heads almost in their chests, they at first failed to clear it, and fell back, men and horses, into the ditch, but soon recovered and charged the enemy most effectually. The Tartars ever afterwards paid great respect to our cavalry, regular or irregular, and the alarm among the Tartar troops when the Dragoon Guards made any change of front, or whenever our irregular cavalry came in sight, was marvellous. At the time these movements were going on it should be stated that an admirable system of supply had been organized. The Commander-in-Chief states that "All the commissariat arrangements have been admirably made by Mr. Turner; there has not been a single complaint." I find also in the despatches of the Commander-in-Chief a passage, referring to his colleague, that is most agreeable to read: he says, "Admiral Hope is the best colleague I could possibly have had. He has a first-rate head, and his zeal and energy are untiring. His arrangements are all first-rate." Throughout the operations the utmost personal concord existed between the different arms of the service, especially between the Indian forces and those formerly called the Royal army. This distinction is now done away with, and I am happy to think that the two armies have been so successful on the first occasion they have been brought together, and have acted together, since the East India forces received the name of Royal.

My Lords, another feature of these operations has been the first use of that new artillery to which the Government has devoted great care and attention; and I cannot but congratulate my predecessor in office (General Peel) on having had the courage, amid a great variety of inventions to adopt ,and, on a large scale, to bring into use the Armstrong gun. These guns had been severely criticized. Many persons admitted that they were a fine arm, of beautiful construction, and admirable at a long range; but they predicted that when actually used in war they would be found difficult to serve, too intricate and delicate, too much like a toy, to be so good or useful as the old field-pieces. Well, these new guns stood the long sea-voyage, and after not one but several transhipments, were landed in the best condition. Some of the ammunition was damped by the sea, but none of the guns were injured; and throughout the Commander-in-Chief's despatches the greatest admiration was expressed of their efficiency in actual service. But at the time these guns were sent out so much doubt had been expressed of their ultimate success that I thought it prudent to send out with every Armstrong gun a cannon of the old smooth-bore construction, to take its place in case of accident. But I am happy to say the Armstrong guns have proved entirely successful; and I believe the English army may be congratulated on possessing at this moment the best gun in the world.

My Lords, there is another point on which I wish to make a few observations—I mean the recommencement of hostilities on the 18th of September. On that day Mr. Parkes, Mr. De Norman, Lieutenant Anderson, Captain Brabazon, Mr. Loch, and Mr. Bowlby were taken prisoners. Now, there can be no doubt that these gentlemen, at the time they were so captured, were under the protection of a flag of truce. There can be no doubt of the inhumaity with which they were treated. The fate of these officers, and the sufferings they endured, made a profound impression on the people of this country. We bitterly lament the fate of those prisoners who perished. They did not fall in the storm of battle; they did not die a soldier's death, in the face of day and in a fair field. Had it been so, their deaths would have been less sorrowful. But they died in a fearful manner. They were made prisoners by treachery, carried off, and bound; their sufferings were cruelly increased by the cords being tied so as to cut into the flesh of their hands and feet, and wetted to increase their tension. They were taken in carts to distant places, exposed to both heat and cold; and their sufferings were aggravated by every species of indignity. They were all men of distinction. Mr. Parkes, by his activity and energy, had given the greatest assistance to the expedition. By his means the Commissariat Service became almost unnecessary, as he induced the country people to bring abundant supplies into the camp. Mr. De Norman was a young man of great promise, and had shown talents of no common order. Captain Brabazon was an officer of finished talent and skill in drawing, and had often been selected to take sketches of the country for the military operations. Lieutenant Anderson was an officer universally lamented. I have seen a description of the manner in which the news of his death was received at the head-quarters of his regiment in India; it had a most touching effect both on officers and men. There was also among the prisoners a gentleman, whom, I am glad to state, I have myself seen this day—Mr. Loch, who has happily survived the ill-treatment of the Chinese. Mr. Bowlby was the Correspondent of *The Times*, and had distinguished himself by the remarkable vigour and vivacity of his descriptions of the events of the war. The act of treachery by which these gentlemen were made prisoners was generally deemed one that deserved to be visited by some marked retribution. I do not believe there has been any great difference of opinion on that point. It was necessary that something should be done to mark the indignation we felt at the treacherous conduct of the Chinese.

Now, my Lords, let me mention two or three peculiar features of this campaign, which distinguished it from all former expeditions. First, we have had no failures in the Civil Department of the expedition. It had an excellent Commissariat under Mr. Turner; it had an excellent Medical Staff; and for the first time an attempt has been made to introduce the system of appointing a medical officer for purely preventive and sanitary purposes. I am informed that the greatest success has attended the operations of this system. Not only has there been more attention to prevention, at all times better than cure, but it has diffused the same spirit of care among the officers, and certainly the greatest success did attend the operations in a sanitary point of view. I have heard criticisms made of the cost of these precautions; and I have heard it said that if the cost of these hospital ships were divided by the number of patients on board of them, it would show that each patient cost an extraordinary amount. But that was because the expedition had been so singularly healthy. If there had been a great amount of sickness, the cost of each patient would, of course, have been much less; but the apparent large cost is the result of the success which has attended our sanitary precautions. After all, what expense can be too great, within reasonable limits, which insures that your army shall be perfectly efficient? When including casualties of all kinds, deaths and wounds, we find there was a better state of health and a lower rate of mortality among the troops forming the expedition in China than usually exist among troops in tropical climates in a time of peace, the success of the sanitary measures that were adopted is beyond dispute. There was a time when hostile critics said of English expeditions, that we could always obtain fighting men, but we could not find a general to lead them, nor a Staff to direct them, nor a Commissariat to feed them, nor a Medical Staff to maintain them in health; but I say that Sir Hope Grant's army has given the lie to all those assertions. There has not been a failure throughout the campaign, not a single repulse have we sustained, and not only has our loss been very small, but the loss, also, of the Chinese, considering the enormous hordes with which they met us, has been remarkably trifling. Her Majesty has graciously expressed her approbation of the conduct of her army; she has distributed promotions and rewards; but it remains for the country and for your Lordships' House—which is no small portion of the country—likewise to convey to the troops, the commander, officers, and men, an expression of the gratitude which we owe to them for their arduous labours and their brilliant achievements, which have resulted in what I trust will prove a lasting and honourable peace. We have had in this campaign an admirable force beautifully handled and universally successful; there has not been a single reverse or drawback; and I trust, therefore, that, without trespassing further upon your Lordships' patience, I may with perfect confidence anticipate your unanimous assent to the Motion which I have the honour now to propose. The noble Lord concluded by moving to resolve—

"That the Thanks of this House be given to Lieutenant General Sir James Hope Grant, G.C.B., Vice Admiral Sir James Hope, K.C.B., Major General Sir John Mitchell, K.C.B., Major General Sir Robert Napier, K.C.B., Rear Admiral Lewis Tobias Jones, C.B., for the distinguished Skill, Zeal, and Intrepidity with which they conducted the combined Operations in the North of China which terminated in the Capture of Pekin, whereby an honourable Peace has been obtained on the Terms proposed by Her Majesty and Her Ally The Emperor of the French.

"That the Thanks of this House be given to the other Officers of the Navy, Army, and the Royal Marines, including Her Majesty's Indian Forces, both European and Native, for the Energy and Gallantry with which they executed the Service they were called upon to perform.

"That this House doth acknowledge and highly approve the Gallantry, Discipline, and uniform good Conduct displayed by the Petty Officers, Non-commissioned Officers, and Men of the Navy, Army, Royal Marines, and Her Majesty's Indian Forces, European and Native, and the cordial good Feeling which animated the united Force.

"And that the same be communicated to them by the Commanders of the several Ships and Corps, who are respectfully desired to thank them for their gallant and steadfast Behaviour."

THE EARL OF DERBY; My Lords, if my noble Friend, who has for the first time to night shown in this House the great ability for which he has been so eminently distinguished in "another place," and who, I hope, will long continue to adorn the discussions of this House—if my noble Friend had had an opportunity of selecting the particular occasion upon which he would first address your Lordships' House, I think he could hardly have selected one which would have imposed upon him a more grateful task, and one more gratifying to his own feelings, than that which has to-night devolved upon him. For, my Lords, it must be a high gratification to my noble Friend to appeal—and with a perfect confidence that he would not appeal in vain—to your Lordships for a unanimous concurrence in an expression of admiration of the gallant services by which the name and reputation of this country have been so well sustained, and which in their results, it may be hoped, have procured for this country, not only so much credit, but also permanent and solid advantage. But I cannot help thinking that it must also be gratifying to my noble Friend to feel that, without derogating in the slightest degree from the merit of those who, under his auspices, in a distant part of the world, under circumstances of the greatest novelty, have so ably sustained the honour of their country, no small portion of the success which has attended the expedition may, without the slightest arrogation of anything that is not justly due to them, fairly be claimed by those departments of the public service which have been mainly instrumental in organizing and equipping the expedition. It is most satisfactory to feel that we have derived in many respects advantages from the bitter lessons of past times. I think that upon the present occasion it is the more incumbent upon me, as not being connected with the Government, and as not being able to pledge myself to give them my regular support and general confidence—it is, I say, the more incumbent on me to express my deep sense of the admirable manner in which the departments especially concerned organized and sent out this expedition. In every respect does there appear to have been exercised the greatest care and attention. That care and that attention were bestowed not only upon the efficiency of the troops and arms—to which I was glad to hear my noble Friend offer a well deserved tribute of praise,—but also for the health and comfort of the men, and which I say again reflects the highest credit upon all the departments, more especially upon those which are presided over by my noble Friend himself, and that which is presided over by the illustrious Duke (the Duke of Cambridge) upon the cross benches. There are many reasons, my Lords, why, in seconding the Motion of my noble Friend, I should not attempt to follow him through the very clear and lucid history which he has given of this short campaign. In the first place, whatever may be its ultimate consequences, the campaign itself cannot pretend to that deep interest and thrilling anxiety with which of late we have been accustomed to view military operations in the East; and none of the events which have occurred in the course of this campaign have excited that intense interest with which this country looked forward to and watched the successive march of events during the great revolt in India —the fall of Delhi, the relief of Lucknow, the successive marches and efforts of Havelock; the stern endurance which characterized the acts of Havelock, of Outram, of Inglis, of Lawrence, of Sir Hope Grant himself, of Sir Hugh Rose; and last, although not least, of my noble and gallant Friend who I am happy to see upon the cross benches (Lord Clyde). The achievements of these and others it is unnecessary now to refer to, because they have already received the high mark of distinction conferred by your Lordships' thanks and approval. But, my Lords, although the Chinese campaign did not present events of such peculiar interest as occurred in India, yet, if we look at what has been effected, and consider that the force employed, both naval and military, scarcely, if at all, exceeded 20,000 men, and that that force, in the course of little more than two months, effected a landing at Pehtang, penetrated to the very centre of a gigantic empire, containing, we are told, 300,000,000 of people, and after having captured the Taku Forts—which offered no inconsiderable and no discreditable amount of resistance—advanced to the very gates of the capital itself and there dictated its own terms of peace; when, I say, we compare the results that were achieved with the apparent disproportion of the force employed, really the whole affair seems more like a page of romance than a leaf of sober practical history. It cannot be said upon this occasion, as upon former occasions, that our troops in China have had none or few difficulties to overcome. In the first place we have met with no contemptible foe in point of courage and bravery. The Tartar cavalry in especial, have shown a degree of courage and energy, which, had it not been for our vast superiority in arms and discipline, might have been difficult to overcome. The Taku Forts were places of great strength, vigorously and ably defended, their natural strength had been greatly aided by artificial means, and they could only have been captured by gallantry and perseverance such as was displayed by the attacking force. But another reason why I should abstain from entering into any lengthened analysis of these events is that I feel I could add nothing to the accuracy of the description which my noble Friend opposite has very properly, from his official position, given to your Lordships, and also because the praises bestowed upon the commanders and other individual officers come with greater value and authority from him than they would from one holding no official position. Before I go further, however, I must say that, as regards the merits of individual officers and the part they have taken in the late events, the House has been left somewhat in want of the usual official information given on like occasions. I speak under correction, but I think it has been the usual, if not the invariable practice, when notice of Votes of Thanks is given, to state in the notice the names of those officers upon whom individually it is intended to confer the Thanks of the House. Whether that be the rule or not, your Lordships will agree that it would be a great convenience to do so, as it would enable those who are to take part in the discussion to make themselves acquainted with the particular merits of the individual officers who are to be named in the Vote of Thanks. Again, my Lords, having read with great interest the reports contained in the despatches of Sir Hope Grant and Admiral Hope of the events of the campaign, of which the landing at Pehtang and the capture of the Taku Forts were the most prominent and leading features, I turned, upon notice being given of this Motion, to the only official information which has been presented to us by Her Majesty's Government—namely, the papers relating to the transactions arising out of the war with China — and there, to my great surprise, although I fonnd described in great detail every other transaction connected with the war, I found not a single despatch from Sir Hope Grant or Admiral

Hope giving a detailed statement of any one of the great operations which have taken place, still less any particular notice of the distinguishing services rendered by individual officers. Take, for example, the capture of the Taku Forts. The only notice of this event contained in the blue-book laid upon our table by the Government is a despatch of two or three lines from Sir Hope Grant, announcing, not the operations by which that capture was effected, but that he had received the surrender of the commander of those forts. Excepting that slight intimation, and one or two short Reports made to the Secretary of State by Colonel Foley, the Commissioner of the Queen with the French army, there is no ground laid in the documents now before us for the Vote which the noble Lord has proposed. I do not pretend to dispute the propriety of this Vote of Thanks, or wish to be understood as making any objection to it, but I think when a Vote of this kind is asked for eminent public services, we ought to have from Her Majesty's Government some official account of the services to which the Motion applies. We have this information, it is true, through the public newspapers, but the newspapers are not the basis on which we ought to proceed; and, although we may have seen alleged copies, and doubtless authentic copies, of despatches from the General and the Admiral, it would yet be more regular if those documents were formally placed before us as the official vindication and ground of our proceedings. My Lords, if my noble Friend opposite has not singled out any individual officer for approval—

LORD HERBERT: I named the General and the Admiral.

THE EARL OF DERBY: I meant except those mentioned in the Resolution—namely, Sir Hope Grant and Admiral Hope. But, my Lords, it is impossible for any words too highly to mark our sense of the services of Sir Hope Grant and Admiral Hope. Of Sir Hope Grant it is enough to say that in China he has fully maintained, if he has not even surpassed, the distinguished reputation which he earned by his exploits during the Indian mutiny. There is, however, one point stated in the public prints to which I hope I may be permitted to advert, though it does not appear in the blue-book—and there is good reason why it should not. A circumstance has been stated in print — and I have never seen it denied — which reflects so much credit on Sir Hope Grant that it would be an injustice to him to overlook it. My noble Friend has spoken, and in terms, no doubt, of deserved congratulation and commendation, of the good spirit and perfect unanimity which actuated all parties and all branches of the service engaged in the joint expedition. It is not in the slightest degree with the view of throwing any doubt on that perfect unanimity that I refer to the fact that, with regard to the operations against the Taku Forts, there existed, previous to their being commenced, considerable difference of opinion between Sir Hope Grant, acting on the part of the English, and General Montauban, commanding the French forces. My Lords, difference of opinion on such subjects must often occur among military men. But it has been stated, and not denied, that this difference of opinion went so far that General Montauban felt it due to his Government and his own reputation to enter a protest against the particular mode of operations intended and designed by Sir Hope Grant. Now, my Lords, if this were the fact—and I believe there is no question about it — I say it added greatly to the merit of our commander that under such circumstances he ventured to take upon himself the very serious responsibility of acting upon his own judgment, overruling the judgment and decision of the officer at the head of the French army, and, of course, incurring the risk of all the obloquy, odium, and discredit that would naturally have attached to him if the measure had resulted in disastrous failure, instead of the glorious success that crowned it. It is satisfactory also to know, after the event, that the event itself amply vindicated the judgment of our General; because, after the northern fort was taken, which Sir Hope Grant always believed was the key of the position, it was clearly ascertained that if that fort had not been first attacked, and if, according to the advice of the French commander, the operations had begun with the assault of the southern fort, even if that assault had been eminently successful, the invading forces would have found themselves commanded by the northern fort, and the whole of their labour would have had to be recommenced, and recommenced under great disadvantages. I mention this, Lords, because I think it is highly creditable to Sir Hope Grant that he exhibited not only that skill and courage for which everybody knows he is pre-eminently distinguished, but also that under most difficult circumstances, and at the distance at which he was from any possible concert or consultation, he should not have shrunk from the immense responsibility involved in acting, on so important an occasion, on his own undivided discretion. At the same time, I feel bound to say that it reflects great credit on General Montauban that, notwithstanding his strong views of the impolicy of the course proposed to be adopted, and his decided preference of a different course, the cordiality with which he supported the attack which he disapproved, was not in the slightest degree diminished by this difference of opinion. And I am sure that no man could have been more gratified than was General Montauban himself when he found that his own apprehensions were not realized, and that his co-operation had gone far to secure the happy termination of an operation which had so important an influence on the final success of the war. The remainder of the campaign was not such as to afford any scope for brilliant services. And, my Lords, I must here express my regret that the circumstances under which these hostilities were carried on did not give Admiral Hope and our naval forces an opportunity of taking a more prominent and active part in the proceedings than fell to their lot. Certainly, whatever they did they did gallantly, energetically, and successfully; yet I repeat I cannot refrain from the expression of a feeling of lingering regret that it was not possible for them—I will not say to retrieve any disgrace, because the reputation of the British arms for valour and endurance was never more signally sustained than in the attack upon the Taku Forts in the former year, but—to take a more conspicuous share at the scene of their previous disaster, and in that way to obtain, in their own estimation, a compensation for that reverse and the temporary discredit which might have been cast upon them in the eyes of those who did not understand and could not appreciate the difficulties under which the former attack was made. But if the remainder of the campaign was marked by no brilliant services, it at least bore evidence—and this is no slight gain—not only of the great discipline, good order, and subordination of our troops, but of the readiness of all the native Chinese to receive—even to assist and give them every support in their power—during the whole of their march. The march, my Lords, was not like a march through an enemy's country, but through a friendly population. That very circumstance may tend to dissipate the great delusions and very false impressions entertained respecting the disposition of the people of China generally towards strangers, and holds out hope that the success of this expedition, and the experience which it has given the Chinese of the discipline, regularity, and good order of our troops, will conduce to the attainment of those commercial advantages and that peaceful intercourse with the Chinese people which it has been anticipated will follow the opening up of this great Empire, and which was the great object sought to be attained by the war. I have seen remarkable accounts of the good disposition of the native population. So great was the co-operation of the people, that on one occasion, when Mr. Parkes went to Tien-tsin, I think, or some place further forward, he found a local commissariat which had been provided for the Tartar troops. That commissariat, especially organized for those Tartar troops, transferred their services to the troops of the invader; and from that time the enemy's commissariat supplied us, with the most perfect regularity, with everything required for the use of our army. It may be said that this was a mere act of submission; but I do not think that any people, however low, would, after all, evince such a readiness to co-operate with an invading force, if that force had signalized its advance by any acts of inhumanity, atrocity, or unnecessary pillage or violence. I believe, therefore, we may recognize in this alacrity on the part of the people to contribute to our assistance, a valuable testimony to the good order and discipline which appear to have prevailed among the forces of Her Majesty. I can only hope that when our commercial intercourse with China becomes greater than it is at present the conduct of our civilians engaged in that intercourse may be such as to keep up the good character for order and friendly behaviour towards the native population which seems to have distinguished our military service. My Lords, I will not say one word upon the other bearings of this war. I think that the question to-night is one of a purely military nature, and that we are called on only to return the Thanks of this House for the efforts and achievements of those connected with this expedition. I will not, therefore, even venture to enter into any theory as to the probable and ultimate result of the treaty which has been concluded. Indeed, my Lords, it appears to me that it would be very difficult for any one to form such a conjecture in the present utter disorganization of the whole Chinese empire. The terms of the treaty, however, without being unnecessarily stringent, have certainly obtained a large opening for our commerce; and I can only hope that our merchants will avail themselves of that opening—not with energy only—for that they are sure to do—but with justice and forbearance towards the Eastern race with which they are brought into contact. Nothing has been said of the merits of Lord Elgin, but I think it would be unjust to him not to say that the papers communicated to the House have impressed me with a strong sense of the ability, intelligence, firmness, and, at the same time, moderation, which he has displayed throughout these transactions. At the same time I must say — even after having heard the grounds on which the measure has been attempted to be vindicated—I do feel some regret at what I consider the unnecessary demolition of the magnificent place of the Emperor of China. It is quite true that we had ample grounds for showing, I may call it, a vindictive spirit, and a vindictive spirit bearing upon the chief authorities of the Empire. No doubt, as my noble Friend stated, some of our countrymen had been disgracefully kidnapped under a flag of truce, and treated in the most barbarous and disgraceful manner; and we had ample title to require reparation, if any reparation could be made for such injury and insult. It is also undoubtedly true, as Lord Elgin has stated, that it was very difficult to take any other mode of reparation or revenge—for it was nothing less—than that he adopted. To make it a mere matter of pecuniary compensation would have been to act too much like the Chinese themselves. To have demanded the surrender of the actual murderers would have led to the surrender of some miserable wretches, taken probably at random, whose sacrifice would not have satisfied the justice of the case. On the other hand, if we had required the surrender of Prince San-ko-lin-sin, under whose authority these atrocities were committed, the demand would have been evaded, and we had no power or possibility of enforcing it. Nevertheless, whatever difficulty there may have been in the case, I must say that I am not satisfied that the demolition of the palace of Yuen-min-uen was either a necessary or a politic act. I think it likely to produce a painful and prejudicial impression against us as to the mode in which we carry on our military operations, and it appears to me to have been a mistake in point both of judgment and policy. But, my Lords, I have already exceeded the length at which I meant to address you. I am perfectly satisfied to give my support to the Motion of my noble Friend, and I am glad to have the opportunity of expressing in my place the confidence I feel that the acquiescence of your Lordships will be not only cordial but unanimous, without distinction of party or political feeling, not only in the Motion made, but in entire approval of the course the Government have taken in submitting it to your Lordships' consideration.

The Duke of CAMBRIDGE: My Lords, after the full and able manner in which this Motion has been brought forward and seconded by my noble Friends who have preceded me, I feel that little remains for me to add further than to express my entire occurrence in the proposal made to your Lordships. At the same time there are one or two military points on which I think it may be desirable that I should say a few words to your Lordships; for there are points, my Lords, on which we have received a lesson which I hope we shall not soon forget. In the first place, I cannot but think that we have now found out that when, unfortunately, this country is compelled through circumstances to go to war, the sooner that war can be brought to a close the better and cheaper it is for the country; but that object can only be effected by ample and abundant means of military operation. In this instance we may consider that the war in which we have been engaged was a little war; but that great man, the Duke of Wellington, once said, "England cannot carry on a little war;" and, even in the present case, that saying has proved correct, for, though the war might be considered a little war, the means and appliances used were on a great scale, and the consequence has been entire success, although the campaign was carried on at a distance from home greater than that at which we have ever before conducted military operations. We have had, it is true, two contests in China before, but they were on a very reduced scale, and the means now necessary were not then required. On the part of the military authorities, having had some participation in the arrangements that were made for conducting this war, I must express on the part of the army my great gratification at the manner in which the military were supported by the civil branches of the administration. There has been no holding back in any respect; everything required was done; everything thought necessary was well and readily accorded; and the result, as I have said, was that everything was successful, although the field of operations was at such an enormous distance from home. My Lords, it would be very unjust and improper on my part to omit to mention that no one gave himself more anxiously and laboriously to the preparation of this expedition than my noble Friend behind me (Lord Herbert), and we ought not now to forget that a great part of the merit connected with it is due to my noble and gallant Friend on the cross-benches (Lord Clyde). Although the military stores were sent from home, the whole expedition, so far as troops were concerned, was sent from India, under the direct authority and management of my noble and gallant Friend. To him therefore, I ascribe, in a great measure, the complete efficiency in which the expedition was landed in China. There are other military points which have certainly been most fortunately brought under the notice of the public in this war. This is the first opportunity on which we have been able to judge of the effect of that wonderful new description of ordnance with which our army is now being gradually supplied—I allude to the Armstrong gun. I know that experiments are constantly going on; but, however valuable and necessary these may be, they are as nothing compared with the information obtained by the actual use of these weapons in the field. Only yesterday I had the opportunity of conversing with a most excellent officer on his return from China. I asked what had been the effect of the gun under his charge, and his answer was, "I could go all over the world with that gun, and whatever the circumstances — however difficult — I am confident the result would always be the same." No doubt some alterations may be required, and alterations have already been made; but the Armstrong gun is now as perfect as any arm that can possibly be imagined. The merits and talents of the gallant and distinguished officer, Sir Hope Grant, who was placed at the head of this expedition, have been so fully brought to your Lordships' notice by both my noble Friends who preceded me, that nothing is left for me to say, than that I believe there never was an officer who so thoroughly, so efficiently, conducted the operations entrusted to him. And let me remind your Lordships that his position was in many respects a very trying one. As has already been well pointed out, joint operations are always more difficult than operations conducted by one country alone. Difficulties did arise, as has been stated by my noble Friend who spoke last. There was actually a difference of opinion between him and the French general on a most important military operation; when my gallant friend, Sir Hope Grant, decidedly took the right course. Still, so cordial and so satisfactory were the relations which existed between him and General Montauban, at the head of the French army, that in no respect was that good feeling interrupted or disturbed by this difference on an important military question. Those two officers differed in opinion, each thinking his own the correct one; and Sir Hope Grant took his own course, the other cordially supporting him—both showing the most admirable feeling, which redounds very much to the credit of those gallant and distinguished officers. I am sure your Lordships will agree with me that nothing could have exceeded the good feeling that existed throughout between our allies and our troops. In the whole of these operations, both French and English troops vied with each other in anxiety to do their duty, and do it in a manner creditable to themselves and their country, which they were bound and willing to serve. My Lords, there is another point of great importance to which I wish to refer—that in these operations we had Native troops of India associated with European troops in Her Majesty's service, and that after a period of great anxiety in India, which made it a matter of much interest to observe how these distinguished and gallant troops would behave when associated together in a distant land. Nothing could have exceeded the good conduct and good feeling of the Native troops of India while on service in China. My noble Friend the Secretary of State has alluded to a charge subsequent to the capture of the Taku Forts, in which the European cavalry particularly distinguished themselves; but it is the fact that upon that occasion the European and Native cavalry charged at the same time, and the only reason why the latter were less successful was, that the horsemanship and equipment of the Natives were not exactly suited to the requirements of that particular occasion. But the gallantry of that charge, both as regards officers and men, European and Native, was most conspicuous—it was one of the most gallant deeds that could possibly be performed. I have heard from an eye-witness, that the position of the Tartars was such, that it required the greatest presence of mind and the greatest determination, to attack in front an enemy posted as they were; yet the attack was made and made successfully. I am also anxious to express the sense which I entertain of the conduct of the Royal Navy. The conduct of the Royal Navy, as it always has been, and as it is always sure to be, was admirable. It is true the navy was not able to take so prominent a part as it could have wished in the operations of the war; but, on the other hand, our military forces could not have arrived in the admirable state in which they were landed in China, nor could they have carried on their operations there with the same hopes of success, had it not been for the indefatigable zeal with which the navy supplied them with everything they required. The ships, in fact, were the base of our operations, and without them the expedition might have failed. All the larger ships were also necessarily at a considerable distance from the scene of operations. From a report I have seen as to landing the troops, and all the horses, and other things required, it was one of the most tedious and trying operations that the navy could have been possibly called on to perform; but, notwithstanding this, they did perform their duty in a manner such as they were sure to do it. I have, as I have said, and as has been said by my noble Friend (the Earl of Derby), only one regret, that the navy did not have an opportunity of sharing in all those distinctions and all that glory to which military men naturally aspire in cases of this sort. I could wish also to allude more particularly to the names of some officers who have distinguished themselves in the campaign, though, no doubt, it would be very difficult to select particular names, for the war, with one exception—the taking of the Taku Forts—was very general in its character; yet still there is one name which has been already brought before your Lordships, that of Sir Robert Napier. I rejoice the more, because this gallant officer commanding one division, and Sir John Mitchell the other, that it was Sir Robert Napier's lot to command, especially at the taking of the Taku Forts, especially from the fact of that officer being a member of our sister service, the local service of India. It affords me the greatest satisfaction to see so gallant a man as he has shown himself to be, under my noble and gallant Friend (Lord Clyde), have such good fortune, and I am convinced that this distinguished officer may safely be called on on other important occasions, and that he will always do credit to the name that he has the honour to bear. There is one other circumstance to which, with great regret, I must refer—that portion of the operations to which, in common with all your Lordships, I must look with great grief. I allude to the fate of those unfortunate individuals who, in the performance of their duty, were treated in a manner which we have certainly never heard of before in civilized warfare, and, I think I may add, even in warfare that was not civilized. They were treated in a way which they in no respect deserved; and which certainly called for some very strong expressions of feeling on our part. such as has been alluded to by my noble Friend. It is not for me to go into the question whether what was done was right or wrong, but this I do say—and I say it, besides, with the authority of my noble and gallant Friend (Lord Clyde)—that some signal mark of indignation on the part of this country was necessary in order to impress upon the peculiar people with whom we were dealing our sense of the indignity which they had perpetrated on some victims whom they had accidentally seized under most unjustifiable circumstances. I knew one of those unfortunate men myself, and he was a most distinguished officer, Mr. De Norman, and, of course, this fact adds to the indignation that I have felt on this painful occasion; but, at all events, it is satisfactory to know the fact that up to the last our ill-fated countrymen performed their duty by their country; and that they died in a manner which, so far as they were personally concerned, will be a consolation to those who survive them. I beg cordially to concur in the Motion.

Lord CLYDE then addressed the House speaking from the back benches; his observations could not be heard. His Lordship was understood to express entire concurrence in the Vote of Thanks, and his high sense of the skill and valour displayed by our troops and their commander in China. He eulogized the conduct of the war by Sir Hope Grant, whom he had known and trusted in India, and joined in the expressions of admiration used by the Royal Duke who preceded him with respect to Sir Robert Napier. For himself, he said, that so far as he was personally concerned in preparing the expedition he had only carried out the details of a plan previously arranged.

EARL GREY: My Lords, in giving my cordial support to the Vote of Thanks proposed by my noble Friend on the Ministerial bench I should not have thought it necessary to trouble your Lordships with any observations, were it not that I have more than once expressed my opinion against the policy and justice of the war now brought to a close in China. From that opinion I have in no way departed. I still think that the war in China was most unjust and most impolitic; and I am still persuaded, whatever may be the state of things at present, that the ultimate result of the war will, in all probability, be most injurious to our interests in China. But our army and our navy are not responsible for the character of the war; and, as I believe, they well deserve all the commendation they have received, as I think they have shown courage, skill, and discipline in the highest degree, I am of opinion that the tribute which we are now called upon to pay them has been fairly earned, and the thanks proposed to be awarded to them meet with my cordial concurrence. I shall only add that, whilst I think it inexpedient, after what has fallen from the noble Lord, to raise a discussion on this occasion upon any matter on which there may be a difference of opinion; I, at the same time, think we ought at some time and in some mode to have an opportunity of expressing our opinion with respect to the policy and probable results of the war. It is of the deepest importance that the subject should be brought before Parliament for discussion; for it is eminently worthy of observation that this war has been entered into and brought to a close without the ground for the war, the reasons for it, and the views with which it was undertaken having ever been brought formally under the notice of Parliament. I hope that at some future time the Government will call the attention of the House to the subject; but if they do not do so I think that it will be the duty of myself or of some other Peer to do it.

The DUKE OF SOMERSET said, that after the unanimous expression of opinion to which their Lordships had that evening been listening, it might seem unnecessary to prolong the discussion in which they were engaged. He did not, however, like to let the present occasion pass by without saying how entirely he concurred in those praises which had been so cordially bestowed upon the officers and men who composed our recent expedition to China. The department over which he had the honour to preside had not, it was true, had an opportunity afforded it of exhibiting, in the course of the stirring events to which that expedition led, those dazzling and brilliant qualities which, in all former wars in which we happened to be involved, had won for the navy the applause and admiration of the country. But their Lordships were well aware that the services rendered by it in China were, nevertheless, of a most important character. In dealing with those services, the preparation for months beforehand, the maintenance of the necessary communications, the embarkation and disembarkation of the troops, and other labours, demanding for their successful performance the most ready obedience, the most unflagging energy, and the greatest professional skill, must not be lost sight of; and, when all those matters were taken into consideration, our naval forces in China would, he felt assured, be found to be eminently worthy of the gratitude of the nation. He held in his hand a letter from Sir Hope Grant to his noble Friend the Secretary for War, in which that distinguished officer bore the highest testimony to the efficiency of the assistance which had been rendered by our gunboats in the operations in the north of China, and in which it was stated that by means of those vessels the communications between the troops were kept up and stores landed under circumstances in which not a single transport could get within nine miles of the shore. In all operations carried on upon the sea-shore, these gunboats must be of the greatest advantage, and in no instance could this be more satisfactorily illustrated than in the late operations in China. Sir Hope Grant concluded by saying that he could not too strongly express his opinion of the value of the gunboats, nor of the admirable manner in which they were worked by their commanders. So that at the very time last summer when these vessels were being denounced in more than one quarter at home as being rotten and unfit for service, some of these very boats had traversed 15,000 miles of sea, and having arrived in the Gulf of Pecheli, had there rendered the greatest service in the conduct of the operations. He might be allowed, in the next place, to observe, in reply to what had fallen from the noble Earl opposite (the Earl of Derby), that the reason why the despatches of our military and naval commanders in China did not appear in the papers on the table was to be found in the fact that the blue book had been prepared by the Foreign Office, to be produced at the meeting of Parliament, and that it was made to embrace, for the most part, only those despatches which were addressed to that department. The despatches, however, had appeared in *The Gazette*, and therefore, their Lordships were well aware of the tenor of those despatches, though he admitted that it would have been more regular if they had been laid on the table of the House. With regard to another point to which the noble Earl adverted—the destruction of the Summer Palace of the Chinese Emperor — he must say that he could not agree with the noble Earl. Allowance must be made for the feelings of the army when they knew that their comrades who had been taken so treacherously had been so cruelly used by the Chinese; and that, at this very time, when these cruel acts were being committed, the Chinese communicated with the army, saying that these persons were well treated and would be restored without any injury whatever. This falsehood, treachery, and cruelty did, in his mind, justify some strong measure of retaliation. Now, what measure of retaliation could be adopted? He thought that the arguments brought forward by Lord Elgin showed that if something was to be done nothing could be done which would bear so effectually on the Government as the destruction of the Imperial Palace; and, he believed, that those who were acquainted with the country would agree that the destruction of that Palace was also of great use in leading to the signature of the treaty. He believed that when the Chinese officials saw the destruction of the palace they became impressed with the conviction that we were in earnest, and that, therefore, longer to deal in deceit would not answer their purpose, and that there would be an attack upon Pekin if they did not sign the treaty. In passing he must say that both the Government and the country were much indebted to Lord Elgin for having, at considerable inconvenience and great personal risk, undertaken a second journey to China in order to effect an object which he was by far the most competent person to effect, and which it was of the utmost importance that we should attain. He earnestly hoped that now we had got a commercial treaty with the Chinese it would lead to more intimate and friendly relations, and that a better understanding between the people of the East and of the West would prevent any more war between them. The Chinese said that the spear and the shield were laid aside for ever; and he hoped that the Chinese Government would be true to their engagements, and that friendly intercourse, which the Chinese people had always shown a desire for, would be promoted—for it was with the Government of China, and not the people, that we had been at war.

THE MARQUESS OF BATH said, he only rose to say a few words in consequence of the Government having defended the conduct of the Earl of Elgin, in having ordered the destruction of the Summer Palace. The noble Duke (the Duke of Somerset) seemed to assume that the destruction of the Imperial Palace had taken place in a moment of excitement, caused by the circumstance of the cruel treatment inflicted upon some of their comrades having come to the knowledge of our troops. Now, had that been the case, the act might, perhaps, to some extent be justified; but the fact was, that the order to sack and destroy the palace had been given by Lord Elgin in cold blood some time after the occurrence of the events to which the noble Duke alluded; and, if report were true, in spite of the remonstrances of the French, who were anxious to avoid a proceeding marked by so much barbarity. Upon an occasion such as the present, when the gallant and devoted conduct of our army and navy was the more immediate subject of discussion, he did not wish to dwell at any length upon so disagreeable a topic; but he could not, at the same time, allow to pass unnoticed an act of vandalism, which, although it had been sanctioned by an English ambassador and defended by an English Minister, might, in his opinion, justly be ranked with such deeds as the burning of the library of Alexandria, or the sacking of Rome by the Constable de Bourbon.

THE EARL OF ELLENBOROUGH: My Lords, we are under obligations so deep to Lord Elgin, that I regret any question should arise among us as to the expediency of any part of his conduct in China. In dealing with the particular point to which the noble Marquess has adverted, we should, I think, do well not to give way to too great an extent to any feelings which we in this country may be disposed to entertain with respect to such acts; not to look upon them only from an European point of view, but to bear in mind that Lord Elgin had to make an impression upon Orientals, and to take a course which would be likely to render secure henceforward the lives of English subjects in a remote quarter of the world. For my own part, I cannot help saying that I believe no public man ever made a greater sacrifice than Lord Elgin did in proceeding a second time to China, while I am of opinion that his conduct throughout the recent transactions in which he was engaged has been marked by the utmost judgment, firmness, and discretion. Indeed, it is to him principally, I apprehend, that we owe the extrication of our army with honour and credit from a position utterly false in a military point of view.

Motion *agreed to*, *Nemine Dissentiente:*

Then it was *moved*, That the Lord Chancellor do communicate the said Resolutions to the Naval and Military Officers and Men engaged in Her Majesty's service in China:

On Question, *Resolved* in the *Affirmative.*

House adjourned at Seven o'clock,
till To-morrow, Half-past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 14, 1861.

MINUTES.]—NEW WRIT ISSUED.—For Pembroke, District of Boroughs, *v.* Sir John Owen, baronet, deceased.

PUBLIC BILLS.—1° Offences against the Person; Larceny, &c.; Malicious Injuries to Property; Forgery; Coinage Offences; Accessories and Abettors; Criminal Statutes Repeal; Appropriation of Seats (Sudbury and Saint Alban's); Law of Foreign Countries.

2° Bankruptcy and Insolvency; Bank of England Payments; Red Sea and India Telegraph.

CALEDONIAN, EDINBURGH AND GLASGOW, AND SCOTTISH CENTRAL RAILWAY BILL.—SECOND READING.

Order for Second Reading read.

MR. BLACKBURN said, he rose to move the second reading of the Bill, for amalgamating these railways. The Bill was essentially the same as that before the House last Session. But, inasmuch as the Select Committee by whom it was considered last Session, rejected it on the ground that they could not find in it any advantage to the public, the promoters this year had made very material reductions in the rates which they proposed to take. The Bill, however, was to be opposed by several powerful interests, and he thought it was for them to show on what grounds they took the unusual course of opposing it on the second reading. The opponents of the Bill were the Corporation of Edinburgh, who, as the hon. Members for Edinburgh well knew, could make a very bitter opposition, the Corporation of Glasgow, and several large towns. Their argument was, that the Bill had already been thrown out, and that it was not reasonable to put the opponents to the expense of opposing it Session after Session in Parliament. But this Bill differed in several respects from the various other Bills that had formerly been before Parliament; and, as to expense, some expense must always be incurred, and he had no doubt it would appear that the expense incurred by the opponents was much greater than it need be.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. BLACK said, he would admit that it was not usual to oppose private Bills on the second reading, but there were precedents in favour of such a course, of which several occurred in the year 1848. The ground of the rejection was, that it was not reasonable to harass private individuals by introducing the same Bills Session after Session. Not one of these cases was half so bad as the present. Amalgamation was not the proper word for this Bill. Under the name of amalgamation the promoters sought to establish a monopoly; for, if the Bill passed it would give them a monopoly of the whole traffic between England and the north and west of Scotland. The hon. Member for Stirlingshire admitted that this Bill was substantially the same with that of last Session, which was unanimously rejected by the Select Committee of the House. It was now opposed by every chamber of commerce, and almost by every merchant in Scotland, who all felt the danger to which they were about to be exposed by this gigantic monopoly. He moved that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now" and at the end of the Question to add the words "upon this Day Six Months."

MR. DALGLISH said, he should oppose the Bill, as it was founded upon a principle of injurious amalgamation. The same Bill was last year for fifteen days before a Committee, and that Committee decided that the preamble of the Bill was not proved. All persons in the districts through which this railway passed were opposed to the Bill.

MR. BAILLIE COCHRANE said, that as a resident on the line, he could say that he was not opposed to the Bill; and he knew many others who were not. The Bill would give great facilities to the public, and prevent travellers journeying to the north from being detained four or five hours, as they now were, at the various junctions of the different lines.

MR. INGHAM stated that he was Chairman of the Select Committee which considered the Amalgamation Bill of last Session, and that the Committee were so thoroughly convinced that the scheme was not for the benefit of the public, that they rejected it without calling upon the opponents to state their objections. The Committee were much impressed by the number of bodies representing the mercantile community of Scotland who opposed the measure.

COLONEL SYKES said, the House would put the people of Scotland at the mercy of the railway companies if they sanctioned the proposed monopoly. The Bill had been before private Committees, and had been most carefully examined. If there had been anything about it of any value it would not have been rejected, and he called upon the House not to sanction these pertinacious applications when the sense of Parliament was clearly against the object sought to be obtained.

SIR JAMES FERGUSSON said, he did not think that the Bill ought to be taken out of the category of Private Bills and passed by discussion of that House. He objected to such a precedent as that being established in the present case. There was nothing about the Bill which could not be settled in the usual way. The promoters only sought to have confirmed by Parliament advantages that had practically existed for some time past, by which the public were as much benefited as themselves. These points a Select Committee ought to determine, and, therefore, he should support the second reading of the Bill.

THE LORD ADVOCATE remarked that when the Bill was considered last year by a Select Committee it was opposed by a large number of persons who represented the public; and, so far as he knew, it was not supported by a single petition. The promoters of the Bill had come to Parliament this year in pursuance of an agreement to do so for five years, until they carried the Bill. The House, therefore, would only be doing justice if they told those railway companies that, though they might agree to come to Parliament, as against the public, year after year, yet that it did not necessarily follow that the public would have to bear the expense of opposing the Bill.

MR. CAIRD said, the amalgamation would bring together nearly half the railway capital in Scotland. It was the seventh time the application had been made, and, unless the House put an end to it now, it might go on for years longer. Every large town on the different lines was opposed to the monopoly, and he hoped the House would reject the second reading.

MR. HADFIELD briefly spoke in favour of the second reading, and deprecated the feeling which seemed to have been excited by the statement that the object of the Bill was the establishment of a monopoly. Every railway in the kingdom was as much a monopoly as the Bill before them sought to establish.

MR. MILNER GIBSON said, that the Board of Trade has been invited to make a special report previous to the second reading of the Bill; but that, after consideration, they did not think that this was an occasion on which they ought to depart from their usual practice, which was not to make their reports at that time. The Board did not wish to express any opinion either in favour of or adverse to the Bill, but desired to leave the matter entirely in the discretion of the House.

MR. MASSEY said, he did not think any sufficient reason had been shown for taking the Bill out of the ordinary rule by which a Bill was read a second time, in order that it might be examined by a Committee. If it were laid down that questions once referred to a Committee should never, under any circumstances, be re-opened, the House would not long retain the jurisdiction over private business which at present it guarded so jealously. But when any opposition was made to the second reading of a private Bill, the opponents were bound to make out a case that was absolutely conclusive. Amalgamation might be beneficial in some case and injurious in another; but to pronounce in the abstract that railway concerns should never be consolidated under a central management was one of the most extraordinary propositions he had ever heard.

MR. BLACKBURN stated, that having a strong personal interest in the question, it was not his intention to vote.

Question put, "That the word 'now' stand part of the Question."

House *divided:*—Ayes 131; Noes 85: Majority 46.

Main Question put, and *agreed to.*

Bill read 2°, and *committed.*

CONTROVERTED ELECTIONS.— MEMBERS EXCUSED FROM SERVING ON COMMITTEES.—OBSERVATIONS.

The Clerk read the List of Members who have claimed to be excused from serving on Election Committees as being upwards of sixty years of age:

Also of the various Members of the Government who claim to be excused on the ground that their attendance would be inconvenient to the public service.

On the Question that Sir CHARLES WOOD be excused from serving on Committees,

MR. DISRAELI said, he did not, of course, rise to oppose the Motion; but he could not avoid saying that the rule by which hon. Members over sixty years of age were excused from serving on Committees required some modification. It had the effect of depriving them of the assistance of many hon. Gentlemen who were quite capable of taking part in the business of the House. Amongst the list read over by the clerk at the table were many Gentlemen who by their mature judgment were fully competent to render great assistance on Committees. To his astonishment he had heard read over the names of more than one hon. Member who had just entered the House, and one of whom had been returned as the representative of a large and important constituency. Those hon. Members were about commencing their public life, and this rule of the House stated that they were incompetent to fulfil all the duties that were thrown upon them. He wished to enter his protest against the present state of the law, but as it was the law of course more than a suggestion could be made. It was a subject which ought to engage the attention of the House, and he hoped it would come before the Committee which the House had recently appointed, with respect to the business of the House. That Committee ought to take the whole matter into their consideration.

Motion *agreed to.*

SALMON FISHERIES IN SCOTLAND.

QUESTION.

MR. ANDREW STEUART said, he wished to ask the Lord Advocate, Whether he intends at an early period of the Session, to introduce a Bill on the subject of Salmon Fisheries in Scotland, in accordance with the recommendation of the Committee of the Lords which reported last Session?

THE LORD ADVOCATE said, he had in course of preparation a Bill upon that subject, and he hoped to be enabled to introduce it at an early period.

ARTERIAL DRAINAGE.

QUESTION.

SIR JOHN SHELLEY said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce any measures for further facilitating the Drainage of Lands by the Improvement of Outfalls and Arterial Channels?

SIR GEORGE LEWIS said, he had had his attention directed to the subject during the recess. He believed it was one which excited a great deal of interest. He had a measure nearly prepared with respect to it; and he hoped to be able to lay that measure soon before the House, but he could not yet name a day for its introduction.

IRELAND—MILITARY AND CONSTABULARY IN LONDONDERRY.

QUESTION.

MR. M'CORMICK said, he would beg to inquire of the Chief Secretary for Ireland by whose advice and recommendation a large number of the Military and Constabulary Force were sent into the city and county of Londonderry, on or about the 18th of December last; and whether any Correspondence or Documents, upon which such orders were made, are in existence, and will be produced?

MR. CARDWELL said, that the constabulary and the military force had been sent to Londonderry upon that occasion on the responsibility of the Government, who had acted upon information conveyed to them in the usual manner, and not upon any formal requisition or sworn information. The Government had proceeded upon their own judgment with a view to the preservation of the peace.

INDIA.
PENSIONS TO THE MYSORE PRINCES.
QUESTION.

MR. BUXTON said, he rose to ask the Secretary of State for India, What amount of pension has actually been paid over to the Mysore Princes in each of the last seven years?

SIR CHARLES WOOD said, that the following entries appeared in the accounts which had been annually submitted to Parliament. In 1853–4, "Appropriated by the Treaty of Mysore for the maintenance of the families of Hyder Ali and Tippoo Sultan," £70,000; in 1854-55, the same sum of £70,000. In 1855-56, come, for the first time, the actual payments, namely, in that year £20,006; in 1856-57, £29,177; in 1857-58, £104,718; in 1858-59, £55,701; in 1859-60, £28,022; the average of those five years being £47,524. For the year 1860-61, that was to say the current year, as far as it had gone, the estimated payment was £54,000: and that would have to be increased before the close of the year by £12,000; so that the total of the year would be £66,000. In that sum was included the salaries of superintendents and other officials; and, as he had before stated, the ultimate permanent income of the members of these families would be £17,106.

PAROCHIAL SCHOOLMASTERS IN SCOTLAND.—QUESTION.

MR. STIRLING said, he wished to ask the Lord Advocate, If he proposes to introduce in the present Session any Bill for the relief of the parochial schoolmasters of Scotland, whose salaries have been diminished by the expiry of the late Act?

THE LORD ADVOCATE said, that he should have to submit to the Government a proposal upon the subject, but he could not state specifically whether a Bill would be introduced with respect to it this Session.

VAGRANCY, ROAD REFORM, &c., IN SCOTLAND.—QUESTION.

SIR JAMES FERGUSSON said, he wished to ask the Lord Advocate, Whether it is his intention to introduce Bills in the present Session for the suppression of Vagrancy in Scotland, for Road Reform, and for the abolition of the payment of Procurators Fiscal by Fees?

THE LORD ADVOCATE said, he had in preparation a Bill on the subject of road reform in Scotland, which would substantially carry out the recommendations of the Commissioners who had inquired into that matter; and he also proposed to introduce a measure on the subject of vagrancy in Scotland; but he had at present no intention of introducing a Bill with respect to the payment of procurators fiscal by fees.

OPERATIONS IN CHINA. — VOTE OF THANKS TO THE NAVAL AND MILITARY FORCES.
RESOLUTIONS.

VISCOUNT PALMERSTON: I rise, Sir, to perform one of the most agreeable duties which can fall to the lot of a Member of this House; and, in doing so, I call upon the House also to discharge one of its functions which, I am sure, must be the most gratifying to every Member of it. I am about to move that the Thanks of this House be given to a number of brave and gallant officers of the Army and Navy who have performed brilliant and distinguished services under circumstances of great difficulty, and with the most complete success. The operations to which I refer are those that took place in China in the course of last year, and they were in many respects of a most remarkable description. They were, in the first place, performed by a comparatively small European force at one of the most distant parts of the globe. They were performed by a force that was, perhaps, better equipped in every respect than almost any force that ever left the shores of this or any other country. There was nothing, in short, wanting on the part of those who in this country sent out a portion of the troops which were employed in China; nor on the part of the Government of India in that portion of the expedition which went from India to make the arrangements as complete and efficient as possible. The operations of the force were conducted with the greatest possible skill, gallantry, and intrepidity. Not a single mistake was made in the whole course of the expedition. There was no deficiency in any of the arrangements made either for providing the force with all those things that are necessary for service, and in transporting it from place to place, or in those naval and military operations which it was in the end called on to perform. There prevailed, also, I am happy to say, the most perfect harmony between the British and French forces, both military and naval, employed in the expedition. The difficulties were great, but they were overcome with rapidity. The period during which the operations lasted was comparatively short—comparatively, I mean, with reference to the dangers and difficulties that lay in the way, and the success, as I have said, was complete, without a single check being sustained throughout.

It is well known that the operations in China arose from the refusal of the Chinese Government to ratify the Treaty of Tien-tsin which had been concluded between the two countries. It became necessary to obtain the ratification of that treaty. The French and English Governments both concurred in that necessity, and each sent a force to obtain it; but both Governments resorted in the first place to persuasion and diplomacy to insure their object. Both Governments sent their representatives to China before they had recourse to extreme measures to endeavour to persuade the Chinese Government to fulfil the obligations which it had contracted; and it was not till every effort was made, and it was evident that nothing but force would obtain the ratification of those engagements, that force was resorted to. It was at the end of May that our whole force assembled at Hong Kong; at the beginning of June it left Hong Kong, and by the end of June reached the rendezvous at Talin-Whan, where the English and French forces joined each other. On the 26th of July everything was ready for commencing operations. I believe the French force had sustained by shipwrecks and storms the loss of some portion of their supplies, and it was necessary to wait till those losses could be made good. On the 1st of August the forces landed at Peh-tang, at the mouth of a river which runs a certain way parallel with the Peiho, being the point at which the Chinese Government had requested the Ambassadors on a former occasion to wait. The landing at Peh-tang was an operation performed with the greatest possible success, though not without great difficulty. The troops had to wade to a great extent up to their knees in mud before they reached dry land, and they then found a fortified position which might have been defended. They took possession of the town and forts the next day. For several days they had encountered difficulties from the weather, as there came on a very heavy rain that rendered it impossible for them to advance upon the Taku Forts they intended to attack. On the 13th of August they left Peh-tang for Ting-hoo, and prepared to land and to take the Taku Forts. It was thought more desirable to land in the north and take the forts in rear than to attempt a second time to force the barrier in front under the fire of the guns. In the march from Peh-tang the force came upon an entrenched camp of the Chinese, from which the Chinese were driven with great success. On the 14th of August they took possession of a place called Ting-hoo, where they gallantly captured forty-five guns. On this occasion there was resistance on the part of the Chinese, but it was rapidly overcome. On the 21st of August they performed a most brilliant operation in the capture of the Taku Forts. It is just to the Chinese to say that they conducted themselves on this occasion with the greatest intrepidity and valour. The position was strong, and there were a great number of forts armed with a great number of guns, and also defended with stockades and palisades. They were not taken without considerable loss on our part; but the loss of the Chinese, who defended themselves with a courage that commanded admiration, was much greater. On that occasion the force captured 400 guns, and after the northern forts were taken by storm, the southern forts surrendered. On the 6th of September the allied forces reached Tien-tsin, the place where the treaty had been concluded. Many attempts were made by the Chinese to induce the Ambassadors to enter into negotiations; but it was found that negotiations were begun by the Chinese, not to conclude an arrangement, but to gain time, in the hope that in a more advanced season the Allies would find operations more difficult. On the 9th of September the Allies left Tien-tsin, and advanced to a place within five miles of Tan-chow. An arrangement had been entered into between the Allies and the Chinese by which a place was to be marked out where the advanced guard of the Allies was to be encamped, and there negotiations were to be conducted by the Commissioners on both sides. This arrangement was entered into on the 9th of September; but on the 10th, when the troops arrived there, they found the ground which had been mentioned as a place of encampment during the negotiations, occupied by a large Chinese force very much superior in number to that portion of the Allies which had arrived there, and supported by a great quantity of artillery, placed in a most formidable and menacing position. Mr. Parkes, and other gentlemen who had been employed to negotiate, went for the purpose of demanding explanations of this change of position, so entirely at variance with the arrangement that had been made. On that occasion these civil and military officers, advancing under the protection of a flag of truce, a signal which was well known to the Chinese, and had often been used by them in their communication with the Allies, were treacherously captured; and, I am sorry to say, that the greater part of them fell victims to the barbarous cruelties they suffered in their captivity. The troops then found it necessary to act, and an engagement took place in which this greatly superior number of the Chinese troops were dispersed in the most brilliant manner, and the Allies remained masters of the field. It was supposed that not less than 20,000 Chinese were engaged in this action, 600 of whom were captured, and 75 guns were taken. On the 21st the Chinese again attacked the Allied army. They charged the field artillery, and were repulsed. A brilliant charge was then made by the British cavalry. The intrenched camp of the Chinese was taken, and they were driven back to Pekin, with the loss of many men and 43 guns. I may here state that in the whole course of the operations the allied troops captured between 500 and 600 pieces of cannon. On the 2nd of October the Allies advanced to Pekin, and part of the French army occupied the Emperor's Summer Palace. On the 7th of October the Chinese were informed that they must deliver up their prisoners immediately and surrender one of the gates of Pekin. If that were not done, they were told the town would be stormed, and the responsibility would rest on the advisers of the Emperor. This concluded the campaign, and Pekin remained in the hands of the Allies after a two months' campaign. The Chinese Government acceded to a treaty of peace. They ratified the former Treaty of Tien-tsin, and agreed to a convention. Certain prisoners who had happily survived were released, and restored to the Allies. Thus, in a few days over two months, the operations of the Allies which were apparently of great difficulty were completed in the most brilliant manner, without a reverse, the result being the ratification of a former treaty and the conclusion of an additional convention, which has been laid before the House. One circumstance followed, which, had it not been more than justified by the outrages that preceded it, would be greatly to be regretted, and, indeed, would not have occurred—I allude to the total destruction of the Emperor's Summer Palace. I will not put the House to the pain of stating in detail the barbarous cruelties inflicted upon those who were thus taken prisoners against the law of nations, who were at the time under the protection of a flag of truce, the value and respect due to which were, as I have stated, well known to the Chinese. I will not dwell upon the inhuman cruelties inflicted upon those unfortunate men. The greater part of them sank under the barbarities of which they were the victims. Nor will I dwell on the intended treachery on a larger scale, which contemplated the environment of the advanced guard of the army and the taking our Ambassadors prisoners, who would, doubtless, have been exposed to similar tortures. Negotiations had been entered upon, in the course of which the Earl of Elgin and Baron Gros were invited to go to Pekin, and when they said they required an escort each of 1,000 men the Chinese then no longer wished them to come, because they knew that our Ambassadors would then be safe against the treachery of which it was intended they were to be the victims. It is quite clear, therefore, that the treachery to those who were actually taken prisoners was only part of a much larger tragedy which the Chinese had planned. At the very time these unfortunate men were lingering under the most intolerable torments, the Chinese, when asked about them, said they were quite well and very well treated, and that the Allies need not be uneasy about them. It was absolutely necessary to mark by some signal act of retribution the extreme detestation that was felt at this cruelty and treachery, and to warn the Chinese against the repetition of them. These semi-barbarous Governments appear to deal with each other with treachery and cruelty, and they are apt to think that they may act in the same manner against civilized Governments. It was, therefore, necessary to prove to them by some signal retribution that such deeds are not to be committed with impunity. It was, however, difficult to find any act that would punish the Chinese Government for its atrocities, and which would not at the same time involve in the punishment the innocent with the guilty. Had Pekin been stormed, or had even the Palace of the Emperor in Pekin been burnt, consequences might have ensued that every one must have deplored. It was therefore thought, and justly thought, both by the Earl of Elgin and Sir Hope Grant that the appropriate retribution for these abominable acts committed by the Chinese Government and authorities was the destruction of the Summer Palace of the Sovereign. The Emperor would thus be the only person to suffer, and the people of China would not be involved in the punishment. An hon. Friend of mine (Mr. Scully) has given notice of his intention to put a question to me, and to ask whether the French General acquiesced or not in this act of destruction. I have no hesitation in saying that General Montauban did not acquiesce in the destruction of the Emperor's Palace. The French had not suffered in the same way; and the French, having occupied the Summer Palace, had, to a certain degree, retaliated, because a portion of it had been destroyed, as the French General has said, by his troops and some Chinese people that were present. But the Earl of Elgin and Sir Hope Grant very properly judged that, notwithstanding the French General declined to take part in that destruction, it was their duty to carry out this act of retribution, and I have no hesitation in saying that Her Majesty's Government fully approve their determination. I trust that these incidents—the great and rapid success of our arms, and this punishment which has fallen upon the Emperor of China—will teach them that in dealing with the Powers of Europe they must obey those laws of international right which prevail among the civilized nations of the world.

Sir, these transactions have been in every respect satisfactory. In the first place, we have obtained the ratification of one treaty and the conclusion of another convention, which, I trust, after the example that has been made of Chinese treachery and bad faith, will induce the Government of China to maintain their engagements with the people of England. It is clear that, if they do, these arrangements will open up a field of commercial enterprise to the people of Europe, and especially to the people of this country, which will quite realize the expectations that have long been entertained from free intercourse with China, because we have now not obtained access only to the coast, but have gained the right of going up that great river, the Yang-tse-Kiang, and of greatly extending our commerce by the privileges thus afforded to us. We have also had the great satisfaction of finding that the officers and men both of our army and navy have shown themselves worthy of the example of those who have gone before them, and of the country to which they have the honour to belong. I am glad to find among those who have distinguished themselves in these operations names already familiar in our naval and military exploits. The name of Hope, for example, already well known in the Peninsular war as connected with the distinguished services of the army, is now associated with the brilliant services of the naval portion of these operations. We have also the name of Napier, well known both by sea and land. I do not know whether that officer be nearly allied to those of that name whose fame is recorded in the annals of this country, but I trust that he is destined to equal their exploits. I will not trespass too long by enumerating the names of all those who have distinguished themselves on this occasion. Their services are recorded in the papers before the House, and they already enjoy the gratitude of their country. We have also the satisfaction of knowing that in this expedition, at a remote part of the globe, encompassed by great difficulties, but attended with great success, we have the forces of two great nations marching side by side, fighting in a common cause, and carrying out those operations which, although not long in point of time, were long in point of incident, with the most perfect harmony and accord, and without those dissensions which too frequently prevail in the operations of forces, whether naval or military, belonging to two different nations. I trust that this is only a happy omen of the concord which will long prevail between the two nations. I trust that it may be long before the forces of England and France will go into action in any other way than side by side, for the common interest and the common glory of the two countries, and for objects alike honourable to the one and the other. Sir, I will not trespass longer on the attention of the House, but will conclude by moving the Resolutions which I have to propose. The noble Viscount concluded by moving the Resolutions.

[*See Page* 417.]

MR. DISRAELI: I have the honour to second the Motion of the noble Lord. The noble Lord has given the House such a clear and animated narrative of the various operations in China, that it is unnecessary for me to dwell upon them; and, indeed, it would be presumptuous in me to do so. It is enough that we all feel that a great military operation has been performed with power and precision, with undaunted bravery and indomitable perseverance. The army and navy of England have more than once expressed their conviction that one of their greatest rewards is to receive the thanks of Parliament, and, I trust, I may say for the House that we consider it one of our greatest privileges to offer the expression of our thanks and admiration for their achievements. Although in the course of the events that have occurred in China it is impossible to point to any of those immortal fields which posterity ever afterwards looks at with feelings of awe and admiration, yet merely in a military sense, and regarded simply in reference to military considerations, there is one view of the case the importance of which cannot be overstated, and that is, that in a remote part of the world, and in a strange climate, we have found the health of our troops so wonderfully preserved. I attribute this, Sir, to our now perfect organization, and to the application of all the resources of modern science to the maintenance of the health and the equipment of our troops; and if, as I believe, this result is not of an exceptional character, but one on which we may count for the future, we may have the satisfaction of feeling that, so far as this is concerned, we have already mitigated one of the miseries of war. The noble Viscount has touched upon the singularity of such great results having been achieved in a distant part of the world by so small a body of men, and at such a trifling sacrifice. Indeed, I think this is a subject that well deserves the consideration of the House. A handful of men, not, I believe, amounting in numbers to those who followed Xenophon, have waged war in a country almost in the remotest part of the globe, and have dictated peace in the ancient capital of a nation which numbers more than one-third of its population. Sir, this is not the first occasion during the last quarter of a century when mankind have been impressed with the immense influence which Europe exercises over the rest of the world. This is not the first occurrence of exploits which has proved the predominant power of that part of the globe in which it is our happiness to exist. But, Sir, there are other considerations connected with this result, which ought not, I think, to be absent from our thoughts. At this moment, under Providence, it is not merely this quarter of the globe, but we may say it is Western Europe that commands the world. Sir, if that power be so irresistible, if those means be so great, I think we ought all to feel that the moral responsibility of their exercise is proportionably increased. This appears to be a consideration which ought not to be wanting in the councils of the Sovereign, and which may blend advantageously even with the triumphant gratitude of Parliaments.

MR. VINCENT SCULLY said, it was not his intention to interfere with the passing of this Vote of Thanks, but he did think it right that the nation should know whether the wilful act of destruction—the sacking and burning of the Emperor of China's palace—was done with the united consent of the French Ambassador and our own. For the first time he had heard from the noble Lord (Viscount Palmerston) what previously he could hardly have believed, that this act was committed on the authority of the English Ambassador without the consent of the French Ambassador; nay, contrary to his wishes. He (Mr. Vincent Scully) had very carefully read all the papers connected with the expedition to China, and he must say that he could not agree with the noble Lord that greater provocation to this act of retribution, as it had been called, had been given to the English than to the French. It was a matter about which it was important to have the correct dates. He had endeavoured to get them, and as well as he could make out it was on the 7th of October that the French first entered the Summer Palace. They retained possession till the 16th, upon which day this act of conflagration took place. All the cruelties and barbarities which had been perpetrated had been completed before the destruction of the palace was ordered. Now, he did not wish to cast any imputation on the army and navy. They had performed their duty during the whole war in the only manner in which it was possible for soldiers and sailors to do it: they obeyed their officers and the commands given to them with bravery and determination; and they did not appear to have been guilty of any great excesses. But when they found the British Ambassador acting on his own responsibility, and transgressing the authority given to him, it did become them to inquire into it. He (Mr. Vincent Scully) did not blame Her Majesty's Government in any degree for anything that had occurred in regard to the contest of the war previous to the burning of the palace. It appeared to him that the noble Secretary for Foreign Affairs had given very clear and proper instructions to the Earl of Elgin. The only culpability which attached to the Government was in respect of subsequently endorsing the proceedings of their Ambassador. All Governments, however, did the same thing, and it was called "backing their friends." Let the House see how the orders given by the Government were carried out:—and he must apologise for trespassing upon the time of the House, while he pointed out what were the instructions given to the Earl of Elgin.

CAPTAIN **JERVIS** said, he rose to order. The Question before the House was one of a Vote of Thanks to the Army and Navy, not as to diplomatic matters.

MR. **SPEAKER** ruled that the hon. Member was in order.

MR. **VINCENT SCULLY** said, that that was only another instance of the system which prevailed when an independent Member was endeavouring to elicit information, of some one rising on the back benches of the Opposition, and, in some convenient form, interrupting his (the speaker's) pertinent remarks with his (the interrupter's) not very pertinent observations. The matter to which he wished to call the attention of the House was an important one, and one in which the nation was deeply interested. He could assure the Gentleman who had interrupted him, if he belonged to the army or the navy, that he (Mr. Vincent Scully) had no intention to cast the least slur upon those honourable professions. But if the act deserved to be reprobated and condemned the nation ought to separate itself from the act, and if the act was susceptible of palliation and justification those reasons ought to be stated. Let the House see the instructions given to Lord Elgin by the noble Lord the Secretary for Foreign Affairs (Lord John Russell) in his letter dated the 6th February, 1860. If hon. Members would read it they would find that the noble Lord (Lord John Russell) anticipated by six months what subsequently occurred. The noble Lord, after alluding to the possible flight of the Emperor, the encouragement which that would give to the rebels, and the possibility of the whole Empire being involved in Revolution, said—

> "Under these circumstances you and your enlightened colleague Baron Gros will exercise those personal qualities of firmness and discretion which induced Her Majesty and her Ally to place confidence in you and the French Plenipotentiary."

Thus the settlement of any difficulty was not left to the Earl of Elgin alone, but conjointly with Baron Gros. How, then, was it that, with such instructions, the Earl of Elgin ventured to order the destruction of the Summer Palace, not only without the consent of Baron Gros, but contrary to his wishes? The noble Earl was about to do an act which might blast the fair fame of the country which he represented, and yet he took no notice of the objections of his co-ambassador. He would not detain the House by going through the justifications of the Earl of Elgin—he saw it would be almost an annoyance to the House to occupy its time at any length, and certainly it would be so to himself to go through those details. Suffice it to say that the Chinese had been humiliated to a much greater degree than was contemplated by the noble Lord the Secretary for Foreign Affairs. On the very day upon which intelligence was brought that the prisoners had fallen victims to Chinese treachery, as a sort of holocaust to their manes, the Earl of Elgin, of his own authority, and contrary to the wish of the French, whose officers and men had been treated with equal cruelty, indignity, and treachery, committed that act which certainly in his (Mr. Vincent Scully's) opinion, and in that of a great many out of that House, was an act of barbarism and vandalism, for which it was difficult to find any precedent in ancient or modern history, and the nearest resemblance to which was the burning of Persepolis under somewhat similar circumstances by Alexander the Great. It would be no excuse assuredly that the French had first satiated their revenge. He knew that was the received version; but he did not find that in the blue book, and the version given by the French

General Montauban, in his despatch to the French Minister of War, as translated from the *Moniteur*, in *The Times* of January 2, 1861, was to the effect that sentries were placed everywhere to see that no one entered the palace until the arrival of the English General Sir Hope Grant who was immediately sent for; and that a certain sum of money was afterwards equally divided among the soldiers of both armies. He could not see the necessity of inflicting such an act of retribution on the Chinese, nor did he understand how it could be a matter of ridicule to hon. Gentlemen in that House. Let hon. Gentlemen consider whether it would be a matter for ridicule if Chinese barbarians on being admitted into London had treated the palace of the Sovereign as we had treated that of the Emperor of China? What was the object of burning the Summer Palace? Was it to conciliate the Chinese, or was it to Christianize them? They would have been the first to condemn the act if the case was reversed; and Baron Gros had done it contrary to the opinion of Lord Elgin. Nothing could be more impolitic than to inaugurate a peace by an act of cruel retribution, the effect of which could only be to excite ill-feeling towards us among the natives, and to check the extension of our commerce. He feared that the obloquy of the transaction would be transferred from Lord Elgin to the nation he represented if it were now tacitly adopted by the House, and, therefore, he had felt bound to draw their attention to the subject.

Mr. WHITE said, that had the noble Lord who made the Motion shown the good taste and excellent judgment which had distinguished his seconder, he (Mr. White) would be quite content to give a silent assent. But when the noble Lord told them that the origin of the war was because the Chinese refused to ratify the treaty, he (Mr. White) was really astonished, because he was sure the noble Lord did not count upon the credulity or ignorance, but upon the forgetfulness of the House. He (Mr. White) had passed ten years of his life in that part of the country which was the scene of the great events which they were called upon to commemorate as so honourable to our army and navy, and, therefore, he might speak with some authority. He hoped the House would acquit him of the slightest disposition to derogate from the merit of those gallant officers and men, but he was constrained to draw the attention of the House to what had fallen from the noble Lord. As he (Mr. White) understood the transaction, not only did the Chinese not refuse to ratify the treaty, but they said they were willing to do so, and at the same time they did ratify the American Treaty. The noble Lord did not confine himself to the Vote of Thanks, but spoke of the vast advantages which would accrue to commerce from what had happened. He (Mr. White) was a merchant, and were he silent he might be supposed to assent to the dictum of the noble Lord. But, however deplorably consistent the noble Lord might have been in his course, the same remark could not apply to many of his Colleagues, who had distinguished themselves by the most determined opposition to the war. Not only had the Chinese wished to ratify the treaty, but the Government itself, of which the noble Lord was the head, had acknowledged its substantial ratification, as would be seen by referring to the Estimates, in which the expenses of the consuls that were to be established under it were voted. And yet that was the treaty which the noble Lord said the Chinese would not ratify. All the advantages which had accrued to the British had been demanded and obtained from the Chinese before this war was brought to a conclusion. The noble Lord, on a former occasion, reminded the House that the American Minister had been smuggled into Pekin in a wooden-box. The truth was that the American Minister only used those carriages which the Prime Ministers of China and the first administrators in that land were accustomed to use; and, still more, they were the very carriages which were now being used of choice by the British officers in their journies from Taku to Tien-tsin. That no indignity had been used towards Mr. Ward could be shown very briefly. The treaty with the American Government had been carried out most successfully, and the indemnity which was stipulated under that treaty to be paid to the American merchants had been paid to them. On the other hand, the indemnity which was due to the British merchants had not yet been paid, notwithstanding that they had sacrificed human life, had devastated property, and had imposed £6,000,000 of taxation on an already over-burthened people. He denied that commerce would derive any benefit; and he should blush for his brother merchants did he not know that those in the East almost unanimously repudiated any concurrence or sympathy in the objects of the late war. He had received a letter only yesterday from his agent in Shanghai, which was dated the 20th of December, wherein he stated—

> "So far from benefiting by the late treaty, we are much worse off, seeing that we now have to pay full duties, which, by consent of the Imperial authorities, were before diminished to one-half."

The present was not the proper time to point out what would be the consequences which would probably result from the last war; and, therefore, he would merely content himself with entering his solemn protest against the observations made by the noble Lord. At the same time, he had much pleasure in concurring in the Vote of Thanks to their gallant Army and Navy.

SIR JAMES ELPHINSTONE said, he concurred most heartily in the Vote of thanks to the Army and Navy in China. Indeed he would not have detained the House for a moment from what must be their unanimous decision respecting the brilliant and heroic services which had been performed by the army and navy, were it not that he thought there was an omission, which needed only to be brought under the notice of the House in order to be rectified. On the advance of the army on Pekin, a number of our men fell into an ambuscade. He would remind the House that in the previous year there was an ambuscade of an equally gross character, in which the lives of a larger number of men had been sacrificed than in almost any disaster which had taken place to our arms. The only case he could recollect at all similar was Nelson's attack on Teneriffe. Then the gallantry of our seamen had fought themselves out at an enormous loss of life, but they maintained the character of the British arms in a manner which was equalled by the gallant Hope and the officers and men under his command at the Peiho. Then we had three vessels sunk, four disabled, and three much damaged; eighty-nine men killed, 345 wounded, leaving 660 survivors out of a force of 1,100. He last year called the attention of the House to that case, and recommended that the Government should instruct our Ambassador as a preliminary demand, to exact from the Chinese Government distinct satisfaction for the loss of material and men upon that occasion. That principle had now been distinctly recognized in the case of the officers who were taken captive and so barbarously treated last year, and a sum was exacted for the benefit of the relatives of each of those men whose death had resulted from the treatment they had received. He thought he need only bring to the notice of the noble Lord the similarity of the two cases. In both cases they were acting under a flag of truce. In both they were led into an ambuscade; in both cases a loss of life took place under the protection of a flag of truce. He wanted, therefore, to know why the same compensation was not exacted for the relatives of the men who fell at the Taku Forts in 1859 as had been lately exacted for those who were taken prisoners and ill-treated in the neighbourhood of Pekin in 1860? It was a grave omission; but, fortunately, the Government had received a large amount for the expenses of the war, upon which there were, in his opinion, liens:—Frst for the lives of the men who were killed before those forts; next, for the remuneration of those who were wounded; and, thirdly, for the material which was sacrificed in that action. He did not believe that the treaty which had been concluded would produce the good effects which were anticipated from it; but it would be ungracious on that occasion to discuss that matter, and he would, in conclusion, express the warmest admiration for the brilliant services which had been performed both by the army and the navy.

LORD JOHN RUSSELL: Sir, the hon. Member for the county of Cork (Mr. Vincent Scully) who has raised a question not immediately before the House, with respect to the conduct of the Earl of Elgin and Sir Hope Grant in directing the destruction of the Summer Palace, said that it might be objected to him that he was an Irishman, but he followed up that remark by saying that no doubt among the killed and wounded of every action which occurred in China he could find many of his countrymen. No doubt that is perfectly true. Full justice is always done in this House to the gallantry and good conduct of the Irish troops; and the hon. Gentleman, although the representative of an Irish county, is fully entitled to make any representation which he thinks proper with regard to the conduct of the officers employed in China. But as to the substance of his complaint, I must say that I am greatly astonished and somewhat surprised to find that he has not been satisfied with the reasons given by the Earl of Elgin. Here was a case in which most barbarous treatment had been inflicted by officers of the Emperor of China upon military and civil officers of Her Majesty who were not engaged in any military operation, but in forwarding the desire which the Earl of Elgin and Sir Hope Grant entertained, in common with their French colleagues, to conclude the war as speedily as possible, and with as little suffering as might be to the Chinese people. They were engaged in arranging an armistice which was intended to lead to a peace, and for that purpose they went forward upon the faith of the Chinese Government and of the Chinese General to a place where it was supposed that they would be in perfect safety. There they were treacherously captured, and they were afterwards so barbarously tortured that the lives of Captain Brabazon and Captain Anderson, two most distinguished officers in Her Majesty's service; of Mr. De Norman, whose praise was most properly recorded by Mr. Bruce, and who was certainly one of the most promising members of Her Majesty's diplomatic service; of Mr. Bowlby, whose graphic and interesting account of the attack upon the Taku Forts in *The Times* must have excited the admiration of every one who read it, and who appears by the testimony of those acquainted with him to have been a most accomplished man—the lives of these four gentlemen, and of several soldiers, were taken by the Chinese under circumstances of atrocity which must excite the horror and detestation of all civilized men. The Earl of Elgin had to consider how he should treat a proceeding of that kind. The most obvious course was to demand that, as an atonement for the suffering which had been inflicted upon our officers, a certain number of the persons who had ill-treated them should be given up to us to be capitally punished; but the Earl of Elgin says, and says most truly, as I believe, that if he had made such a requisition the Chinese would have no difficulty in complying with it, but that the lives of some miserable subordinates would have been sacrificed, while the higher Chinese authorities, or the Tartar generals by whose orders more probably these tortures had been inflicted, would escape scathless. That course, therefore, was not adopted. The Earl of Elgin might also have asked for a very large sum of money, but, considering the indemnities which we already had to demand, he did not think that it was desirable to press more severely upon the Chinese finances, or to delay the conclusion of peace by a demand for any very large sum of money. There was another course, which no doubt must have been discussed between the Earl of Elgin and Sir Hope Grant, and that was the infliction of some severe punishment upon the inhabitants of the capital itself. That, however, would have been still worse than asking for the lives of the subordinate torturers; it would have been to punish an innocent people for what was in fact the act of the Government. The Earl of Elgin, therefore, determined, with the concurrence of Sir Hope Grant, that punishment should be inflicted upon the Emperor of China himself by the destruction of a palace which was assuredly a most costly structure, which was filled with every possible object of luxury, and the loss of which would show to him that we were not indifferent to the loss of our officers, or unmindful of the treatment to which they had been subjected at the hands of his servants. It is true that the French Commander, General Montauban, did not assent to that proposal, but the principal reason which he gave for objecting to it was one which experience did not corroborate. He said—and Baron Gros used the same argument—that the destruction of the palace would strike such terror into the minds of Prince Kung and the Chinese negotiators, that the negotiations would be broken off, we should have to destroy the Imperial Palace in Pekin as well, and the final object of the expedition, the conclusion of peace, would be further off than ever. The Earl of Elgin, with more knowledge of the Chinese character, and with a truer appreciation of the course which they would take, did not believe that the destruction of the palace would delay the signing of the treaty a single day. Events proved that he was right. The palace was destroyed, and the treaty was signed. Some persons think that the Chinese were even more willing to sign the treaty after the destruction of the palace than they were before. Of course it is impossible to speak with certainty as to that; but, at all events, this act of severe retribution did not delay the conclusion of peace. So far, therefore, from blaming the Earl of Elgin, I think that he is entitled to high praise, for having, without destroying the power of the Emperor upon the one hand, or punishing the innocent people of China on the other, inflicted a severe chastisement for the atrocities which had been committed under the authority of the Government.

The Resolution now before us is a Vote of Thanks to the gallant Officers who took part in these operations. Against that proposition no one has said a word, and I hope that it will be carried unanimously. The question respecting the propriety and policy of a war with the Emperor of China was amply discussed last year, and I shall not now enter into it. An hon. and gallant Gentleman has asked me why there was not some vote of indemnity to the families of those who suffered at the Peiho? but their case is totally different from that of the men who entrusted themselves under a flag of truce to the authorities of the country. Those who engage in war enter into it with all its risks, and it has therefore not been usual to ask for indemnities on behalf of those who fall in actual warfare. I am happy to state that there can exist no difference of opinion as to the gallantry and good conduct of the Army and Navy of England. It has, indeed, been above all praise. And it is satisfactory to learn that so far from its being the case—as was stated in one of the telegrams—that the Articles of the Treaty were not known in the South of China, a despatch has arrived from the Consul at Canton stating that the treaty had been published there, that the new tariff was declared, and that trade had begun under the provisions of the treaty and in conformity with the tariff, and was proceeding to the perfect satisfaction and contentment of English, French, and Chinese.

Motion *agreed to.*

Resolved, Nemine Contradicente,

"That the Thanks of this House be given to Lieutenant General Sir James Hope Grant, Knight Grand Cross of the Bath; Vice Admiral Sir James Hope, Knight Commander of the Bath; Major General Sir John Mitchell, Knight Commander of the Bath; Major General Sir Robert Napier, Knight Commander of the Bath; and Rear Admiral Lewis Tobias Jones, Companion of the Bath, for the distinguished skill, zeal, and intrepidity with which they conducted the combined operations in the North of China, which terminated in the Capture of Pekin, whereby an honourable Peace has been obtained on the Terms proposed by Her Majesty and Her Ally the Emperor of the French."

Resolved, Nemine Contradicente,

"That the Thanks of the House be given to the other Officers of the Navy, Army, and the Royal Marines including Her Majesty's Indian Forces, both European and Native, for the energy and gallantry with which they executed the Services they were called upon to perform."

Resolved, Nemine Contradicente,

"That this House doth acknowledge and highly approve the gallantry, discipline, and uniform good conduct displayed by the Petty Officers, Non-Commissioned Officers, Men of the Navy, Army, Royal Marines, and Her Majesty's Indian Forces, European and Native, and the cordial good feeling which animated the United Forces; and that the same be communicated to them by the Commanders of the several Ships and Corps, who are respectfully desired to thank them for their gallant and steadfast behaviour."

Ordered,

"That the said Resolutions be transmitted to Lieutenant General Sir James Hope Grant and Vice Admiral Sir James Hope; and that they be requested to communicate the same to the several Officers referred to therein."

BANKRUPTCY AND INSOLVENCY BILL.

SECOND READING.

Order for the Second Reading read.

MR. ROEBUCK said, that upon the occasion of the introduction of the Bill such universal admiration was accorded to the hon. and learned Attorney General that no one had dared to raise a voice in opposition to what had been said. But it appeared to him (Mr. Roebuck) that the hon. and learned Gentleman had entirely failed in this matter. The House had been told some time ago that they were going to have a Bill which would entirely settle the question. Now, what was it that they had got? The hon. and learned Attorney General had first complained that there was a want of uniformity in the decisions of the Courts of Bankruptcy under the present system; next, that the proceedings were attended with great expenses; and, thirdly, that a distinction was made between bankruptcy and insolvency which alone rendered the present system an opprobrium to the English law. But how had the hon. and learned Attorney General attempted to remedy these admitted defects? There were five Commissioners, he said, who could each give different decisions on matters coming before them; but he forgot to state that an appeal lay from these decisions to the Lords Justices. The remedy which the hon. and learned Gentleman proposed was to appoint a Chief Judge. But first, with regard to the want of uniformity in the decisions of the five existing Commissioners, that there was an appeal from them to the Lords Justices, and he had proposed to appoint a Chief

Judge. But what would the Chief Judge do that was not already done by the Lords Justices? Was he to be a superior lawyer? It was impossible. Was he to be a man of superior attainments? It was equally impossible. Therefore, the fact was that the appointment of this Chief Judge was merely an extra expense without a concomitant benefit, for it could not in any way secure a greater uniformity of decision than that which at present existed. Then with regard to the expense:—The great cause of the expense at present was one on which the learned Attorney General had not put his finger—namely, that fees were payable which did not go to any officer of the Court, but were paid into a fund belonging to it. The hon. and learned Gentleman did not in any way diminish the fees that were now payable. Then, as to the third point, the distinction between trader and non-trader, the hon. and learned Attorney General, although he had complained of it as a distinction that ought not to be permitted any longer, did nothing in the present Bill to abolish it. It remained the same as ever; for that which constituted an act of bankruptcy on the part of a trader was not an act of bankruptcy on the part of a non-trader. Therefore, all that was done by the new Bill was to alter the law. Alteration was not necessarily reform. Alteration by itself was a mischief, and, unless advantageous in a greater degree than it was mischievous, it should never be adopted. No good, therefore, was obtainable by the present Bill; but, on the contrary, he would venture to prophesy—although wise men rarely did so—that the Bill would, if passed into law, increase the expense of the administration of the bankruptcy law even beyond what it was at present. The Bill, in fact, was an attorney's Bill—not an Attorney General's Bill, but an attorney's Bill, and all it would do would be to advance the interests of attorneys. Beyond this it was merely a return to a system which had already been found inefficient and objectionable, and would take out of the hands of the official assignee that control which was one of the principal benefits conferred by the Bill introduced by Lord Brougham in the year 1831.

Mr. MOFFATT said, he wholly differed from the hon. and learned Gentleman who had just sat down. Instead of increasing expense and creating delay, the object of the Bill was to diminish expense and to simplify the proceedings in bankruptcy. The Bill of Lord Brougham was an utter and disgraceful failure, and was admitted on all hands to be so. [Mr. Roebuck: No, it is not!] He maintained that it had failed in every part of the country. Nine-tenths of those whose circumstances became embarrassed shunned and repudiated the Court of Bankruptcy. The right of appeal to the Lords Justices, on which the hon. Member laid such stress, was costly and cumbrous in its exercise, and was rarely made use of. As to the expense caused by the appointment of the Chief Judge, that was to be thrown on the Consolidated Fund, and would in no way, therefore, increase the expense of the administration of the law as far as the estates of bankrupts were concerned, and on the first and largest item of expense a reduction of 50 per cent was made by the Bill. But while he thus differed from the hon. and learned Gentleman in the view which he took of the measure, he was bound to say that it did not promise all those advantages in the reduction and simplification of offices for which the commercial public had hoped. He wished, therefore, it should be understood that, in agreeing to the Bill being read a second time, and admitting thereby its principles, he was not pledging himself in any manner to its details. There were grave exceptions to be taken to it as a whole. It contained, for instance, a power of selling the goodwill and book debts of a bankrupt, but not until after twelve months from the date of the petition had expired. But at that period what would be the value of the goodwill and book debts? Then the Bill proposed that every case of misconduct on the part of the bankrupt should be heard before the Chief Judge, assisted by a Commissioner. That would inevitably bring about the same state of things that now existed in the Divorce Court, and the appointment of additional Judges would soon be required. Then, in Section 189, he found that the services of the Accountant General were invoked; but that in Section 17 his office was abolished. Then—and with regard to this part of the Bill he wondered much that the hon. and learned Member for Sheffield (Mr. Roebuck) had not made it the subject of remark—the Bill proposed to enact that a wife should be compelled to give evidence in cases where the husband was charged with fraud, concealment, or misconduct. That was so entirely inconsistent with the spirit and constitution of the English law, and so repulsive to every Englishman's notion of propriety and justice that he hoped it would not, under any circumstances, be permitted to remain part and parcel of the Bills. But, notwithstanding these defects, no one could help being struck in looking over the Bill, with the great care and ability displayed in the drawing of it, and at the comprehensive skill with which this important subject had been treated. The mercantile community must feel under great obligation to the Attorney General for the introduction of the measure.

MR. BOVILL said, he bore willing testimony to the exertions of his hon. and learned Friend the Attorney General in this matter. No law officer of the Government had ever devoted more time and intelligence to any subject than the Attorney General had bestowed on this question of bankruptcy. Still, he could not wholly agree with the Bill before the House. The result of many months thought and labour was the Bill of last Session, which comprised a complete consolidation of the law, and which did honour to the name of the hon. and learned Gentleman. The country, and the mercantile community especially, had a right, therefore, to expect that after the recess a measure as complete, if not more perfect, should have been proposed—particularly when the subject had been put forward so prominently in the Speech from the Throne, and in the answer to the Address. At the present period the Government had no other great measures to propose, and he had heard no reason assigned why the Bill this year should not have been as complete and comprehensive as that which was laid before the House in the last Session. In introducing the measure the hon. and learned Gentleman was apologetic in his tone. "Fragmentary" was the title he gave to it, and any one who had read the Bill would see how exactly the term applied. It touched upon almost every point of the bankruptcy law, and introduced amendments upon almost every one—yet practically and substantially it left the old law in force—and the result would be to add another Act of 250 clauses to the statute book, which would have to be read, not instead of, but along with, the other Acts already existing. The Bill drawn up, as was understood, mainly by the right hon. and learned Member for Newcastle (Mr. Headlam), and introduced by the noble Lord the Member for London, was also a complete consolidating measure—so that the Attorney General had plenty of materials if he had persevered in his original intention of consolidation. He should be sorry to bear the appearance even of opposing the second reading, but there were several points in the Bill deserving of attention. The hon. and learned Attorney General, in introducing the measure, had first remarked upon the confusion between the judicial and administrative functions in bankruptcy. One would have thought, therefore, that, admitting the inconveniences resulting from such a system, some attempt would have been made by the hon. and learned Gentleman to introduce a remedy, but such was not the case. The Bill proposed to continue precisely the same system. It preserved the Commissioners precisely as they were, with precisely the same confusion between the two functions exercised by them. And what was the establishment of a Chief Judge in bankruptcy but the restoration of a system which had been before tried, had failed, and had been abolished by Act of Parliament? He alluded to the Court of Review, established by the measure of 1831, introduced by Lord Brougham. That was a Court which at first had four Judges—Judges of ability and of high judicial position. But the system failed, the Judges gradually dwindled from four down to two; and then, because of its increasing inefficiency, the Court was abolished altogether by Act of Parliament. As a substitute, a Vice-Chancellor was deputed to perform the duties of Judge of Appeal, but that experiment met the same fate, and was abolished. The next attempt at improvement was the establishment of an appellate jurisdiction in the Lords Justices. That system still existed, and a more satisfactory or complete tribunal for the decision of all legal questions arising in the Court could not have been devised. It was a matter for serious consideration whether the House would appoint a new Chief Judge at a salary of £5,000 a year in place of a tribunal which now worked well. In the Bill of last year, which abolished the Commissioners, there might have been some reason for appointing a Chief Judge; but this Bill, whilst providing for a Chief Judge also retained the Commissioners at their present salaries, with all their staff. Why retain the Commissioners if, on the completion of the new Court their offices became unnecessary, as was alleged last year. He must presume that this proposal had been forced upon his hon. and learned Friend. The only reason that he had heard his hon. and learned Friend give for retaining the Commissioners was the difficulty that would be experienced in that House in obtaining for them pensions charged on the Consolidated Fund. But was that a reason to be entertained by the House for the retention on full salary of Commissioners whose offices were admitted to be useless if a Chief Judge was to be appointed? On the ground that the Government could not get for them a retiring allowance charged on the Consolidated Fund, the country was to be saddled in perpetuity with the expense incurred by the existence of the whole body of Commissioners, unless the Lord Chancellor should think fit on a vacancy occurring to reduce their number. If they began with a body of five Commissioners, the new system would accommodate itself to the staff, and hereafter there would be no means of getting rid of them. But, not only were the Commissioners to be retained, but the whole of their officers likewise. The registrars were still to be attached to the Court, and at their present salaries. Then came another class of officers. He had understood his hon. and learned Friend to be of opinion that there was no necessity for the messengers, and by his Bill of last year he proposed to abolish them altogether. However, it was now found that all the messengers were to be retained, and that they were to have salaries not exceeding £500 a year; so that all the mischiefs connected with that department of the existing system were to continue. Then the officers of the official assignees were to be maintained, and power was to be taken to add to their number if necessary. From all this it would appear that, as regarded the constitution of the Court and its officers, there was to be no alteration at all, except that there was to be the addition of a Chief Judge with a salary of £5,000 a year, to perform the duties now so ably and satisfactorily discharged by the Lords Justices. So much for the general administration; and now for other matters. Complaints had been made of the expense of collecting the assets of bankrupts, and the unsatisfactory result to the creditors. What had the old plan been? To appoint creditors' assignees. A creditor's assignee had some advantage in the way of patronage. He appointed a solicitor. That was sometimes an inducement to a creditor to act, and sometimes persons acted because they were large creditors; but it was said that difficulties had arisen in consequence of the apathy of creditors in this matter. So much had that been felt that the collection of the assets was transferred in 1831 from the creditors' assignees to the official assignees. After some time complaints arose of the latter; they did not give satisfaction. His hon. and learned Friend, however, proposed to retain them, and to divide the responsibility of collection of the assets between the creditors' assignees and the official assignees. It was proposed by the Bill of his hon. and learned Friend that the official assignee should act in the first instance and up to the appointment of the creditors' assignee. He was then to hand over his accounts to the latter, who was to audit them. From that time the creditors' assignee was to collect all debts over £10, and the official assignee all debts under that amount. His hon. and learned Friend said that the official assignees discharged that duty with great efficiency. Why was that? It was because, being paid by commission, they were well remunerated for the collection of large sums, and were able to afford the time and labour of their clerks for the realization of small accounts; but the collection of the larger debts was to be taken from them under this Bill. There was an audit provided for all sums above £10 received by the creditors' assignee, and the audit was to be made by the official assignee. If they substituted creditors' assignees for official assignees, they would be reverting to the old system, and would bring up again all the inconveniences that had been experienced when that old system was in operation. Again, there were clauses in the Bill which would be so stringent on the creditors' assignee that he ventured to think no one would ever think of becoming a creditors' assignee if his so doing were to expose him to such provisions. He threw out these suggestions, because he thought it of importance that such matters should be carefully considered. There were many valuable clauses in the Bill. Among them was one giving creditors the power to appoint a manager. They had seen that such a plan had succeeded very well in the Court of Chancery; but, as a whole, the system now proposed seemed to be reverting to what had been done before rather than a scheme such as that brought forward by his hon.

and learned Friend last Session, which was one for sweeping away an old system and substituting an entirely new one in its stead. He (Mr. Bovill) could not help thinking with his hon. and learned Friend the Member for Sheffield (Mr. Roebuck), that if this Bill were to pass within the present year they would soon have the same complaints from the mercantile community, and that all the old evils against which they were now called on to legislate would arise again. Among the many valuable provisions contained in the measure, he would instance that which would give validity to arrangements between debtor and creditor. If the Bill contained nothing more, that provision would entitle his hon. and learned Friend the Attorney General to the thanks of the country; but, when a Bill like this was brought forward as thé great measure of the Session, and was introduced at a period that secured ample time for the consideration of its details, the House had a right to expect a full and comprehensive measure. There were many matters in connection with the Bill which deserved the most serious consideration on the part of the Members of that House, and he should not have risen to say a word on the second reading were it not that, on the introduction of the measure, most of those hon. Gentlemen who spoke seemed to think it perfect. While ready to admit the many excellent provisions which the Bill contained, he was not satisfied that it should go forth to the country that a Bill of so fragmentary a character was one which the House and the mercantile community had a right to expect, not simply from his hon. and learned Friend the Attorney General, but from the Government.

MR. J. C. EWART said, he was no lawyer, and, therefore, did not intend to enter into the various legal details; he rose only to express his opinion that the mercantile community highly approved of the Bill, and hoped that it would be carried as soon as possible.

MR. LYSLEY said, he preferred to look at the measure in its practical and commercial, rather than in its legal bearing. Indeed, it appeared to him that the former failures to which reference had been made had arisen from the subject having been considered in too forensic a manner, and that the excellence of the present Bill consisted in the fact that that feature had, to a considerable extent, been departed from. The law intruded too much into the commercial affairs of this country, and they ought to look to administrative measures rather than to legal proceedings in cases of bankruptcy. There was an analogy in this respect to the old Poor Law, which was treated throughout in a legal spirit, and the consequence was that thousands of pounds were spent in litigation. A change then took place; the poor law had been changed mainly to a system of administration with great benefit to the country. It was mainly in that point of view that he thought the Bill defective. It was proposed to appoint a Chief Judge at a high salary to adjudicate upon disputed matters in bankruptcy; but 19-20ths of the bankruptcy business arose out of the collection and distribution of the estate. He would, therefore, suggest that the functions of the Chief Judge should be increased by intrusting him with a general supervision over the administrative business of bankruptcy, or, if the two functions were thought incompatible, one of the Commissioners should have this duty confided to him, and should take into consideration all inquiries and representations made by the creditors when they supposed that any delay occurred in administering the bankrupt's estate. Such an officer, thus rendered responsible for whatever neglect took place in collecting and distributing the assets, would be a most useful one.

MR. HADFIELD observed, that matters of detail might be disposed of in Committee. It should be remembered by those who objected to the measure that this Bill did not represent the full intentions of the hon. and learned Attorney General. Last year he produced a measure which embodied his own views, but the House of Commons would not allow him to carry out those views; and he was now, therefore, acting to some extent under restraint. Still the Bill now proposed would be very acceptable to the country at large. He (Mr. Hadfield) had consulted many authorities, who were unanimously in its favour; and he was, therefore, surprised at the speech of his hon. and learned Colleague (Mr. Roebuck) which reminded him of the often quoted instructions given to the barrister—"Having no case, abuse the Attorney." The object of the Attorney General was to encourage private arrangements between debtors and creditors, and to assist the parties in administering the estate with the least possible cost and delay. This was a most desirable object, and the commercial community were deeply indebted to the hon. and learned Gentleman for the attention which he had given to the subject.

THE ATTORNEY GENERAL said, he did not know a more instructive passage of ancient fable than that which warned them against the attempt to please everybody. Last year he brought in a Bill which consolidated the whole bankrupt law. Thereupon it was said, "What a huge production! Who can examine it? Who can expect that it will be accurately estimated or understood?" This Session he had brought in a measure which indeed did not embody the old law in its provisions, but in which was incorporated in an improved and amended form every suggestion, every novelty, every alteration contained in the measure of last year. Inasmuch, however, as he had, with perhaps unnecessary candour, described it as in some sense fragmentary—because it could not be read and thoroughly understood unless the reader possessed a knowledge of the old law—hon. Gentlemen now said "See how very imperfect it is, and how it differs from the old measure!" Now, he should like those hon. Gentlemen to explain, if they could, how the Bill differed from its predecessor? The difference consisted merely in this,—that the present Bill did not re-enact the provisions in the statute law. He confessed the main reason he had given up the task of codification was, that when in Committee last year he found that each section, though it might only embody the existing law, was challenged, discussed, and became the subject of keen controversy. But, if every part of the old law was thus to be brought again to the test of inquiry and discussion, it appeared hopeless ever to expect to arrive at any definite conclusion, or to pass any Bill at all. From necessity, therefore, in order that the House might have a measure which it would be in their power to investigate, and which they might reasonably hope to pass during the present Session, he had carefully extracted from the old Bill all that was new, all its improvements, and had put them in a Bill which, so far from being of less, was, in his judgment, of much greater value than the measure of last year. He should be unfortunate, indeed, if it were not of greater value, for then he should have thrown away weeks and months of labour. There could be no doubt that the hon. and learned Gentleman (Mr. Roebuck) spoke out of the abundance of his well-known good nature, and his speech flowed over with the milk of human kindness for which he was so eminently distinguished. Then, he had only one thing to say, and he said it with regret, that whatever objections the hon. and learned Member might state to the Bill, it was very evident that he knew nothing about it. The hon. and learned Gentleman spoke of the fees put into the public fund; but if he had read the Bill he would have found that the greater part of the fees to which he referred were utterly abolished. He would have found, had he read the Bill, that the stamp duties were reduced one-half, and that the fees to be taken were so small and insignificant that, were it not for the fees expected to be derived through the registrars, it would be absolutely necessary to provide some additional income to carry on the business of the Court. Indeed, he had carried the principles of reduction to the very verge of rashness; but in spite of all he had done in the way of retrenchment—reducing the stamp duties one-half, taking away the fees for the building fund, the fees for public sittings, and leaving almost no fees to be levied—the hon. and learned Member charged him with having neglected the abolition of impolitic duties. Then, when the hon. and learned Member spoke of the Chief Judge, and the distinction between the administrative and judicial duties of the Court, did he mean to say that the Judges who were to sit in this particular Court and administer its business would not give an immediate and practical application of the law in all questions that came before them?—while the Chief Judge, sitting in Chambers, would ever be ready for the discharge of the duties intrusted to him, reserving the more important questions for the open Court. The hon. and learned Gentleman objected to the Commissioners being retained. In the Bill of last year it was proposed to do away with the services of the Commissioners, and to give them compensation. That was objected to, and he thought he would hardly be doing his duty if he was to deal otherwise with them than he now proposed in the Bill. It was undoubtedly true that the five Commissioners now in existence were to remain to perform the duty appertaining to their offices, but a smaller number was to be the permanent number of Commissioners. He must say that he had heard the hon. and learned Member for Guildford (Mr. Bovill) with astonishment, and could not help wondering how he had contrived to make so good a speech with such slender information. The material was, indeed, far inferior to the workmanship. The hon. and learned Gentleman talked of the official assignees. Had he read the clause reducing them to five? The hon. and learned Gentleman complained of all the registrars being continued. Had he read the important provisions of the Bill by which the registrars would carry their courts to the door of the creditors, there to administer justice—saving that great reproach which now existed of creditors being compelled to come to London? With regard to the office of the Chief Judge, the hon. and learned Gentleman said that the right of appeal was given now to the Lords Justices. Did not the hon. and learned Gentleman know that the Commissioners in their admirable report spoke of that right of appeal as one of the greatest inconveniences of the existing system, and did he not know that a question could not be carried to the Lords Justices for less than £60? Very frequently it was twice £60? Was there no necessity for altering that? The hon. and learned Member for Sheffield had designated this as an attorney's Bill. Well, it was a Bill demanded by the mercantile part of the community, and by none more than by the constituents of the hon. and learned Member for Sheffield. One of its leading principles was to give the creditors the power of looking after their own affairs; and, as the property of the bankrupt belonged to the creditor, he was entitled to have it under his control. The hon. and learned Gentleman spoke of the Bill bringing about a restoration of the old state of things prior to 1831, and he specially pointed at the provision respecting creditors' assignees. But if he examined the Bill he would find that all the benefits now derived from official assignees were to be continued. No money or property would be allowed to remain in the hands of creditors unappropriated; for it would be the duty of the official assignee to see that every farthing of money or property was appropriated to its right ends. He had now adverted to some of the topics referred to by the hon. and learned Gentlemen, but they were all topics that could be more legitimately discussed in Committee. He frankly admitted that when they got into Committee there were a great number of things in the Bill on which a difference of opinion might arise. When they arrived at that stage he would be most happy to receive the criticisms of his learned Friends, and of all those hon. Gentlemen who took an interest in the important matters embraced in the Bill. He would only add that it would be a great reproach to the House of Commons if it allowed this Session to pass without enacting a law on this subject—a law that was most urgently demanded by the whole mercantile community of this country.

MR. MALINS said, that when the Bill was introduced the understanding was that the Committee would not be put for an early day. He could not understand how his hon. and learned Friend the Member for Guildford (Mr. Bovill) had been able to master the details of the measure in so short a time. He had not himself been as yet able to give any time to the consideration of them. He did not suppose that the hon. and learned Member would admit the assertion of the Attorney General that he was ignorant of the provisions of the Bill. [MR. BOVILL: Certainly not.] It was clear from what had passed that it would be disadvantageous to discuss the general policy of the measure before time was given for fully considering it. He believed it was intended to take the Committee on Monday next.

THE ATTORNEY GENERAL said, he only intended to take the first fifty clauses of the Bill on Monday. They were clauses that were generally accepted last Session. He wished to bring the Bill to the point at which it was then left, but not to go one step beyond it.

MR. MALINS said, he would not object to that course, as he approved all those clauses. But it was evident, from the speeches made that evening, that the right hon. and learned Gentleman must be prepared for considerable discussion, even on some of the provisions that were passed last year. Some of those who last year acquiesced in the appointment of a Chief Judge were not prepared now to continue that acquiescence. It would be better not to take the Committee till Monday week; that would give ample time to all the Members interested in the measure to look at the Bill, which certainly had the great advantage over the measure of last year of being only half its length.

MR. EDWIN JAMES trusted the hon. and learned Attorney General would not yield to the suggestion of the hon. and learned Gentleman and assent to any delay. The first fifty clauses had been conceded last Session, and the Attorney General, with the greatest fairness and candour, had invited them to discuss the details in Committee. He trusted, therefore, that the House would allow the Committee to be fixed for Monday next.

Mr. M'MAHON said, he hoped the hon. and learned Attorney General would press the Bill; Monday next would be the most convenient for the Committee, as in the following week many hon. Members would be absent on the circuits.

Mr. WILLOUGHBY said, the first fifty clauses of the Bill involved the whole important question of compensation to the superseded officers of the Court of Bankruptcy. Last year a considerable majority in the Committee objected to placing any charge for that purpose on the Consolidated Fund. The proposal had been changed in the present Bill. The offices were to be maintained out of the funds of the Court; but that fund was to be reimbursed by a grant of money from that House, made from year to year. That was equally a charge on the public purse; it was only obtained in a different way. Still, it raised the main question, of the policy of throwing new charges on the public funds.

Bill read 2°; and *committed* for *Monday* next.

RED SEA AND INDIA TELEGRAPH BILL.

SECOND READING.

Order for Second Reading read.

Mr. WYLD said, he did not understand upon what ground the right hon. Gentleman the Chancellor of the Exchequer had proposed a few evenings ago that the Bill should be referred to a Select Committee. Was it to be referred to a Select Committee to ascertain whether an unconditional guarantee had been given to this company, or to enter into the whole question of telegraphic communication? To his mind, it was not clear that the Company had strictly complied with the terms of the contract. Anybody who read the contract would say that it was the intention of the late Government to give a guarantee only in the case of the Company putting the cable into working order, and the provision inserted by the noble Lord the Member for King's Lynn as to the perfect working of the line for thirty days after the laying down, appeared to show that the Company was only to be entitled to a dividend in the event of their having brought the line into working order. A failure had occurred, and the Company had abandoned the whole undertaking, but the House was required to fulfil the guarantee, and the Company demanded that a million sterling should be handed over to them, or interest on that amount for fifty years at 4½ per cent. He thought the Committee ought to have the power of investigating all the circumstances of the case.

Mr. CONINGHAM said, he felt obliged to the hon. Gentleman for raising the question. After looking through the Bill, he was not at all prepared to vote for the second reading. He found words in the Bill which he could not assent to. The Bill contained a summary of the history of the contract entered into by the Government of the Earl of Derby and the Company who had undertaken to carry out the line. It stated that the Company had laid down the line of cable, and had expended their capital thereon, but by reason of accidents over which they had no control had failed in maintaining it in working order. Now, that was begging the whole question. From the statement of the right hon. Gentleman the Chancellor of the Exchequer, it seemed that the whole line had never been in working order. Links of it had been, but never the whole. Why, therefore, should the Representatives of the people be asked to vote money for that which had never been done? It seemed to him (Mr. Coningham) that this measure of the Chancellor of the Exchequer was not calculated to promote the interests of the public, or to bring to light the secret intrigues—if intrigues there were—or the mal-administration of subordinate officials of the Government. He had read with considerable interest an article in *The Times* to which he would refer.

Mr. SPEAKER: The hon. Gentleman will be out of order in doing so.

Mr. CONINGHAM said, that to refer the matter to a Select Committee, which could not take evidence on oath, was a most unsatisfactory thing. At present there was litigation pending between Mr. Newall and the Company, in the course of which no doubt some light would be thrown on the affair. Why, then, should the matter be hurried on? He could not think that a sufficient case had been made out for committing that House to the payment of so large a sum of money in fulfilment of a guarantee, the terms of which, he submitted, had never been carried out. Another singular circumstance connected with the business was that Mr. Lionel Gisborne, the gentleman who had been employed to superintend this line, was a gentleman whose antecedents were not of the clearest nature. He had been employed upon the Rangoon Line, and upon the Gibraltar Line, and, if he were not misinformed, the Red Sea Telegraph was not the first instance of the failure of Mr. L. Gisborne's enterprise. In 1854 there was a survey of the Isthmus of Darien, with a view to a ship-canal, and he had been told that Mr. Gisborne's survey turned out to be a complete delusion. There was, he thought, a *primâ facie* case for inquiry, and when the question was put he should certainly offer a negative to such an unsatisfactory expenditure of public money.

MR. AYRTON thought the hon. Member for Brighton (Mr. Coningham) had confounded two distinct questions. The first question was, what was to be done with the claimants; and the other was, what ought to be done with reference to the expenditure of money that had been guaranteed? The right hon. Chancellor of the Exchequer, in introducing the Bill, said the House was bound to keep good faith with the subscribers, but he did not wish to compromise the House with relation to the expenditure of the capital. The compilation of papers that had been laid upon the table did not give any information as to the application of the capital, nor of the causes of the failure to lay down the line. He intended to suggest to the right hon. Gentleman that there should be an instruction to the Committee to inquire into the circumstances under which the Company failed to lay down the telegraph, and, as he did not at all desire to impede the progress of the Bill, he saw no reason why the Committee should not report at once upon its provisions, and afterwards proceed with the other inquiry. He hoped his hon. Friend would not persist in his opposition, as such an inquiry as he suggested ought not to interfere with the proposition of the Chancellor of the Exchequer.

MR. CRAWFORD said, he did not doubt that the hon. Member for Brighton was influenced by the best motives in taking the strong views which he had enunciated, but he was hardly justified in indulging in harsh insinuations as he had done. The hon. Member had referred to Mr. Gisborne's antecedents, and especially to his survey of the Isthmus of Darien, but it was hardly fair to prejudice that gentleman by allusions to former alleged failures, and certainly he was not justified in speaking so harshly of him without being prepared to state the grounds upon which he did so. He (Mr. Crawford) protested against an absent man being prejudiced in the opinion of the House, but if the hon. Member thought he had grounds for the imputation he had brought against him, he should communicate them to the House. The hon. Member had also indulged in insinuations of secret intrigues and mal-administration on the part of the subordinate agents of the Government. If those subordinate officers had been guilty of mal-administration it was the duty of the hon. Member to state in what respect they had thus been guilty. The hon. Member for Bodmin (Mr. Wyld) said there had been a failure in the laying down of the line, but this was a mistake. The failure had been in the practical working of the line, for which the Company were not responsible, and which was incidental to the nature of the undertaking. He had not the slightest personal interest in the Company, but he was satisfied the line was undertaken in perfect good faith to the public. All the best science of the day was employed in the undertaking, and the failure arose from certain occult influences at the bottom of the sea which could not be provided against.

SIR STAFFORD NORTHCOTE said, that an impression had gone abroad which had found its way into the city article of *The Times*, and which appeared to have arisen from a misapprehension of a statement made the other evening by his right hon. Friend (Mr. Disraeli). The facts were that the Government entered into a contract with the Company that the line should be made and handed over to them in working order. The contract between the Company and the contractor was submitted to the Government for its approval. It was found to contain a stipulation that each portion of the line should be kept ten days in working order by the contractors before it was handed over to the Government. It was pointed out that ten days were too short a term, and the Government required that it should be extended to thirty days. That was a contract between the Company and the contractors, and not between the Company and the Government. The distinction was important, because it was said that the entire line had never been in working order for thirty days, and it was held that this invalidated the contract, whereas the contract between the Government and the Company contained no such stipulation. He entirely concurred with the hon. Member for London (Mr. Crawford) in thinking that the insinuations advanced by the hon. Member for Brighton, were unfair both to Mr. Gisborne and the subordinate officers of the Government. If the Government and the House thought proper to refer anything connected with the undertaking to a Committee, none would be better pleased that the matter should be thoroughly investigated than the late Government and Mr. Gisborne.

Mr. DUNLOP remarked, that having been Chairman of the Select Committee on this subject, he had moved and carried a Resolution in the House that in future no public guarantee should be introduced into a private Bill. That Resolution would now become one of the Standing Orders of the House.

Mr. DISRAELI said, he certainly thought it advisable that contracts of this kind should be brought before the House in the form of public Bills. But it was only fair to remind the House that, although this contract was introduced through the form of a private Bill, nothing could have been better known at the time than that the Government proposed to enter into an arrangement with a company for the construction of a Red Sea and India telegraph. A Bill was brought in upon the subject; the House was perfectly well informed as to the facts of the case; and nothing could have been watched with greater intensity, excitement, and curiosity in the City of London, than the chances that the contract would be entered into. It would be the height of hypocrisy, therefore, to pretend at the present moment that they were placed in an embarrassing position in consequence of that contract having been introduced silently into a House of Commons which had not the slightest suspicion of what was going on. So far for the form; and now as to the spirit of the transaction. He had to state that in consequence of the relations which then prevailed between Her Majesty's Government and our Indian empire, if a company had not been formed to carry out this scheme it was his intention, and that of his noble Friend the late Secretary for India (Lord Stanley), to have advised their colleagues to undertake the construction of that line of telegraphic communication. And he was quite certain that if he had made that proposal, such was the state of the relations between England and India at the moment, it would have passed unanimously. He did not wish to avoid any responsibility in this matter, but he held that it would have been the duty of any Government to carry such an undertaking into effect. That it had failed was greatly to be deplored. But it was to be expected that in the infancy of such enterprises failures would occur. Notwithstanding this failure, however, and that of the Atlantic Telegraph, he remained profoundly convinced that the time would speedily come when the Red Sea and the Atlantic Telegraph lines would be completely successful. Enterprises of this kind, that gave a new colour to civilization and a new impulse to the progress of mankind, could not be undertaken without some risk of failure. The Government, however, did not the less do their duty in patronising and supporting the scheme, and if they had not found the machinery of a public company for executing the undertaking it would have been the duty of his colleagues and himself to come to Parliament and ask for leave to carry it out on their own responsibility. The patriotism and sagacity of Parliament would, he was confident, have supported the Government in such a proposal.

The CHANCELLOR of the EXCHEQUER said, he was sorry to find that the right hon. Gentleman had that evening very much widened the field of that discussion, and that he had not kept within those bounds to which he had very prudently and very carefully confined himself on the preceding evening. He (the Chancellor of the Exchequer) wished it to be understood, that if he did not follow the right hon. Gentleman in all his details he must not be understood therefore as necessarily embracing all the doctrines he had laid down. No doubt it was true that in the infancy of great inventions many failures were to be expected, but then that raised another and a very difficult question—namely, at what stage of the infancy of those inventions the Government ought to take them into their hands, and promote them by means of the public money. That was a question of great importance. But, on the other hand, he was ready to admit that it was one which could not be decided on mere abstract considerations, but that the urgency of the circumstances should be taken into account, as well as the state of public feeling at the time. All that, however, he believed, had better be kept apart from the discussion in which they were then engaged, because that discussion turned strictly upon a point of public faith and honour, and he thought the importation of any other topics into it tended only to distract their attention, and to weaken the sense of their obligation to give effect to a pledge which had received the sanction of Parliament. He hoped, therefore, they would be allowed to confine themselves strictly to that question. He begged his hon. Friend the Member for Brighton (Mr. Coningham) to believe that there was no indisposition in any quarter to have the fullest investigation into all and every portion of the history of this transaction. But the point then before them lay in a narrow compass. It did not in any way embrace the consideration whether or not the Government were justified by motives of general policy, or by the peculiar urgency of the crisis which at that time prevailed, in departing from what would, perhaps, be universally recognized as the safe and prudent rule in such cases. It did not embrace the question whether the details of their proceedings were judicious; whether the amount of capital for which they gave the guarantee was moderate or sufficient, or excessive; or whether the terms of that guarantee, tested by the state of the public credit at the moment, was or was not reasonable. It was, he thought, desirable to keep the two subjects apart. Those persons who had engaged their property in the enterprise not only depended on the House of Commons giving effect to the engagements of the country, but also on that being done with all possible dispatch; and he believed that to mix up this small and simple question of public faith with those other larger questions involved in a full investigation of the whole matter would create dissatisfaction out of doors, and perhaps, give rise to a suspicion which, of all others, would be unjust to this House —namely, that the House was seeking for some occasion to elude the fulfilment of its pledges. He trusted, therefore, that his hon.. Friend the Member for Brighton would be satisfied to allow this Bill to go forward without taking the sense of the House on the second reading. With regard to what had fallen from the hon. Member for the Tower Hamlets (Mr. Ayrton), if it were considered desirable — and he thought it might be reasonably desired—to examine into the matters to which that hon. Member had called attention, there would be no objection on the part of the Government to allow or promote that investigation; and if he had delayed to announce, on the part of the Government, any fixed intentions on the subject, it was not so much in relation to the failure which had just occurred as in relation to the general merits of other similar arrangements which were likewise examined in the Telegraph Committee of last year; and it might still be a question how far it was desirable that, if another investigation of this kind were made, it should be limited to the particular arrangements with the Red Sea Telegraph Company, or embrace a wider range. On that question he would like time for consideration whether the Committee to whom the clauses of this Bill were to be referred should likewise investigate the matters to which his hon. and learned Friend desired to direct attention. But, at all events, he trusted that the progress of that particular Bill would not be retarded, while the reference of those other matters to the same or another Committee remained a matter of decision. He trusted, then, that the hon. Member for Brighton would not insist on dividing on the second reading.

MR. CONINGHAM pointed out that the preamble of the Bill recited that the Company were to present their line in working order.

THE CHANCELLOR OF THE EXCHEQUER said, this was a point which would be examined into by the Committee on this Bill. The questions involved in the Bill were altogether different to those general questions which applied to other similar arrangements. He must say that he did not agree with the retrospect of the right hon. Member for Buckinghamshire, who said there never was a measure of which the nature was better understood by Members of Parliament than the Red Sea Telegraph Bill of 1858. It was not a question of praise or blame one way or the other. The practice pursued was the established one. But he did not concur in thinking that the nature of the measure was well understood by the Members of the House of Commons who passed the Bill; and, he thought, the hon. Member for Greenock (Mr. Dunlop) had done well in calling attention to the subject, and proposing to provide for a different practice in future by a new Standing Order; and the hon. Baronet who represented Evesham for suggesting that the securities of a Money Bill should, in time to come, be thrown around Bills for the ratification of such arrangements as that which had been made in the present case.

Bill read 2°, and *committed* for *To-morrow.*

CRIMINAL LAW (ENGLAND AND IRELAND) CONSOLIDATION AND AMENDMENT.—LEAVE.

THE SOLICITOR GENERAL said, he rose to move for leave to introduce Bills to consolidate and amend the Statute Law of England and Ireland relating to offences against the person, malicious injuries to property, larceny, forgery, coinage offences, accessories and abettors, and also to repeal certain enactments which had been consolidated in other Acts. It would be in the recollection of the House that during the last Session Bills bearing the same title as those on the Notice Paper came down from the other House of Parliament, and, after being read the second time, had to be dropped because the state of public business would not admit of their then receiving that consideration in Committee which was thought desirable. At the time of their withdrawal, however, an intimation was given by the Government that an early opportunity would be taken in the present Session of introducing the Bills into this House; and, he thought, the House would agree with him that no unreasonable delay had been allowed to interfere with the performance of such promise. The Bills in question were seven in number, and their general object was to consolidate and assimilate the Statute Law of England and Ireland bearing upon crimes. One of the seven, however, was simply a repealing Bill, abolishing the enactments for which the other six, if passed, would become the substitutes; while another, referring to accessories and abettors, fell rather under the category of criminal procedure than of crime and punishment. These measures would not interfere with that portion of our criminal law, now small in extent compared with the rest, which was common or unwritten. As to the propriety of consolidating the statute law, but one opinion was entertained among all who had applied their minds to a consideration of the subject. It might be expected, indeed, that with respect to the various Bills which from time to time were proposed as means for carrying out consolidation, those Bills or those means might meet with more or less of disapprobation; but he repeated that as to the propriety of consolidation of the criminal statute law no second opinion was entertained. Any attempt, on the other hand, to collect and put into a compact form that other part of the criminal law which was called common or unwritten would amount not to consolidation merely, but to codification, and would stir up controversial matters. But, as for many years past the great bulk of our criminal law had been the creature of statute, the Bills which he was about to bring in would effect a very considerable reform in the administration of that branch of our jurisprudence. The punishments provided by the common law were comparatively few and simple. As society grew older, and new wants were felt, other punishments had to be established, and these were based upon statute. The measures, it would thus be found, to which he invited attention, not only dealt with a very large portion of our criminal law, but with that portion which was most familiar in its operation, and which, in its relation to the interests of society, was of the gravest character. No doubt, while consolidating, it was wise also to assimilate the law of the two countries as far as practical and convenient; but, as the circumstances and exigencies of England and Ireland in important points materially varied, it was obvious that a limit was placed by that fact on the expediency of assimilation, and, consequently, on the extent of consolidation. That distinction had been observed in framing the Bills now before the House. The proposal contained in the Bills to consolidate and assimilate was but part of a most important work, in which it would be of the highest advantage to make material progress—he meant the reformation of the statute book. In order to this the statute book should contain only those statutes which were in operation—not repealed, expired, or obsolete; and those statutes which alone composed the statute book should appear on the face of it in a convenient form, collected under proper heads and divisions. That collection was the function of consolidation, and when consolidation had taken place expurgation must follow. They could not have a perfectly satisfactory statute book until they were able to combine these two operations. Consolidation, however, was the first step, and the necessity for it was the most urgent. That portion of the statute law which related to crime was the most easy to consolidate, and, therefore, he hoped the House would be of opinion that the step taken by these Bills was in the right direction, and that the benefit to be derived from them, if passed, would be not inconsiderable, forming an auspicious beginning in the course of general statute law consolidation, and conferring important facilities and benefits in the way of clearness, intelligibility, and access both upon those who were subject to the law and those who administered it. He admitted, however, that after the sum of improvement these Bills would effect, much would still remain to be done. Suppose these Bills passed, they would be published in autumn as component parts of the statute book, which, so far, would be extended; but, if they followed up their work with the other process of expurgation going on, a great mass of enactments and clauses of other Acts would disappear from the statute book. The subject of consolidation had not been recently taken up for the first time; its necessity had been long felt, and legal writers of great eminence, in comparatively early times, when the statute book was much less formidable than now, had insisted on it, and deplored that it had not been carried into effect. That eminent statesman, Sir Robert Peel, had paid great attention to the subject, and various Acts consolidating the criminal law had been prepared under his auspices, and still bore his name. A number of Royal Commissions had been issued from time to time to inquire into the existing state of the Statute law, with a view to digesting and consolidating it; and as this was a matter of great importance, as showing the authority on which the Bills were brought in, he would venture to remind the House of the dates of those Commissions. The First Commission for the digest and consolidation of the criminal law was issued in 1833. In 1836 a similar Commission was issued, which made three Reports. In 1837 there was another Commission, and which issued four Reports. In 1845 a fourth Commission was appointed, which issued five Reports. From 1833 down to 1849 there had been no less than four Commissions and twelve Reports on the subject of consolidation. Although the Bills he was now seeking to introduce were not framed by any body of Commissioners, they had been prepared after a careful perusal of the Reports of the various Commissioners to which he had referred. In 1853 and 1854 two successive Commissions were issued, which differed from some of the previous ones in some respects, and which were called Statute Law Commissions; for, whereas certain of the earlier Commissions he had mentioned had reference to crime alone; the Commission of 1853 and 1854, which was the last of the series, had reference to the statute law at large, of which that relating to crime formed only a part. In 1856 eight criminal Bills were prepared by the Statute Law Commissioners, and were referred to eminent and competent authorities—Lord Wensleydale, the late Chief Justice Jervis, Sir FitzRoy Kelly, and Mr. Greaves. Those Bills were the foundation of the measures which he was now seeking to introduce. They were placed before the other House by Lord Cranworth in July, 1856, but, in consequence of the late period of the Session, they were dropped and not further proceeded with. In the following year a change was made in the mode of procedure adopted by the Commissioners. Up to 1857 it had been considered that the labours of the Commissioners should be confined to the work of consolidation, without any attempt at amendment, but in that year the Statute Law Commissioners, presided over by Lord Cranworth, resolved that, in future consolidations, admitted imperfections and omissions should be remedied. That plan had been invariably acted upon since 1857, and the present Bills, although entitled to the character of Consolidation Bills, contained various alterations and amendments of the existing law. With two omissions they were similar to those which were introduced in 1857, and which had been previously approved by the deliberate judgment of Lord Wensleydale, Chief Justice Jervis, Sir FitzRoy Kelly, and Mr. Greaves. They were not brought forward, therefore, without due consideration and ample information; they embodied the result of the labours of successive Commissions, and could not fail, he thought, to meet the approval of the House. The next point to which he would advert was that of the assimilation of the criminal law as it prevailed in England and in Ireland, an object which, in the Bills on the subject which had been introduced in 1857, it had been sought, to a limited extent, to attain. The question, not being one of a party character, had been dealt with by successive Governments with an earnest desire to solve the difficulties by which it was encompassed in a satisfactory manner; and the administration of the Earl of Derby had, accordingly, in 1858, taken steps to carry out, still further than had been proposed in the previous year, the principle of which he was speaking. The measures, however, which the Government of Lord Derby had laid before Parliament with that view, and which were substantially the same as those which had received the sanction of Lord Wensleydale and other eminent authorities, had been dropped, owing to the dissolution which had taken place shortly after their introduction; but an eminent Member of that Government (Mr. Whiteside) had in the Session of 1859 laid upon the table certain Bills which had not gone beyond a second reading, and which embraced the principle of assimilation to the extent provided in those to which he now invited the attention of the House. Again, in the vacation of 1859, Mr. Greaves, assisted by two gentlemen of the Irish bar, Mr. Pigott and Mr. McBlane, applied themselves diligently to the task of consolidation, and, with great care, prepared Bills which were introduced into the other House of Parliament, and were subsequently referred to a Select Committee of the Upper House. Those measures also failed to pass this House in consequence of the lateness of the Session. Into the history of the various measures which had been introduced on the subject of the consolidation of the criminal law generally, up to the present moment, he should not further enter, beyond saying that as the Bills proposed to be brought in, stood when brought into the other House by the Lord Chancellor last year, the punishment of death was reserved for infliction, under the Offences against the Person Bill, for two offences only—murder and the administration of poison with intent to murder; but subsequently, in the passage of the Bills through the other House, three other instances in which death might be inflicted were added to the catalogue of offences so punishable. These instances were, wounding with intent to murder; destroying or seriously damaging a building with intent to murder; and setting fire to a ship with intent to murder. The Bills, however, as they were now framed, had been restored in that respect to the shape in which they had been originally introduced. For malicious injuries a provision was copied from a Statute of George III., inflicting the punishment of death on those who were found guilty of setting fire to arsenals, dockyards, and establishments of that kind. The Bill left that punishment as it was; and it would be for the House to deal with it. Some expressions of dissent had been used with regard to the punishment of whipping, which occurred with some frequency in these two Bills. Where it was sanctioned at all it was restricted to persons of the age of eighteen, and some hon. Members thought that too advanced an age. He had left the clauses as they stood, but it would be competent for any Gentleman at the proper time to review the decision of the framers of the Bills, and in the end, doubtless, that would be done which would give satisfaction to the House. If the House granted him leave to introduce these Bills he should propose after they were read a second time to refer them to a Select Committee. He had already stated that that course had been satisfactorily adopted by the other House of Parliament. There were circumstances in the state of Ireland more or less different from the circumstances of England, which made it expedient not to alter the principle of the law, but to confine assimilation to cases to which it was reasonably applicable. If the propriety of the changes proposed, with a view to assimilation, were challenged, it would be necessary to refer to various enactments affecting the sister kingdom, and to compare them with the criminal statute law of England. Some amount of detailed labour might be necessary, as any hon. Member was fairly entitled to require it, and it could be better accomplished in a Select Committee than in a Committee of the Whole House. It was not too much to anticipate that the Bills would come from the Select Committee in a State in which they might be regarded with the persuasion that the law was properly and prudently consolidated, and that no injurious changes had been introduced for the purpose of assimilation or otherwise. In conclusion he would move for leave to introduce the first of the series of Bills to which he had referred—that to consolidate and amend the Law relating to Offences against the Person.

MR. M'MAHON said, the House must feel grateful to the hon. and learned Solicitor General for the full, clear, and satisfactory statement which he had made of the history of consolidation and of these Bills. He believed he was thought bold and audacious for saying last Session that they ought not to take these Bills on trust, and that they should be referred to a Select Committee. But any one who had heard the statement that evening must be satisfied of the propriety of carefully examining these provisions. These Bills would not diminish the bulk of the statutes, and they would not simplify the knowledge of the criminal law to be gathered now from *Archbold* or any book of practice. He suggested that the whole subject of consolidation should be taken in hand. Why not consolidate the criminal law of England, Ireland, and Scotland? If there was one part of the United Kingdom which required general consolidation more than another it was Scotland. The law of Scotland was in as barbarous a state as that of Italy. There was no *habeas corpus;* though a prisoner might demand his discharge after 150 days if the public prosecutor did not bring him to trial within that time. Again, in Scotland, a man might be hanged by the casting vote of a jury of fifteen, and the judges, if a new crime was committed, adapted the law to the new state of facts. The Eighth Report of the Commissioners in Procedure contained a most capital code, and having seen the advantages of the Codes Justinian and Napoleon, he did not see why they should not have a perfect code for the United Kingdom, to be called the Victoria Code, showing how, from the time when a man was taken into custody on a charge of committing any offence, to the time of his final acquittal or punishment, the law afforded every possible security that a regard for truth and justice, and for the lives and liberties of the Queen's subjects, could require.

MR. GEORGE said, that he did not rise to criticise the details of these Bills, but to express, on behalf of his Colleague, the right hon. and learned Member for the University of Dublin, his warmest acknowledgments for the way in which the hon. and learned Solicitor General had spoken of the Bills introduced by him (Mr. Whiteside) when in office under the Earl of Derby's Government; and he could promise that his right hon. and learned Friend would give all possible assistance to complete this work before the Select Committee. He would suggest that the five Bills which his right hon. and learned Friend had introduced should be sent to the Committee along with the present measure; and also that some of the provisions in the two other Bills of his right hon. and learned Friend—that in the criminal procedure and the punishment statutes, might be usefully imported into the present Bills. The principle of assimilating the law of England and the law of Ireland, especially with regard to conspiracy to murder and other grave offences, might be carried further than seemed to be intended by the Bills now before the House. In the present improved state of Ireland, there was no reason why such a difference should exist.

MR. HADFIELD said, he could not but deprecate the expending of large sums of money upon Commissions for improving and consolidating the law, from which the country obtained little benefit. Moreover, he strongly objected to the use of the lash on juvenile offenders. It was a degrading punishment; and a boy who had once been whipped never forgot it. Sixty-four crimes, if the culprit was under eighteen years of age, were still visited with flogging; and its results, as described to him, were perfectly horrifying. He regretted to say that the county of Lancaster was more conspicuous for this punishment than any other. There was actually more flogging in Lancashire than in all Ireland. In Salford and Manchester there was more of it than in any other place whatever. He believed that it was a very injudicious penalty; and, if the Committee reported for its retention, he should think it his duty to take the sense of the House on the question. In his opinion many of the sentences at the quarter sessions were far too severe, and not suited to the times. The policy of the country was to mitigate both the sentences and the actual punishment.

MR. TURNER said, he was not aware that the magistrates of Manchester were more severe or cruel in the administration of the law than other people. It had certainly been their custom to give lads guilty of petty offences a good whipping rather than subject them to the contaminating influences of a long imprisonment. The hon. Gentleman (Mr. Hadfield) said that a boy who had once been whipped never forgot it. He (Mr. Turner) believed that that was quite true, for when they had given a lad a good sound whipping they seldom saw him again. He considered that flogging was the best punishment for juvenile offenders; but he hoped there would be less and less of it in Manchester, for many ragged schools had been opened with a view to keep children out of the hands of the police altogether.

MR. DUNLOP said, he thought the hon. and learned Solicitor General had done well in not attempting to consolidate the laws of England and Scotland in the same measure. With respect to the strictures on the Scotch law which had fallen from the hon. and learned Member for Wexford, it might be true that the majority required for a verdict in Scotland was too small; but it was better, at any rate, than the scandal of acquitting persons notoriously guilty in consequence of there happening to be some one capricious or partial individual in the box. He believed that the Scotch criminal law would bear comparison with the laws of England or Ireland; and as for their civil law, it was notorious that most of the improvements which had been introduced of late years into the English code had been borrowed from Scotland. He might instance, for example, the Divorce Bill, and the Declarator of Legitimacy. Five years ago the Scotch Members had had to fight a hard battle to prevent the English law of bankruptcy from being forced down their throats against their will. They succeeded; and the other night they had had the satisfaction of hearing a measure proposed by the hon. and learned Attorney General, the chief features of which were all taken from the Scotch law.

Mr. LOCKE said, he considered that the Solicitor General had exercised a wise discretion in consolidating the laws of the two countries. He had been glad to hear the hon. and learned Member for Wexford (Mr. M'Mahon), who occasionally spoke loudly of Irish grievances, declare that the difference between the laws of the two countries was but trifling. With regard to corporal punishment, he was of opinion that, when administered, a magistrate ought to be present. It was all very well to say "Let a boy be soundly whipped," but it was impossible, under present regulations, to know what amount of torture was inflicted. If whipping were to be retained as a punishment, the magistrate who ordered it should be present to see it administered. In the army and navy, when the men were flogged, an officer was obliged to be present. One hon. Member had said that he would rather be whipped than put on bread and water for three days. For his own part, he confessed he would prefer the bread and water, which, taken in prison, might be very beneficial.

Motion *agreed to.*

Then the following Bills were ordered to be brought in by Mr. Solicitor General, Viscount Palmerston, Mr. Attorney General, and Sir George Lewis.

Offences against the Person,—Bill to consolidate and amend the Statute Law of England and Ireland relating to Offences against the Person.

Malicious Injuries to Property,—Bill to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property.

Larceny, &c.—Bill to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar offences.

Forgery,—Bill to consolidate and amend the Statute Law of England and Ireland relating to indictable offences by Forgery.

Coinage Offences,—Bill to consolidate and amend the Statute Law of the United Kingdom against offences relating to the Coin.

Accessories and Abettors,—Bill to consolidate and amend the Statute Law of England and Ireland relating to Accessories to and Abettors of Indictable Offences.

Criminal Statutes Repeal,—Bill to repeal certain Enactments which have been consolidated in several Acts of the present Session relating to Indictable Offences and other matters.

And the said Bills were afterwards severally *presented,* and read 1°.

APPROPRIATION OF SEATS (SUDBURY AND ST. ALBANS).—LEAVE.

Sir GEORGE LEWIS: Although the measure I am about to propose is not large and comprehensive, any Bill which affects the construction of this Assembly, and which deals with four seats in it, on the principles which this House, if it legislates on the subject, will consider and adopt, is nevertheless, of considerable importance; and I feel certain that it will receive the deliberate attention of the House. Sir, the Bill which I seek to introduce is founded on the fact that, by former Acts of Parliament, two boroughs, those of Sudbury and St. Albans, have been disfranchised: the one in 1844, the other in 1852. Plans have been previously proposed for assigning these four seats, but the reason why the House has hitherto abstained from filling up the vacancies has been that an expectation was entertained that some measure would be passed, which, in the generality of its provisions, would deal with these four seats, and fill up the vacancies thus created. During the last Session of Parliament, as the House is well aware, Her Majesty's Government proposed a measure of Parliamentary Reform which embraced the disposal of these four seats. That measure, I need not remind the House, did not pass, and Her Majesty's Government have not thought it expedient to ask the House to consider a general measure of Parliamentary Reform this Session. Under these circumstances, it has seemed to them advisable that these four seats should not remain vacant, and that, to complete the integrity of the representation, a separate measure should be proposed whereby these vacancies shall be filled up. Sir, I am quite aware that any person who makes a proposal to the House affecting the disposal of four seats, undertakes a difficult task, inasmuch as it is necessary that he should make definite proposals in reference to them. It is quite certain that, should this Bill ever reach the Committee, many alternatives will be presented to the House; two notices have been already given which will deal with part of the subject, and no doubt at a future stage various views will be entertained by hon. Gentlemen who are the advocates of different districts or parts of the country. I cannot hope that the Measure I have to propose will not be open to criticism on particular points, and that it may not be possible to present other proposals in a manner which may appear specious to the House, or to certain portions of the House; but I will ask hon. Gentlemen to consider the plan as a whole, and not to expect that it shall be more than a fair and reasonable proposal, and on the whole superior to any other proposition which can be submitted to the consideration of the House. Without further preface, I proceed to state the manner in which I propose that these seats shall be filled up. The House will observe that the vacancies have been created by the disfranchisement of two boroughs; but although that is a consideration which I do not think the House should altogether lose sight of, Her Majesty's Government are not of opinion that it in any way binds them to assign all these seats to boroughs. They, therefore, propose, in the first place, to assign two seats to the two largest counties—namely, one seat to the West Riding of Yorkshire, and one seat to South Lancashire. I will state the total population of these two counties, and also their population exclusive of the represented towns. The total population of the West Riding of Yorkshire, according to the census of 1851, was 1,315,896; and exclusive of the represented towns, it was 794,884. The total population of South Lancashire was even greater—namely, 1,570,000, but, exclusive of the represented towns, it was only 500,000. These two are the largest counties in England; the next two in point of size would be North Lancashire and Middlesex. Our proposal does not contemplate any division of those counties; this is a matter which is always one of great difficulty, and with regard to which differences of opinion arise. We propose to make no disturbance in existing boundaries, but simply to add one Member to the representation of each. There remain, then, two seats, which we propose to assign to boroughs. The first we propose to give to the united parishes of Chelsea and Kensington. It is possible that many hon. Gentlemen may entertain objections to adding to the number of metropolitan Members, may think that the metropolis is already sufficiently represented, and might prefer to assign the two seats to some rural borough. That is a matter which is fairly open to the consideration of the House, and, no doubt, when the Bill reaches Committee, the opinion of the House will be fully tested on it; but nevertheless I shall be fully prepared, when the proper time comes, to defend the selection which has been made, and I shall be surprised if the deliberate judgment of the House does not sanction it. The population of the parish of Chelsea at the last census—and I have no doubt it has since increased — was 56,538. Kensington, which has also increased, and where a large number of excellent houses have been recently erected, had a population amounting to 44,053. The united population of Chelsea and Kensington, therefore, at the last census was over 100,000, and I have no doubt is now considerably more; but that is a fact which will be ascertained in April next, inasmuch as we are then to take the next census. Some persons may say, "It is all very true that Kensington and Chelsea together form a considerable population, larger than any unrepresented town, but London must be taken as a whole; we must look at the whole number of Members for the metropolitan districts, and, looking at that number, we say that it is sufficiently represented." But if that argument be resorted to, I wish to call attention to what is the present population of London, because it is an important element in the question. I have obtained from the Registrar General an estimate of the population of London at the present time, which is made on a fair principle—namely, by supposing that London has increased in the same proportion in the last ten years as in the ten years previous. He estimates the population of London at the present time at 2,864,000. Hon. Gentlemen may, perhaps, wish to know what is the comparative population of Scotland. At the last census the entire population of Scotland was 2,862,000, nearly the same, or rather less, than what is now estimated to be the population of London. The House, therefore, will, I think, agree with me that, whether you look to the population of these two parishes standing alone, or take them in connection with this enormous Metropolis, it is difficult to deny their claim in one character or the other. With regard to the other seat, I propose to give it to the town of Birkenhead. It is a town which differs in character from the other three communities to which seats will be given. It is not a manufacturing place like the West Riding or South Lancashire, which may be said to a great extent to be manufacturing districts; it is not a metropolitan borough like Chelsea and Kensington; it is a commercial town, which has greatly increased within the last ten years. Its population at the last census was 24,000, and it has considerably increased since that time. It is now the most populous of the unrepresented towns. It might be said by some persons who take a general view of the subject, that if two boroughs such as Sudbury and St. Albans are disfranchised, their seats ought to be assigned to boroughs somewhat similar in character, or, at any rate, to the four largest unrepresented towns. If that principle of appropriation were adopted, the four boroughs selected would be Birkenhead, which had a population of 24,000; Staleybridge, which has 20,000; Burnley, which has 20,000; and Gravesend, which has 16,000. I cannot but think, however, that the choice which I have submitted to the House is preferable. It is the distribution of seats which, upon deliberation, the Government have decided to submit to the House, and it will be contained in the Bill which I am now asking permission to lay upon the table. I repeat, I hope the House will consider whether it is a fair and reasonable proposal. I do not lay claim to its possessing any extraordinary perfection, nor do I deny that other alternatives may be submitted to the House which may deserve their attention, but I maintain with confidence, that it is a fair and reasonable plan which merits their consideration, and which, having received their consideration, may, I trust, in the present Session of Parliament, meet with the support of a large majority of the House. The right hon. Baronet concluded by moving

"That leave be given to bring in a Bill for the appropriation of the Seats vacated by the Disfranchisement of the Boroughs of Sudbury and St. Albans."

Mr. BENTINCK said, he did not wish, on that occasion, to go into the question at any length; but he could not allow what had fallen from the right hon. Baronet to pass without entering his protest against the scheme he had proposed. The right hon. Gentleman had told the House that the dealing with the four seats was a very important question, in which statement he (Mr. Bentinck) most fully concurred; but the right hon. Gentleman went on to say that he dealt with the distribution of these seats upon principle. But after listening attentively, he (Mr. Bentinck) was totally at a loss to discover what the principle was; but if he had any leaning of opinion it was that the right hon. Gentleman intended to act upon the principle of figures. If this were so, he could show him that he had totally lost sight of the real merits and justice of the case; but if he did not attempt to deal with the matter upon the principle of figures; he (Mr. Bentinck) was then utterly at a loss to understand the principle. If the question were one of figures, then he could show that not only those four seats, but every one of the next 130 or 140 which might become vacant ought in justice to be given to the rural counties of England. ["Oh! oh!"] Hon. Gentlemen might cry "Oh!" but there was no gainsaying figures; and if the matter was to be decided on figures alone those seats must be given to the counties. Of course, if it were to be dealt with on other principles not yet explained, different considerations would come into view. It was almost superfluous for him to say that representation and taxation were convertible terms, and that when they discussed in that House what interest was to maintain its fair or unfair share of representation, the real battle they were fighting was what class of the community was to bear the heaviest or the lightest share of taxation. When once they began to deal afresh with the representation, they were bound to deal with the question as one of abstract justice, which could be supported by figures. The right hon. Gentleman had, however, given no such reason, but had said that more specious plans might be suggested. He (Mr. Bentinck) most decidedly objected to specious plans, and simply asked the House to consider whether the ground upon which the right hon. Gentleman proceeded was sound or not. Then as to that part of the proposition which was to add to the number of metropolitan Members—and he could not help thinking, that when the time came for discussing the details of the Bill it would be shown not expedient to adopt that part of the scheme—he would not go into the matter further than enter his protest against any tampering with the rights of the rural districts of England. One would imagine, from what one heard of Reform, that it consisted in nothing but large towns and railways, and that there was no such thing as a country, or of that part of the population which contributed most to our wealth and security. He should be extremely sorry to argue that the great commercial emporiums of the country should not have their fair share of representatives, but what he did argue against was any attempt on the part of the boroughs to obtain a monopoly of representation. It was on these grounds that he protested against the scheme of the Government; and when the time came for entering into details he hoped to be able to show that the proposal was not founded on figures or in justice.

MR. STIRLING said, he wished to direct the attention of the right hon. Baronet to the Universities of Scotland. Scotland was the only one of the three kingdoms that had no University representative. England had four University Members, and Ireland two; and he thought it would be conceded by the House that those Gentlemen enjoyed their seats to the advantage, not only of their respective constituencies, but of the nation at large. The right hon. Baronet said that his arrangement was based on figures. That being so, he (Mr. Stirling) wished to present the House with a few statistics, and they should be very few. Not many years ago it might have been said with truth that although Scotland had Universities she had no University constituencies; that those who received their education in those Universities had no concern with them after they left them; that they neither took degrees nor had any rights or privileges in connection with them. But Parliament, in its wisdom, amended that state of things. Three years ago Her Majesty's Government passed a measure known as the Scotch University Act, which had infused new life into the Universities. Short a time as it had been in operation, there was now in Scotland a very fair University constituency. Without going into the details respecting what was called the General Council of the Universities, which answered to the Convocation of Oxford and the Senate of Cambridge, the Scotch Universities had an aggregate constituency of 3,304. That, in itself, was a considerable number. It was larger than would be found in any book of reference, for the constituency was increasing, and he had obtained those figures on the previous day. The constituency of the University of Cambridge was 4,566; of Oxford 3,623; and of Dublin, 1,780; so that the constituency of the Universities of Scotland was much larger than that of the University of Dublin, nearly as large as that of the University of Oxford, and, he had no doubt, it might be as large as that of the University of Cambridge. There was no one of whose assistance he would have been inclined, on general grounds, to be more hopeful in respect of this matter than the right hon. Baronet. Surely such a constituency would be at least as intelligent as any of those referred to by the right hon. Gentleman. In England, members of the Universities were, as a general rule, only found in the better classes; but in Scotland the case was different, for University education was sought for and enjoyed by all classes of the community, from the peasant upwards. What was the problem which all or many statesmen tried to solve last year? Was it not to find a means by which intelligence without property might be permitted to enjoy some of the constitutional advantages of property, which had hitherto been considered to be the standard of electoral fitness? By admitting the constituencies of the Scotch Universities to the elective franchise they would be conferring a constitutional privilege on men whose intelligence qualified them for its exercise, yet many of whom might never obtain the necessary property qualification. Having made this suggestion, he would venture to express a hope that the right hon. Baronet would allow a sufficient time for the judgment of the country to be collected on this important subject. It would be only becoming to allow time for it to be considered by the country and criticised by the press. Should it not be taken up by some more influential Member, he should himself endeavour to take the sense of the House on the question to which he had now directed attention.

MR. MAGUIRE said, he would remind the House that by the Government Reform Bill of last year two of the seats were to have been given to Ireland and two to Scotland. The population of Scotland had been spoken of in somewhat contemptuous terms; but it was not less this year than last. If the hon. Gentleman (Mr. Stirling) embodied his proposition in a substantial form, he would be glad to give him his support. Of the two Members who were to have been given to Ireland, one was to have been bestowed on the county of Cork, which contained 600,000 inhabitants, and the other on the city of Dublin, which had a population numbering 300,000. The population of Dublin had not decreased since last year, and that of the county Cork had increased since the time when the united wisdom of the Cabinet decided that it was entitled to one of the seats that was now about to be otherwise disposed of. These were matters which must be pressed upon the attention of the House if the present Bill ever reached that stage on which its details would be discussed, an eventuality which the right hon. Gentleman himself seemed to regard as problematical. As to the metropolis, he (Mr. Maguire) thought it was well represented. The metropolitan Members were among the most able, active, and intelligent in the House. They had a fair share of eloquence and a fair share of wisdom. The metropolis was, therefore, admirably represented, and the Government and the House ought not to baulk Ireland. Justice had long been promised to her; but now the cup was about to be dashed from her lip in consequence, he presumed, of political exigency.

Mr. AYRTON said, he should have been well content to have allowed this miserable abortion of a Bill to fall stillborn upon the table of the House without a word but for the observations made by the hon. Member for Norfolk (Mr. Bentinck). He felt bound to say that if they had cause for great dissatifaction at the part played by the Government in abandoning the cause they had undertaken to advance, there was still much cause for satisfaction in finding that the hon. Member for Norfolk entertained such sound views upon the question of Reform. He had great hopes henceforth, he was happy to say, of hon. Gentlemen on the opposite (Conservative) side of the House; they had become so enlightened that Liberal Members might expect to get from them what had been denied by the hollow friends of Parliamentary Reform. He was delighted to hear the hon. Member for Norfolk say that representation and taxation should go together; and he doubtless recollected that the people of England, who paid one-half of the taxes, had now no right to send representatives to this House. The unenfranchised classes, when they despaired of obtaining justice from a Government which had betrayed them, would turn with confidence to so eminent a Conservative as the Member for Norfolk, who in his speech had maintained the principle which formed the very foundation of the rights claimed by them from Parliament. The hon. Gentleman declared that if justice were done the counties would receive 100 seats or more at the expense of the boroughs. The truth of this observation might be admitted. But what was justice? If they proceeded upon numbers as the basis of representation, the counties could not send Members to the House of Commons until county representation was based on numbers. When the hon. Member came down to the House with a Reform Bill, giving to the adult millions who, unenfranchised, lived in counties the right of representation, he (Mr. Ayrton) would be the last to deny the right of representation to the counties. But what Conservative had ever professed to give the counties that right? At present the right of voting in the counties was vested in comparatively few, while the adult males who possessed no vote might be counted by thousands, and therefore the counties were now not only well represented, but over-represented. If the hon. Member were prepared to make this concession, and to submit a Bill for the enfranchisement of these persons, he would have a right to transfer to the counties some of the seats now usurped by corrupt and rotten boroughs, and might overthrow any amount of political intrigue directed against a fair settlement of Parliamentary Reform. [Mr. BENTINCK: Hear, hear!] The hon. Member said "Hear, hear;" but where was the Bill? Why had not the Conservative Government framed the Bill they introduced in accordance with the wishes expressed by the hon. Member on the present occasion? Had they done so they would have immortalized themselves, and would have received support not only from a large majority in the House, but from the nation at large; but, instead of doing that, they proceeded on the principle of keeping the representation in the hands of a comparatively small number. It was certainly gratifying to the metropolitan Members to be told that they were so singularly efficient; but he objected to be improved out of his own estate. He did not admit that they were so efficient; at all events, they had not that power of numbers which unfortunately, when any question of weight was brought under the notice of the House, prevailed far more than any amount of eloquent advocacy. With regard to the Bill, he did not admit the doctrine that numbers should constitute the basis of representation; and he regretted to see a Minister of the Crown proposing a measure to the House entirely upon that ground, for he did not think it a fair and statesmanlike mode of dealing with the question. If that doctrine were affirmed, the whole of the four seats ought to go to Ireland; but the constitution of the House of Commons had been settled on different principles. Those principles had been adopted after due investigation at the union of the two countries, and he believed that there were no good grounds now for changing the arrangement, and that Ireland could not claim to take a single representative from England. Representation was based not upon numbers only, but upon property, and on everything which contributed to the wealth, strength, and stability of a nation. He thought he should make a convert of the hon. Gentleman to the conclusion that, under proper conditions, it would be just and reasonable to add to the number of metropolitan representatives. But he did not mean to appeal to mere numbers in support of such an opinion; all the elements he had mentioned were to be considered whenever the question of representation was fairly discussed. It might not be conducive to the public interest that to numbers alone a great and overwhelming amount of representation should be intrusted. But the case of Chelsea and Kensington did not rest on this ground alone, though they comprised the largest unenfranchised constituency in England, and therefore had the first claim. He protested, however, against the attempt of the Government to escape from the performance of a great duty by presenting to the House this most trumpery Bill, and could not help expressing his sympathy with the right hon. Gentleman who had been used for such a purpose. If the part must be played out—the part of the *ridiculus mus* in the great mountain of Reform—there was but one person qualified for it, and that was the noble Lord (Lord John Russell). It was quite evident that the Government had taken advantage of the known goodnature of the right hon. Gentleman, and had imposed on him this —he could not say service, but this—ridiculous performance. The right hon. Gentleman always did his work well whatever it might be; but he hoped the House would not allow the right hon. the Home Secretary thus to be made a convenience of on the present occasion. The Liberal party should hold the Ministry to the fulfilment of their great duty. They took office for one great object, which they were bound to carry out. They had confederated to displace a former Government, and succeeded because men thought that that Government would not perform its duty conscientiously. They put that forward as the ground on which they invited their Sovereign to change her Ministers. Nay, more—they might be said to have foisted themselves upon their Sovereign, usurping her great prerogative; and, in so doing, they had been buoyed up by the popular sympathy accorded to them because they were believed to be entering office for the performance of that duty. But now that they had got into office they shrunk from the fulfilment of their own pledges under the hollowest pretence—that the Bill which they brought forward, but which was full of defects, was subjected to adverse criticism. They thus availed themselves of the badness of their own Bill to absolve themselves from the performance of their duty. Surely there never was such a contrivance. The Ministry would find when it was, perhaps, too late, that they had lost character and credit throughout the country. Every succeeding election would turn to their disadvantage; and, if they did not do their duty manfully they would sink down, step by step, until they slipped out of office altogether, objects of universal contempt and of universal scorn.

VISCOUNT PALMERSTON: Sir, we shall not be at all swayed, as I can assure the hon. Gentleman, nor are we at all daunted by the magnificent phillippic which he has just delivered. It may be well for the hon. Member to misrepresent the conduct of the Government. But we do not propose this measure as the substitute for a general measure of Reform. We stated, I think sufficiently, the reasons why we do not think it our duty in this Session to bring in what is called a great and comprehensive measure of Reform. Those, I think, who remember the course adopted last year by hon. Gentlemen on this side of the House, as well as by those who sit opposite, can never feel in their hearts, whatever they may assume to feel, any great astonishment that the Government this Session have not called on the House to spend so many hours as were spent last year, not in discussing, but in evading and shelving that measure, which was shelved as much by the professed friends of Reform as by its opponents. I therefore repudiate, Sir, the whole of the insinuations of the hon. Gentleman as totally unfounded, and, as in no degree affecting the standing or character of Her Majesty's Government. We have, upon mature deliberation, come to the conviction that it would not have been for the public advantage for us to have called upon Parliament in the present Session to renew any long discussions on a comprehensive measure of Reform. But we did think it our duty not to permit these four seats to remain vacant any longer. The reason no arrangement was proposed before is, that from year to year it was thought they might be included in some large and general measure. Now, we certainly did not expect that any proposal we might make for the distribution of these four seats would not be met by an infinite number of counter proposals. These four seats belonged to English boroughs, and the natural arrangement appears to be that they should be allotted to four English constituencies. But we did not disguise from ourselves that the moment we made that proposal we should have some hon. Gentleman from Scotland rising to say that they ought to be given to Scotland; and that hon. Members from Ireland would claim them for Ireland. We knew that we should have, as we probably shall have, various Gentlemen proposing a different arrangement for England. It was not in the nature of things that, whatever proposals we might make, counter proposals would not be urged against them. But I am myself of the opinion that when the House comes to consider our plan, and those counter proposals in Committee, it will think that the arrangement made is as fair as any that can be proposed against it. It is quite true, that mere numbers ought not to be the principle on which the representation of this country is founded. The House of Commons is the great legislative machine of the nation, and ought to represent, not its numbers alone, but all its various interests; all its different intelligence, and all those elements that are essential to the proper action of the great assembly that is to direct its general policy and destinies. Well, I think the manner in which we propose to distribute these four seats is founded on that principle. The two places disfranchised are comparatively small boroughs; but we do not propose to give these seats to two other comparatively small towns; we propose to give two of them to two great counties, in which there are both agricultural and manufacturing interests — interests that ought to have their opinions represented in this House. We give another Member to a place of a different character—a large and growing seaport town, with interests different to those of the counties. The fourth seat we propose to give to a new borough to be created out of a very increasing and thriving part of the Metropolis. Perhaps, that which in some degree excited the zeal and energy of the hon. Member for the Tower Hamlets (Mr. Ayrton) against some hon. Members who preceded him may have been the sounds—not articulate—that indicated an objection to any addition to the number of the metropolitan Members. That naturally excited some degree of warmth on the part of the hon. Member for the Tower Hamlets. He might, however, have been consoled by the compliments which were paid by those who spoke; and perhaps, the cheers that at one moment came from the other side of the House may have inspired him with an opinion that the views of the House were not so favourable to the proposal as might have been. I think, however, that Kensington and Chelsea are very fit places to be erected into boroughs. They include interests that deserve to be represented in this House; and I do not concur with those who think the proposal inexpedient, because it will be an addition to the metropolitan Members. I feel a great respect for those Members, and pay no regard to the opinion that has excited the indignation of the hon. Gentleman. I do not intend to go further into this subject at present; I think no case can be made for an addition to the Members of Scotland and Ireland. We are dealing with four seats that belong to England, that were forfeited in consequence of corruption. We had to look round England to find how we could best dispose of them for the public advantage. We have disposed of them by giving them to as great a variety of interests as could be consulted in that small number of seats; and when the House comes to consider the plan, I think it will be of opinion that it is as reasonable as any proposal that can be set against it.

MR. KNIGHTLEY: The hon. Member for the Tower Hamlets appears to taunt the hon. Member for West Norfolk (Mr. Bentinck) with having changed his opinion. The hon. Member must have been remiss in his attendance in the House. I have had the pleasure of hearing the hon. Member for West Norfolk speak often on this question, and I have always heard him use the same argument. The hon. Gentleman denies that my hon. Friend made out a case for the counties. I am unwilling to go into figures, but I have an extract from the Census of 1857 which is very short, and I will therefore venture to read it. It shows that the representation of England and Wales, under the Reform Act, is based on estimates of wealth and population, which give to the counties property of the annual value of £60,564,288; inhabited houses, 2,053,998; population, 10,495,930; while the number of county Members is 159. In the boroughs and cities the annual value of property is £42,898,247; the inhabited houses, 1,383,300; and the population, 7,431,679; while the number of borough Members is 337. Sir, on this side of the House we have never wished to maintain the present state of the county franchise; we have always wished to place the county and borough franchise on an equality in every respect. That was what the late Government proposed to do. They proposed to put the counties and the boroughs on the same footing. But, what did you do? You supported the Resolution of the noble Member for the City of London (Lord J. Russell), and refused to put them on the same footing. You destroyed the Bill of the late Government, and now a very nice little Reform Bill you have got instead of it. And how will this new borough of Chelsea-cum-Kensington act upon the county of Middlesex? It will not only have a Member of its own, but the 40*s.* freeholders within its precincts will materially intefere with the representation of Middlesex. In that county there are 14,000 electors; 8,000 of whom vote upon freehold property situated within the borough, so that the metropolitan constituencies not only vote in it for their own representatives, but interfere with the representation of the county. Is that fair or just? I say it is not. If the House will give the counties a fair representation, I, for one, am willing to lower the franchise. We have always been ready to give a far lower franchise than the present, if you would consent to place counties and boroughs on a perfect equality.

SIR GEORGE LEWIS: There are some Members in this House, Sir, whose notions of Parliamentary Reform are so gigantic and colossal that any measure proposed to them is called a pitiful abortion. The Reform Bill of last year was called a "pitiful abortion," though now it is termed revolutionary and destructive. The hon. Member for the Tower Hamlets has thought fit to denominate the present Bill a "miserable abortion," and seems to think I have been reduced to some kind of servile duty in having laid the measure before the House. Now, the Bill is one that disposes of four seats at present vacant, and that are wanting to the integrity of the number of this House. In 1853 the right hon. Member for Bucks proposed a measure precisely similar to this "miserable abortion." He asked leave to introduce a Bill assigning the four vacant seats to the West Riding of Yorkshire and the southern division of Lancashire—two to each. The plan was discussed, but, on a division, was rejected—not on the ground that it was a "pitiful" measure, but because it was thought the Government was not in a condition then to make any important proposition. I would also draw the attention of the House that there are two notices on the Votes for Bills by which it is proposed to assign two of these seats to particular places. If the Government were not to interpose there would be other Motions on the subject, as it is known it is not the intention of Government to bring forward any general measure this Session. The consequence would be great confusion and inconvenience, and I hope, therefore, that the House will approve the course which we have taken as the most convenient mode of dealing with the question.

Leave given.

Bill *ordered* to be brought in by Sir GEORGE LEWIS, Viscount PALMERSTON, and Lord JOHN RUSSELL.

Bill *presented*, and read 1°.

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, February 15, 1861.

MINUTES.] PUBLIC BILL.—1ª Conservative Notice Amendment.

MONACO.—ANNEXATION OF MENTONE AND ROQUEBRUNE.—QUESTION.

LORD TRURO asked, Whether there had been any Correspondence between Her

Majesty's Government and the Government of the Emperor of the French in relation to the annexation of Monaco to France; and, if there had been, whether there would be any objection to lay such Correspondence on the table of the House?

Lord WODEHOUSE said, there had been no Correspondence between the two Governments on this subject, but Her Majesty's Ambassador at Paris had reported a conversation in which M. Thouvenel had informed him of the arrangements which had been come to between the French Government and the Prince of Monaco. The noble Lord was not quite correct in speaking of the annexation of Monaco, for the arrangement did not include Monaco strictly so called, which would remain as before, under the Government of the Prince of Monaco; but related to the two communes of Mentone and Roquebrune, concerning which there had been a long negotiation, which was now brought to a close by the French Government giving £160,000 in payment for the rights of sovereignty over those places.

NEW LAW COURTS.—OBSERVATIONS.

Lord ST. LEONARDS rose, pursuant to notice, to draw the Attention of the House to the Report of the Commissioners of Inquiry as to the Expediency of building new Law Courts on the same Spot, and where the Money is to come from, with a view of preserving the Funds arising from the Investments of Moneys belonging to the Suitors of the Court of Chancery for their Benefit and better Security; for which Purpose the Moneys were laid out, subject to certain Charges; and for reducing the Fees payable to the Court by such Suitors, for which Object the Funds stand appropriated. The noble and learned Lord said the question was one of very great importance; for the adoption of the Report would involve an expenditure of not less than £1,400,000 belonging to the Suitors' Fee Fund of the Court of Chancery, in order to build courts which were not required for these suitors, but which it was thought desirable to build for the advantage of all the suitors in all the law courts. In his opinion all the accommodation required by the Court of Chancery could be furnished without trenching, as was proposed, upon the capital of the suitors, and no inconsiderable part of their income. When he held the office of Lord Chancellor he had to provide accommodation for the Lord Chancellor and the Lords Justices. This was effected by dividing the fine old hall in which the Lord Chancellor previously sat into two, and these courts had answered their purpose very well. The Master of the Rolls, whose court possessed every possible accommodation, had a house adjoining his court, and near it was a magnificent building for the deposit of the rolls, of which he was, as his name denoted, the Keeper. The Master of the Rolls, when before the Commission, expressed his utter disinclination to be removed from his present court and residence. He (Lord St. Leonards) considered that it would be very inconvenient and improper that the Master of the Rolls should not be near the place where the rolls of which he had the custody were deposited. Sir John Romilly said he had every convenience that could be given to him for the discharge of his official duties, and he objected to being removed from his present locality. With regard to the Vice Chancellors they were now three in number. The Vice Chancellor of England had a court built for him some time ago which had answered, and still answered the purpose that was required for the administration of justice. He, himself, practised there a long time, and was able to say that it was well adapted for the purpose for which it was built. There was, therefore, no want of accommodation for the Vice Chancellor of England. The Lords Justices were also provided for; they had very good chambers, but they ought to be in contiguity to their court. But there were two other Vice-Chancellors, and they were provided for as badly as possible. Two courts were built for them by the Society of Lincoln's Inn, upon their own land, and at their own cost; but they were cramped for size, and there certainly was a need of courts for those two equity Judges. Last Session a Bill was introduced to provide a site, and the Society of Lincoln's Inn were willing to advance the money to build the courts. They proposed to lay out £100,000 of their own money; and it was proposed that out of the income of the Suitors' Fee Fund, or the general fund belonging to the suitors of the Court of Chancery, there should be paid an annual rent to the society, which it was estimated would amount to about £4,000; that fund being already burdened with a yearly expenditure of £2,000 for chambers. The plans might be carried into execution in a twelvemonth; and thus, at an additional expenditure of £2,000 a year out of the Suitors' Fee Fund, all that was required for the proper administration of justice would be supplied. The Commissioners to whom the subject had been referred had recommended that a great block of buildings situated between Carey Street and the Strand should be bought, that all the houses should be levelled, and new buildings erected thereon, for all the Courts of justice. In these houses all sorts of trades were carried on, and large sums would no doubt be required for them. It might be desirable that these houses should be removed, but where was the vast population contained in these closely-packed courts and chambers to find a home and habitation when driven out of their present dwellings? By such a measure as the one proposed, they would create the very overcrowding which it should be the object of the Legislature now to discourage. There were 370 houses in this block of buildings. These had not been valued; there had been no kind of estimate for the new buildings; and yet the Commissioners said that £675,000 would be required to buy the old houses, and £675,000 to erect the new ones. How they arrived at this conclusion he did not know; but it was curious that the two sums said to be necessary should be exactly the same. It was said that all the courts of justice were to be brought into one central position; but justice was transacted in their Lordships' House, and, of course, there could be no change in this respect. There were some courts that would not be included in the plan, and which would remain where they were—the Central Criminal Court in the Old Bailey, and the Court of Bankruptcy. He hoped also that, whatever might be done, the Lunacy Commissioners would not be removed. It was frequented by many suitors, whose mental and physical condition deserved the greatest consideration, and, he trusted, their interests would be duly studied. Then, as to the financial part of the scheme, it was proposed that £1,400,000 should be raised by a seven years' charge upon the Suitors' Fee Fund. But seven years seemed an unreasonable time to wait for the raising of a sum of £1,400,000, when another scheme which had been proposed might be accomplished in one year. Supposing new courts to be provided for the suitors in equity in Lincoln's Inn, a few steps across Carey Street would be all that was necessary to communicate with the new law courts; thus also all exposure to the noise and turmoil of the Strand, which he could not but believe would greatly inconvenience the sittings of those Courts that were placed in a line with the street, would be avoided. He did not find fault with any general scheme for the concentration of the courts; but into the general question he would not now enter. All he would say was, that those persons who believed that concentration would be all gain were mistaken. There was a debtor side of the account, and in some respects a great loss would be incurred by bringing all the courts together. Great stress was laid upon the argument that, if the courts were concentrated, the Judges would be able frequently to communicate with each other. But in the course of the five years during which he presided as Chancellor in Ireland, where the Courts were all assembled together, and there was but one legal society, he never remembered to have had the slightest communication with any other Court, nor did any other Judge consult with him. With regard to the evidence in favour of the scheme, he believed that its principal promoters were the Incorporated Society of Solicitors in Chancery Lane, and he believed it was a matter of the greatest importance to them, being, as they were, great houses of agency for country solicitors. It was proposed, however, that £1,400,000 should be taken from the Suitors' Fee Fund. He thought he should be able to show their Lordships that without doubt the fund in question belonged wholly to the suitors in the Court of Chancery. He could also show to their Lordships that it had always been dealt with as a fund which belonged to them, and that the proceeds of the whole fund had, with a small exception, been already appropriated by Parliament; so that the charge would eventually fall on the public, for the suitors would have to appeal to the Treasury to make good the fund, which already was barely more than enough to answer the charges that had been fixed upon it by Parliament. Now the promoters did not venture to ask for this large sum by direct taxation; so they proposed to take it from the Suitors' Fee Fund, and if any loss was incurred to throw such loss upon the Consolidated Fund. So that indirectly a system of public taxation was adopted. They proposed, first of all, to take the money from a particular source, and then to apply to the Consolidated Fund for its recoupment. With regard to the

Suitors' Fee Fund, he must beg to remind their Lordships that the origin of this fund dated from the year 1726. Before that time the funds of the Court of Chancery had been paid to the Masters of the Court. Subsequently it was found that these officers, having been entrusted with the money of others, had misappropriated and wasted the funds of the suitors. Lord Macclesfield, as their Lordships would remember, was fined £30,000. This sum, with accumulations of interest, reached £51,000; and that sum, together with duties imposed by Parliament, made up the deficiency. Subsequently an officer was appointed in lieu of the Masters, called the Accountant General of the Court of Chancery, and all moneys paid in by the suitors were directed to be placed to his account. It seemed that the gentlemen who advocated this change were scarcely aware of the extreme complication of that account. The office was a most extensive one, with a numerous staff of clerks. At the Bank of England also the Accountant General had a very complex account where the funds of all the suitors were entered. If that account were disturbed, one of the best systems ever constructed for the benefit of the suitor would be destroyed. At that moment the funds of the Court of Chancery amounted to £49,000,000 of money. He recollected upon one occasion, when he first sat in the House of Commons, hearing a very amiable and animated conversation between the then Chancellor of the Exchequer and Mr. Baring, in which it was proposed to take these £40,000,000 of money, invest in the funds, and give the suitors 3 per cent for their money. It would amount to confiscation, and the confidence of every suitor in the Court would be shaken at once. Since that time, though various Chancellors of the Exchequer had made inquiries about the fund, there had been no attempt to interfere with it. The first time any portion of the money was appropriated was by an Act of the 12th of George II., when a portion of the fund was invested to pay the salary of the Accountant General, who was appointed in order to prevent defalcations and misdealings with the funds in the hands of the Court. The title of the Act stated that the fund "belonged to the suitors in the said court," and that the proceeds of the money invested should be applied in the said court for "the case of the suitors for answering the charges of the office of the Accountant General." The same principle had been acted upon up to the present time, and the money arising from the investments of the fund had always been applied to purposes useful and beneficial to the suitors; and so far from regarding the suitors' fund as applicable to any purpose to which the Chancellor of the Exchequer might desire to devote it, the salaries of the Chancery Judges had actually been transferred from it to the Consolidated Fund. Power was given to the Lord Chancellor by orders from time to time to abolish or reduce existing fees, and to substitute others for them, and in 1854 he (Lord St. Leonards) made changes which would now be equivalent to reducing the fees payable by the suitors by £40,000 a year —a relief which, if capitalized, would represent no less than £551,000. At the present time the fee fund had only a margin of £2,000 a year over the expenditure chargeable upon it. The Commissioners in their Report said that, in time past the Suitors' Fee Fund was exclusively applied for the benefit of the suitors, but that new and varied exigencies had arisen. What were these new and varied exigencies? Why, that seven acres of compact buildings were to be taken down, the space thrown open, and new courts to be erected thereon. The fund, however, belonged exclusively to the suitors. The Lord Chancellor was a great public officer, holding sacredly these funds for the benefit of the suitors; and it would be highly improper that they should be applied to any other purpose.

THE LORD CHANCELLOR said, that while his noble and learned Friend had been delivering his very able and interesting address, the House had gradually disappeared, with the exception of Her Majesty's Ministers who had remained to hear his suggestion on this subject. Although his noble and learned Friend's opinion on the matter was entitled to the greatest consideration, yet, he thought he had made a mistake in bringing the subject prematurely before the House. It had for years been notorious that the courts for the administration of justice in this country were inadequate in their accommodation; and so strongly did the noble Earl (the Earl of Derby) feel this when he was in office that he issued a Commission to inquire into the subject. That Commission, in which the different interests were ably represented, consisted of Sir John Coleridge, Vice Chancellor Page Wood, Sir George Lewis, Dr. Phillimore, and Mr. Young considered the subject with great care, and they unanimously concurred in the opinion that it was necessary there should be new courts, that they should be concentrated on the site which had been so severely criticised by the noble and learned Lord, and that the suitors fund might be legitimately applied towards the expense of their construction. If the Report of the Commission had been made before the noble Earl left office, without the smallest doubt, he would have directed a Bill to be brought into Parliament for the purpose of carrying its recommendations into effect. He (the Lord Chancellor) had to announce on the part of the Government to which he belonged, that, though the measure was originated by Lord Derby's Government, they were most anxious to follow in his footsteps in this respect, and they had prepared a Bill on the subject which would be immediately brought into the House of Commons. His noble and learned Friend was quite wrong in supposing that no plans or estimates had been prepared. All those had been prepared, the usual notices had been served, and all the other preliminary steps taken; and in the course of a few days the Bill would, with the permission of the House of Commons, be introduced, unless the threatened injunction with regard to the Suitors' Fee Fund prevailed. His noble and learned Friend need not be under any misapprehension that he would not have ample opportunities for discussing the measure. On the present occasion he (the Lord Chancellor) would abstain from entering into details in regard to the proposed plan. He would only now say that he regretted leaving Westminster Hall, to which he had the warmest attachment; but their departure had become absolutely necessary. Westminster Hall answered the purpose of a palace of justice most admirably when, as in the time of the Plantagenets, they had only four Courts sitting; but now, from the increase of population and wealth in the country, they had no less than 24 other Courts all sitting together, all of which must be accommodated. He agreed entirely with the Commissioners that it was most desirable that the Courts of Equity and Common Law should be concentrated upon one spot. At present they were dissevered by great distances, and the Judges and counsel practising in them seldom had any opportunity of coming in contact with each other. There would, by such an arrangement, be a clear saving of time and expense to all concerned in the administration of justice. The Commissioners had selected the area to which the noble and learned Lord had referred, and he believed that if the plan were completed it would be most conducive to the health and ornament of the Metropolis. Such a concentration, however, could not be carried out without the application to it of the suitors' fund, a fund which the Commissioners had said might be applied to this purpose without interfering with the rights of property, and without any injustice to the suitors. That fund now amounted to about two millions and a half, and it might properly be applied by the Legislature to any purpose which was connected with the administration of justice. He was unable to see what solid objection could exist to the plan that was proposed. Here was a large sum of money which had been brought into the Court of Chancery, to be retained in the custody of the Court; and was there any harm in applying any profit that might be derived from so retaining it to erect a building for the Court to sit in? He believed that next to having honesty, intelligence, and learned Judges it was essential to the administration of justice that there should be proper offices for the Court. As for lowering the fees, they had already been lowered, and were very moderate now; but, as for the proposal to abolish them altogether, he must say, however unpopular might be the declaration, that he thought it would be unjust to the taxpayer to call on the State to defray all the cost of litigation. He could not see, then, who was injured, or who had a right to complain of the intended arrangement; but he would reserve anything more to be said about it till the Bill should come regularly before their Lordships' House.

LORD CRANWORTH said, he could not agree with his noble and learned Friend opposite (Lord St. Leonards) that the suitors' fund was one with which the State had not a perfect right to deal. Putting the extreme case that every suitor entitled to claim anything at the hands of the Court of Chancery did so at the same moment, and that all the stock was sold for the purpose of paying off these demands, in the present condition of the funds a very large surplus would remain; and to whom but the State would this belong? The suitors were not a corporation; the funds only belonged to them individually in their respective portions, and were to a large extent the result of accumulations extending over a century and a half. In 1725, when, through the misconduct of a Master, £100,000 of the suitors' money was withdrawn, the State, without the least hesitation, made good the deficiency by taxation. On the other hand, he felt it right to say that he did not see what good the State would derive from resorting to the suitors' fund. Nearly the whole of the interest was appropriated by different Acts of Parliament, and a surplus was only to be looked for when in some particular year a larger amount than usual of fees had been received. If therefore, the Chancellor of the Exchequer appropriated the fund for the purpose of building the new courts, he would be obliged by a concomitant measure to charge on the Consolidated Fund the amounts now chargeable on the interest arising from the suitors' fund. There could be no doubt as to the desirability of the contemplated measure; the only question was whether its advantages sufficed to countervail the cost. As to concentrating the courts in the same locality, he thought that it would certainly be productive of great convenience; but it was on the State, not on the suitors, that the expense should fall.

House adjourned at Quarter before Eight o'clock, to Monday next, Eleven o'clock.

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HOUSE OF COMMONS,

Friday, February 15, 1861.

MINUTES.] PUBLIC BILLS,—1° Irremovable Poor; Removal of Scotch and Irish Poor; Tramways (Scotland); Locomotives.

SALMON FISHERIES.—QUESTION.

MR. GREGSON said, he would beg to ask the Secretary of State for the Home Department, when the Report of the Royal Commission on Salmon Fisheries will be issued, and if the Government intend to introduce any Bill on the subject of Salmon Fisheries during the present Session?

SIR GEORGE LEWIS said, he believed that the Report of the Royal Commissioners on Salmon Fisheries had been presented, but he was not aware whether it had yet been circulated among Members. He thought it would be right that before the Government came to any decision on the subject, hon. Members should be in possession of the Report and should have time to master its contents.

HIGHWAY BILL.—QUESTION.

MR. HARDY said, he would beg to inquire, Whether, as the Highway Bill is not yet in the hands of Members, it is the intention of the right hon. Baronet the Home Secretary to proceed with the second reading of the Bill on Monday next?

SIR GEORGE LEWIS stated, that he would not press the second reading of the Highways Bill on Monday, but would on that evening fix a later date for that stage.

THE DISTURBANCES AT CHATHAM PRISON.—QUESTION.

MR. ALDERMAN SALOMONS said, he wished to ask the Secretary of State for the Home Department, If he can give any information concerning the outbreaks of the convicts at Chatham; if he is aware of any alleged causes for those outrages, and what steps have been taken to prevent their recurrence; and whether all the convicts now at Chatham have undergone the preliminary reformatory discipline at Millbank and Pentonville?

SIR GEORGE LEWIS said, that perhaps the most satisfactory answer he could give to the question of the hon. Member would be to state what had taken place a Chatham. Early in January six prisoners at Chatham endeavoured to make their escape; but the attempt having been frustrated they were removed to the Penitentiary at Millbank. One day in the beginning of the present month a disturbance occurred while the convicts employed on a small island named St. Mary's, in the Medway, were at dinner. The ten convicts who were implicated in that disturbance alleged as the reason of it the poverty of the soup which was furnished for their dinner. That complaint, however, was entirely unfounded, and was merely a pretext for creating a disturbance. These ten men were removed to separate cells to await the decision of the Director of Prisons, Captain Gambier. That gentleman went down to Chatham on Monday the 11th, and was engaged in trying the prisoners; when he received information that the men on parade, returning to their work, were in a state of insubordination. A number of the convicts, who began shouting and throwing up their hats, were separated from the rest by the warders and obeyed the order of the Governor to return to the prison, and the first four parties were locked up in their respective cells. Some of the others began shouting and creating a disturbance, and shutting the doors of the cells, preventing a number of the convicts from re-entering their cells. Upon this the disturbance became general and the excitement great. The Governor of the prison and Captain Gambier remonstrated with the unruly convicts, but without effect, and the military were therefore sent for. During the interval that elapsed before the arrival of the soldiers the convicts broke some windows and upset some stoves. That was, he believed, pretty nearly the extent of the mischief which they did. When the military arrived they suppressed the disorder in a short time without loss of life or bayonet wound, and the prisoners were all locked up. No warder was injured as stated in some of the newspapers. On Tuesday Sir John Jebb and Captain Gambier went down to the prison, and forty-six of the ringleaders were punished by thirty-six lashes each, on that and the following day. All the prisoners who had taken part in the disturbance were placed on bread and water and confined to their cells, and all their gratuities and privileges were withdrawn. The number of convicts engaged in the outbreak was about 850. He had investigated the matter with some care, but was unable to give any very clear explanation of the affair; nor could the officers of the prison satisfactorily account for it. The general cause, however, which certainly operated to a very large extent, was that the refuse of the hulks were transferred to Chatham Prison on its first opening and tainted the prison population, together with some of the inferior officers. Hence it was difficult to enforce strict discipline, without creating discontent, and the discipline at Chatham was strict compared with that which prevailed in the old hulks. It was necessary for him to observe that there was no change of discipline or diet to account for the outrage, and no specific grievances had been alleged by any convict engaged in the disturbances, either before or after they took place. A picket of about forty soldiers was now stationed at the prison as a measure of precaution. He could not say whether the convicts had undergone the reformatory discipline at Millbank and Pentonville, as he had received no notice of the question.

On Motion That the House at its rising do adjourn till Monday;—

INDIA.—LOCAL LEGISLATIVE COUNCIL.

MR. EWART rose to put a Question to the Secretary of State for India as to establishing improved Local Legislative Councils in India. He complained that there was too much centralization in the administration of India. The number of Englishmen who were settled, both among the hills and upon the great plateaux, such as that of Mysore, was rapidly increasing, and, considering how greatly they contributed, and must in the future contribute, to the prosperity of India, and what valuable assistance they rendered to the Government in suppressing the recent mutiny, it was desirable that they should be represented in these local Councils. Nor ought the Natives to be excluded from them. It was on all hands admitted that it was most desirable that the Natives should be encouraged to local action, and he knew of no greater encouragement which could be held out to them than the admission of representatives from their body to these Councils. In Ceylon the introduction of British settlers and of Natives into the Legislative Council had had most beneficial results, and he could not but think that it was desirable to extend the same system to India. The hon. Gentleman concluded by asking the right hon. Baronet the Secretary of State for India, whether any measures would be adopted by Her Majesty's Government for giving improved Local Legislative Councils to India, of which British settlers, as well as Natives of India may, to a certain extent be members, in conformity with the Recommendation of the Select Committee which lately considered the subject of British Settlement in India?

SIR CHARLES WOOD said, that it was impossible to overrate the importance of the subject introduced by his hon. Friend; but that importance was almost equalled by its difficulty. The recommendation of the Select Committee over which the hon. Gentleman presided was that some Native as well as an English element should be introduced into the Legislative Council at Calcutta, and not that Legislative Councils should be established in other parts of India. Lately, however, the tendency of opinion had been in favour of constituting Councils in different districts of the country, rather than adding to the

Legislative Council at Calcutta. The question had occupied the attention, not only of himself and the Indian Council, but also of the noble Lord who preceded him in office; he had communicated with the Governor General upon the subject, and he expected, if not by the next mail, at least very shortly, to receive a communication from him. Until he had done so, he should be sorry to express any opinion upon the question. He entirely agreed with his hon. Friend as to the desirability of employing the Natives in offices of Government—indeed, both in Oude and in the Punjab, Lord Canning had given to the Native chiefs large powers, both fiscal and magisterial, which they had administered, not only with great advantage, but also with a degree of impartiality which might hardly have been expected. This, however, was a very different thing from taking part in the deliberations of a Legislative Council. It would obviously be impossible to bring Natives from distant parts of India, who did not understand English, and spoke half a dozen different languages, to the Legislative Council at Calcutta, and the educated Natives of that city no more represented the inhabitants of the upper parts of India than persons who were sent out from this country. What might be done with local Councils was quite another question, because the smaller the area the less were the difficulties in the way; but he must remind his hon. Friend that the experience of Ceylon, which was hardly more extensive than a large collectorate in India, did not afford any fair example or precedent for what might be done in so large a district as one of the Presidencies of the latter country. This subject had occupied, and would continue to occupy, his attention, and, probably, in the course of the Session, he might have to introduce some measure in regard to it; but at present he must decline to express any further opinion.

ANNEXATION OF MENTONE AND ROQUEBRUNE TO FRANCE.—QUESTION.

MR. BAILLIE COCHRANE rose to ask the noble Lord the Secretary of State for Foreign Affairs a question respecting the annexation of Mentone and Roquebrune to the French Empire. The hon. Gentleman said that it would be in the recollection of the House that the main argument which was put forward by the French Government last year in defence of the annexation of Savoy and Nice rested upon the geographical boundaries and natural frontiers of the French Empire. It was maintained that the chain of the Alps, and particularly that spur of the Alps which touches the sea at the town of Nice, and which separates Nice from the Principality of Monaco, was the natural frontier of the French Empire. That argument as to geographical limits and natural frontiers was met in some most admirable despatches written by the noble Lord the Secretary of State for Foreign Affairs, in reply to those of M. Thouvenel. The noble Lord said that,—

> "If a great military Power like France is to demand the territory of a neighbour upon its own theory of what constitutes geographically its proper system of defence, it is evident that no State could be secure from the aggressions of a more powerful neighbour."

That, however, was the argument, and the main argument, which was adduced to support what he must always consider the most improper and shameful annexation of those provinces to France. Now, we were suddenly told that the Emperor of the French had purchased a portion of the Principality of Monaco. It was true that the district so purchased was of trifling value, and contained a population of only 6,000 or 7,000 persons: but it seemed to him very hard, especially in these days in which we heard so much of nationalities and of the rights of peoples, that even 6,000 persons should be sold like a flock of sheep, and transferred by a stroke of the pen from an Italian sovereignty to the French Empire. And what became of the argument as to natural frontiers? The Empire was now carried twelve miles across its "natural frontier" on the road to Genoa, and its next "natural frontier" would be at that place. The Principality of Monaco was only ten miles long by some four or five miles wide, but it was a very rich and productive country. It had since the tenth century belonged to the ancient family of Grimaldi, and had never been sold or transferred by them. In 1792 it was taken possession of by the French Republic. Under the Treaty of 1814 it remained annexed to France; but the Treaty of 1815 provided that the relations which had been established by the previous treaty between France and Monaco "shall cease entirely" (*cesseront à perpetuité*). Monaco then became independent. But in 1848 Sardinia one fine morning occupied Mentone and Roquebrune. This was a violation of the law of nations; but, perhaps not a more flagrant one than some other acts of that Power. It was not the first occasion on which Sardinian troops had interfered unjustifiably in Italy; and, although the Principality was a small one, the step was a serious violation of the law of nations. Of such importance was the matter considered, that at the Congress of Paris in 1856, Baron Hubner called attention to it, remarking that the Roman States were not the only portions of Italy which were occupied by foreign troops, as the commune of Mentone had been held for eight years by Piedmontese troops, notwithstanding the remonstrances of the Sovereign of the country. But, in spite of this protest, the Sardinians remained in possession of Mentone and Roquebrune down to the present moment. Moreover, he doubted the right of the prince to sell his Principality, as there were rival claimants to the throne, in prejudice of whom the French now stepped in as purchasers. How came it, he would ask, that France never thought of purchasing this Principality till Savoy and Nice had been annexed? It was certainly a curious fact that then, and not until then, France should effect this purchase at an expense of four millions of francs. Another consideration which suggested itself was the part Sardinia had taken in the transfer. It was all very well to talk of a purchase from the Prince of Monaco; but, as the Sardinians were actually in possession of both these towns, it was impossible that the transfer could have taken place without some understanding with the Government of Sardinia. If this understanding had come to the knowledge of Sir James Hudson, Her Majesty's Government would be in possession of correspondence which he had no doubt they would not object to lay on the table; but if the transaction had not been made known to Sir James Hudson, it was evident that a secret understanding must exist with Sardinia for the withdrawal of her troops, in order that the French frontier might be carried twelve miles on the road to Genoa. And if such an agreement had been secretly made, probably Europe would be told some day of another secret understanding which would carry the French troops to the gates of Genoa. After the excitement created by the annexation of Savoy and Nice last year, and the discussions which that measure gave rise to, it was perfectly intelligible that France and Sardinia should be anxious that a fresh annexation, whenever such was in contemplation, should not become known till it was a *fait accompli*, and until the interference of any other Power would be unavailing. The question which he wished to put to the noble Lord the Secretary for Foreign Affairs was, Whether any correspondence had passed with Sir James Hudson in reference to the annexation of Mentone and Roquebrune?

ITALY.—TEMPORAL SOVEREIGNTY OF THE POPE.—QUESTION.

MR. DARBY GRIFFITH remarked that in the present day political rumours were so speedily converted into facts that it became necessary to investigate even the whispers of secret diplomacy. Now a pamphlet had recently appeared in Paris, professing to enunciate the opinions of persons in high places. Now the Imperial Government might be designated as a despotism illustrated by pamphlets; and the pamphlet in question indicated a possible solution of the Papal difficulty. The suggestion was to the effect that the temporal sovereignty of the Pope with a nominal vicariate of Sardinia, might possibly be instrumental in the settlement of the Italian question. Where, however, that temporal power was so reduced as it had been by recent events, it was idle to talk of its exercising influence beyond serving as a cloak for French interference in Italy — an interference which he held to be fraught with danger. A remarkable change had taken place in the opinions of English Catholics with regard to the temporal power of the Pope. The Irish, of course, were more enthusiastic and less open to conviction; but he had been informed on reliable authority that Cardinal Wiseman was obliged to report to the Papal Government that it would be very difficult to raise any sympathy whatever among English Catholics in favour of the temporal power of the Roman Court. ["Question."] He had it in a letter from a man of the highest station, and one to whom the liberation of Central Italy was mainly owing, that the Italians were prepared to liberate themselves by their own exertions, and that they would not be content while the temporal government of the Pope continued in operation over any portion of Italian territory. It was a common error to suppose that the French troops had, in the first instance, been sent to Rome by the present Emperor. The fact was not so. It was the late General Cavaignac who had sent them there. A confirmation of that statement would be found in Lord Normanby's memoirs. There could be little doubt that that move of the general was for the purpose of furthering his electioneering prospects—that it was made in order to obtain the support of the Roman Catholic Church. He begged to ask the Secretary of State for Foreign Affairs, whether it is to be understood that it is the meaning and intention of Her Majesty's Government to give any encouragement to the idea that any scheme having for its object the retention of any part of the temporal sovereignty of the Pope, as a possible solution of the Italian question, could, under any circumstances, be satisfactory or acceptable to the Italian People?

MR. HENNESSY asked to be allowed to make a few remarks in reference to the assertions of the hon. Gentleman who had just sat down. Among the many statements of the hon. Gentleman was one specific statement which he (Mr. Hennessy) believed he had taken from the pages of a weekly paper, *The Saturday Review,* but which the hon. Member said he made on good authority. The House would be able to form a correct estimate of the amount of credit that ought to be given to the hon. Gentleman's authorities, when he told them that, within the last few days he had had the honour of a personal interview with the illustrious Prelate named in the particular statement to which he now referred; and that Cardinal Wiseman stated to him that there was not one word of truth in the story. His Eminence added that no such letter had been been written, and that no such communication had been made by him, either directly or indirectly. He (Mr. Hennessy) should not go into the hon. Gentleman's other statements; but probably the House would arrive at the conclusion that they were of a piece with that one.

THE STADE DUES.—QUESTION.

MR. DIGBY SEYMOUR asked the Secretary of State for Foreign Affairs, What stage the negotiations respecting the redemption of the Stade toll had reached; and whether Her Majesty's Government intended to propose a vote on the subject during the present Session?

LORD JOHN RUSSELL: The hon. Gentleman the Member for Lanarkshire (Mr. B. Cochrane) has put a Question respecting the annexation of Mentone and Roquebrune to the French Empire. The state of the case is this:—Ventimiglia is the boundary of the kingdom of Sardinia, according to the arrangements that have been made. Nice, also, till last year, belonged to the kingdom of Sardinia, though a separate county. Between Nice and Ventimiglia are those two communes—Roquebrune and Mentone, the latter a large and beautiful town on the borders of the sea. On the borders of the sea, likewise, is the town of Monaco itself. With regard to Mentone and Roquebrune, there has been, at various times, and for a long period, a contest between the Kings of Sardinia, as Dukes of Savoy, and the Princes of Monaco. Of late years the Kings of Sardinia have said it was exceedingly inconvenient to those towns which were between different portions of their dominions—enclosed, as it were, within their territories—should be the cause of disturbances, and should prevent the operations of the Customs and other laws. In 1848, there was a declaration on the part of these towns, first, that they would throw off the domination of the Princes of Monaco, and become an independent State; and, next, that they wished to be annexed to Sardinia. The Sardinian Government thereupon placed in them a small garrison, consisting of forty or fifty men. The Prince of Monaco endeavoured to procure a restoration of the towns; and the British Government declared that they could not consider that transaction to be lawful, or that those places had any right to separate themselves from Monaco. But the Sardinians kept the towns. Last year, however, the position of affairs was materially changed; because Nice, instead of being part of the kingdom of Sardinia, was ceded to the Emperor of the French, was occupied by French troops, and was placed under French laws. A totally different situation of affairs had thus arisen. The King of Sardinia had no longer the power to say that those two towns were enclosed within his own territories. At the same time, as the hon. Gentleman has said or implied, a part of the mountain district came into the hands of the French Government. This territory of the Prince of Monaco was not five miles broad, and part of the Alpine range became annexed to the French Empire. The Prince of Monaco had not for a long time received any revenue from these towns. The Emperor of the French offered him 4,000,000*f.* for them, which it was supposed would yield a revenue of 120,000*f.*, or something under £5,000 a-year. That sum was accepted by the Prince of Monaco, and he even wished to place Monaco itself under the protection of the Emperor of the French. The French Government, in answer to that proposal, said that Monaco was recognized as an independent principality by the Treaty of Vienna; that they wished to leave it so; and that they did not ask for anything more than they had obtained by that convention. I cannot see that there is any great political importance to be attached to this transaction. That territory of Ventimiglia was the frontier of the Italian Kingdom before this, and it still remains so; and all the declarations which the Sardinian Government has made are applicable to that frontier, and not to those towns.

The hon. Member for Devizes (Mr. Griffith) has put to me a Question, to which if I do not give a decisive answer, I have only as my excuse to ask hon. Members to read that Question. The Question is—

> "Whether it is to be understood that it is the meaning and intention of Her Majesty's Government to give any encouragement to the idea that any scheme having for its object the retention of any part of the temporal sovereignty of the Pope, as a possible solution of the Italian question, could under any circumstances, be satisfactory to or acceptable to the Italian people?"

I profess myself quite unable to give a precise or specific answer to that Question, as it passes my comprehension to know what it means. I have only to say that the only idea to which the Government has given any encouragement is the idea that the Italians ought to be left to themselves to settle their own affairs. Therefore, if the King of Sardinia and his Holiness the Pope can come to any arrangement satisfactory to themselves, I do not think it is likely that Her Majesty's Government will interfere. As to any "idea" about the temporal and spiritual power of the Pope I will not venture to say anything on the subject.

The hon. and learned Gentleman (Mr. Digby Seymour) has asked me a Question with regard to the Stade Tolls, I have to state that after various and long discussions the opinion of the law officers of the Crown amounted to this,—that although we might dispute the validity and locality of the Stade Duties, yet we could not do so without complicating the negotiations to such a degree that the only practicable mode of settlement was by paying an indemnity. When we entered into negotiations on that footing Hanover, no doubt, was well disposed to consider the question; but she said it would be a serious detriment to her if she made such an arrangement as would enable one Power to claim exemption from the toll, as in that case every other Power would come to be exempted also, and her entire income from that source would cease. The arrangement ultimately proposed was that one-third should be contributed by Great Britain, one-third by Hamburg, and another third by all the States which now contribute to the payment of the toll. But, at the same time, the Government of Hanover said, it could not agree to carry that arrangement into effect unless six-sevenths of the last third were undertaken to be paid by all the other States. The Board of Trade made objections to this last proposal; but the Hanoverian Minister has expressed the strongest hopes that that payment will be made by all the States. I understand the Question of the hon. and learned Member to be, whether, supposing we get a Vote in this House to pay the portion of the indemnity undertaken to be paid by Great Britain, the British flag will then be exempt from the toll. I have to answer that hitherto the Hanoverian Government have stood on this ground, that they cannot allow any one State to be exempted till an arrangement is made for the payment of the whole toll.

POOR LAW (IRELAND)—QUESTION.

MR. BLAKE asked the Chief Secretary for Ireland, Whether, in conformity with the promise made by him last year, he will, at an early period, move for the appointment of a Select Committee to consider and report on the changes desirable to be made in the Laws for the Administration of Relief to the destitute Poor in Ireland? He suggested that unless the right hon. Gentleman had this Committee appointed soon it would be impossible to carry any measure founded on this inquiry during the present Session.

MR. CARDWELL said, that this was a matter which the Poor Law Commissioners in Ireland regarded with deep interest. The only reason why he had not put a notice for a Committee of Inquiry on the paper was that he wished the great body of the Irish Members to be present. After what the hon. Member had said he would lose no time, but would put a notice on the paper for next week.

YEOMANRY CAVALRY.—QUESTION.

MR. PERRY WATLINGTON wished to ask the Under Secretary of State for War, Whether the Government intend to permit the Yeomanry Cavalry to assemble this year for eight days' permanent duty, and to grant the usual pay for that period. That information was now being most anxiously looked for by about 14,000 as loyal Volunteers as any that existed in the country. Last year the Yeomanry were not only not called out, but the money usually voted for that body was diminished from £80,000 to £45,000; and it was to be regretted that the money thus kept back was that which was devoted to the training and discipline of the men. He thought that the course which the Government had pursued in relation to this matter would, if persisted in, not only impair their efficiency and weaken their discipline, but would go far to ruin the force altogether. The Yeomanry had witnessed the Volunteer movement with great interest, and had rejoiced in its success; and he could not but think that the dissatisfaction they had expressed at their not being called out was extremely reasonable. He was very anxious that the intimation of the Goverment should be given as quickly as possible.

STORES TAKEN AT KERTCH.

QUESTION.

SIR JAMES ELPHINSTONE asked the Under Secretary for War, Whether he could give an account of the guns, stores, provisions, coals, and steam-factory captured at Kertch and Yenekale by the allied forces in the year 1855, and what amount of them was employed in the public service?

MR. T. G. BARING said, he was afraid it would be difficult to give some of the Returns asked for by the hon. Baronet. The coals taken were divided among the French and English vessels employed in the expedition to Azoff, and were used by them. As to the machinery of the steam-factory there would be no difficulty in giving a Return of the articles taken from it and now in store; but with regard to other articles he was afraid that no Return could be easily made.

In answer to the Question of the hon. Member (Mr. Watlington) respecting the Yeomanry, he was himself a Yeomanry officer, and fully sympathised with the hon. Member in the opinion, that unless the Yeomanry were occasionally called out, they would lose their efficiency. He was happy, therefore, to state that it was the intention of the Government to propose a Vote to Parliament for calling out the Yeomanry this year for permanent duty.

THE MISCELLANEOUS ESTIMATES.

QUESTION.

MR. BENTINCK, in rising to ask when the Estimates would be brought in said, that they had heard a great deal in that House on the subject of high Estimates, and some hon. Gentlemen opposite had addressed a letter to the noble Lord at the head of the Government calling for a reduction of the public expenditure; but he did not think that their notions on that subject had assumed a very practical character. An accusation had been thrown out that the majority of Members who sat on the Conservative side of the House had a direct and personal interest in voting large armaments and heavy taxation. As far as he himself was concerned he, like every other subject of the realm, had a great dislike to any unnecessary amount of taxation, and in saying that he believed that he was expressing the sentiments of the great majority of the Gentlemen on his side of the House. He quite agreed that it was the duty of a Member of the House to defend the interest of his constituents, and protect them from unnecessary taxation; but he apprehended that it would be a very small number in the House or the country who would prefer to sacrifice both the honour and interests of the country to the sordid feeling that would induce them to consider money above everything else, and there were consequently few who were not of opinion that in the present state of Europe it was impossible that there could be any material reduction either of the Army or Navy Estimates. He did not say that a due regard to economy should not be had even while they carried the service out with efficiency; but few would contend that any reduction of those Estimates could be made at present. He thought that the probabilities were that they would have to increase rather than diminish them. That being the condition of the Army and

Navy Estimates, the only reduction that could be looked for was in that expenditure which was included in the Miscellaneous Estimates. And here, so far from thinking that those Estimates could not be reduced, he was of opinion that they might be most advantageously reduced, and that the interests of the country would in no wise suffer thereby. He thought, however, that they would agree with him that, practically speaking, the House had had during the last two years no control whatever over those Estimates, inasmuch as they had been brought forward at a late period of the Session, and hurried over at a time when there were but few Members in the House, the majority having become jaded and weary with a six or seven months' attendance. If, therefore, they were to be called upon to exercise an economical superintendence over those Estimates, it was necessary that they should be laid on the table of the House at the earliest possible moment; and not only that, but that Her Majesty's Government should bring them on at an early period of the Session. He hoped, therefore, that the Government would give an assurance of that kind to the House, and that the noble Lord, who had not already spoken on the question of the adjournment, would answer the question.

Viscount PALMERSTON: I understand that the Miscellaneous Estimates are in a state of preparation, and that they will probably be laid on the table in a fortnight. It is quite true, as the hon. Member has stated, that a delay has taken place for years past in discussing these Estimates, owing to circumstances that have been unavoidable. No doubt, these are Estimates that deserve and will receive deliberate attention. But the House will bear in mind that some of the heaviest charges have been put on these Estimates by votes of the House of Commons, who have transferred to the Miscellaneous Estimates charges that were previously defrayed from other sources.

POST OFFICE ADMINISTRATION.

QUESTION.

Sir GEORGE BOWYER asked, When the Report of the Post Office Committee would be laid on the table, to which he had called attention last Session? On the last week of the past Session the Chancellor of the Exchequer told him that the Report would be presented during the Session, but that it would be necessary for the Government to have some time to consider it before it was laid on the table. As the Government had had considerable time since to consider the Report, he trusted it would be laid before Parliament; because it was important, owing to the disorganization and discontent which existed in that department of the public service, that the views of the Government should be generally known.

The CHANCELLOR of the EXCHEQUER said, as his hon. Friend had not apprised him beforehand that he would put the question, he was not in a position to give him information; nor was he aware that precise information could be given with respect to the dissensions at the Post Office. But, as far as his personal knowledge went, he would acquaint the hon. Gentleman of the matter he was desirous of knowing. The hon. Gentleman had not accurately stated the reply he had given him last Session. The reason why the Report had not been laid on the table was that the Government required time for considering particular recommendations; but it happened that the Committee had made their Report in the absence of Sir Rowland Hill, the chief working officer of the establishment, who had been the life and mainspring of it for many years past. This having been so it became the duty of the Government, when the Report was made to bring it under the notice of Sir Rowland Hill; and, from the state of his health, it was necessary for him to have time to institute the proper investigation. However, he presented his views upon the Report in the form of a minute a considerable time ago to the Postmaster-General. He could not state the date of that minute, but it was some weeks ago. The minute itself, entering deeply and comprehensively into the consideration of the subject, raised a desire on the part of some gentlemen who had been members of the Committee, or the Committee at large, to sustain their own statements upon certain points where it appeared they had been impugned. He had not heard whether the gentlemen had sent in their supplementary statement; and until this was done it could not be said that the official document had been brought to a conclusion.

THE NEW LAW COURTS.—QUESTION.

Sir JOHN SHELLEY inquired of the First Commissioner of Works, Whether he intends to introduce any measure for the concentration of the law courts? He remarked that the question was of great importance to those who expected to have their houses pulled down for that purpose.

MR. COWPER replied, that negotiations were in progress for procuring a site on which to erect courts of law; and he hoped to be able to introduce a Bill for that purpose very shortly.

CHINA.—DESTRUCTION OF THE EMPEROR'S SUMMER PALACE.

EXPLANATION.

MR. VINCENT SCULLY rose for the purpose of offering an explanation of a statement that fell from him in the debate of the preceding evening. He had quoted a French despatch, stating that the French General had forbidden the forces under his command to commence plundering the Summer Palace of the Chinese Emperor until the English troops had arrived. From knowledge which he had since acquired he was led to believe that the despatch was either not authentic or that its statements were incorrect; and he was ready to acknowledge the correctness of the statement made by the noble Lord on the previous evening. The remarks that he had offered had called forth comments from some of the gentlemen of the press; but he should as soon think of tilting at a windmill as of endeavouring to rebut their hostile comments.

MR. SPEAKER called the hon. and learned Gentleman to order. The hon. Member was entitled to offer any explanations referring to a personal matter, but he was not justified in adverting to a past debate in any other manner.

Motion *agreed to.*

House at its rising to adjourn to Monday next.

HAY, &c., CONTRACTS.

MOTION FOR ADDRESS FOR PAPERS.

MR. TURNER moved that an Address be presented to the Crown for

> "Copies of all Contracts entered into by the Government with Alexander Bankier Freeland for Hay, Clover, Beans, and Oats, from the 1st day of September, 1854, to the 31st day of December, 1858; the quantities of Hay, Clover, Beans, and Oats delivered; the sums of money paid in respect thereof, and the dates of payment."

Sir John Shelley

The hon. Gentleman said that a number of the Members of that House who took on themselves to recommend a course of economy to the Government had been somewhat animadverted upon, and told that they ought to attend in their places in the House, and object to the Estimates; but he thought something else might be done, and that the extravagance of Government in framing their statements of expenses ought to be exposed. He was not one of those who recommended economy with the view of impairing the national defences, or diminishing the dignity which this country ought to maintain in the presence of the other Powers of Europe, but for the purpose of preventing extravagant and unnecessary expenditure. His present Motion pointed to a piece of extravagance which, in his opinion, had been committed by the Government. The contract referred to was framed at the period of the Crimean war, at which time it was necessary to contract for a variety of agricultural produce. No one doubted that the Government would send some active officers to the agricultural districts to obtain the necessary supplies; but, instead of doing so, it appeared that they thought Manchester not only a manufacturing, but an agricultural locality. So two Government agents went down there to make contracts for hay, clover, oats, &c., and, after being looked coldly on by several houses to which the contracts were offered, they met with a gentleman named Alexander Bankier Freeland, and he believed they made a contract with that gentleman at such an extravagant price that £78,000 profit was realized on a sum of £300,000. This person was, it seemed, connected with his brothers in this contract; and having afterwards entered largely into the shipping trade and become bankrupts, they admitted in their examination at the Bankruptcy Court that they had made this profit out of the Government contract. He thought this a piece of extravagance which it was very desirable that the advocates of economy should look into, and for this purpose he moved for the Return. He understood that the Government had no objection to grant it, and he could not understand why it should take any very considerable time to furnish the information. As to the amount of money paid, if the accounts had been carefully kept, a clerk could make them out in a short time, and he protested by anticipation against any statement in answer that there would be a considerable delay in the production of the papers.

Mr. T. G. BARING replied, that on public grounds there could be no objection to the production of the Returns for which his hon. Friend had moved. The only hesitation he felt was that he understood, in the first instance, from the hon. Gentleman that the information was required not altogether for public purposes. He must beg the House to reserve its opinion with regard to the contracts—for which, however, the present Government was not responsible—until they had seen the papers. With respect to the time that it would take to produce the Returns, he had instituted inquiries, and was informed by the Commissary General-in-Chief that the transactions had taken place during the Crimean war, and that the deliveries were numerous and extensive—it would be improper for him, therefore, to deceive the House and the hon. Gentleman by pretending that these Returns could be presented very soon, though he hoped they would before long be in the hands of hon. Members. He might further say that he was informed that the supplies of hay made by these contractors were very good and satisfactory, which had not been universally the case with the supplies received by the Government during the Crimean war.

House adjourned at half-after Six o'clock, to *Monday* next.

HOUSE OF LORDS,

Monday, February 18, 1861.

Minutes.] Public Bill.—2ª Constructive Notice Amendment.

INDIAN CADETSHIPS.—QUESTIONS.

The Earl of ELLENBOROUGH said, that before putting the Question of which he had given notice, he wished to say a few words, in order to make it intelligible. Their Lordships were aware that in 1858 the Government of India by Directors of the East India Company was abolished, and was transferred to the Government of Her Majesty in Council. During the government of the East India Company the Directors were in practice of conferring about one-third of the cadetships in the Indian army on the sons of persons who had served in India in a civil or military capacity. It was apprehended when the change took place in the Government that the cadetships would not be given to the sons of Indian servants in the same degree as formerly; and, to meet that contingency, a proviso was inserted in the Act providing that one-tenth of the military cadetships, other than those in the Artillery and the Engineers, should be given to the sons of persons who had served in India in the civil or military service, whether in the service of Her Majesty or of the East India Company. Last year, as their Lordships were aware, an Act was passed which put an end to the separate existence of a local European army in India. Persons who took an interest in the matter advised, while that Act was under discussion, that a proviso should be introduced into it continuing this advantage, and accordingly a proviso was introduced to the effect that the same or equal provision for the sons of persons who had served in India should be maintained in any scheme for the organization of the Indian army. That Act put an end altogether to the Indian army as a separate force, and it was, therefore, impossible to make the same provision for the appointments which had been secured to these persons by the Act. The words in the Act were the "same or equal" provision; but how "equal" provision was to be made he was at a loss to understand; and, therefore, the Question he had to put was, What Measures have been taken for the Purpose of carrying into effect the Provisions of the Act of the last Session, cap. 100, in favour of the Sons of Persons who have served in India?

Earl DE GREY and RIPON said, he could assure the noble Earl that Her Majesty's Government fully intended to carry out the provisions of the Act of last Session, not in the letter only but in the spirit, but as at the present moment certain things in the general arrangements for admission to the army were in contemplation he could not do more than assure the noble Earl that when the new arrangements were made known—as they would be ere long—it would be found that the Government had taken means to provide amply for the claims of the persons to whom the noble Earl alluded.

The Earl of ELLENBOROUGH asked whether it was intended to admit those persons as Cadets in the Queen's army?

Earl DE GREY and RIPON was understood to answer in the affirmative.

METROPOLITAN BOARD OF WORKS.

RETURN MOVED FOR.

VISCOUNT TORRINGTON moved for a Return showing the Sources and Amounts of Receipts and Payments in the Account Current of the Metropolitan Board of Works with the Parish of St. George, Hanover Square, from the 1st of January, 1856, to the 25th of March, 1857, wherein it is shown on the last mentioned Date that the Parish was in debt to the Metropolitan Board on a Balance of £4,417 3*s.* 2*d.*; and detailing in the Return how that Balance could have been arrived at without the Sum of £1,099 3*s.* 4*d.* having formed one of the Payments as against the Receipts in such Account.

EARL GRANVILLE said, the Return in question did not appear to be within the province of the Government. He had received from the Chairman of the Board of Works a letter, from which he would read the following passages:—

"1, Greek Street, Feb. 18, 1861.

"My Lord,—From the terms in which Lord Torrington has couched his notice, being nearly identical with expressions used by a member of this Board, I am led to infer that his Lordship is moving at the request of Mr. Leslie, who has several times reiterated charges of inaccuracy in the account referred to in the Notice of Motion. These charges were carefully investigated by our Finance Committee, of which Mr. Leslie is a member, and were demonstrated, in a Report I have the honour to enclose you, to be utterly without foundation.

"Mr. Leslie, however, subsequently repeated the charges at the vestry of St. George's, Hanover Square. A select committee of this body attended at this office, at my special request, for the purpose of examining our documents and officers, who, after mature deliberation, arrived at a similar conclusion, affirming the accuracy of our accounts, and reporting that Mr. Leslie's allegations were wholly unfounded.

"I am not aware of any objection to the House ordering the Return: the Board are always most desirous of affording the fullest information on all, especially their financial, proceedings; but it is, I submit, a very inconvenient course that a gentleman should endeavour to reopen in "another place" a question which has been most minutely and carefully investigated by two independent bodies.

"I have the honour to be, my Lord, your obedient servant,

"J. THWAITES.

"The Right Hon. Earl Granville, K.G.,
Lord President."

LORD MONTEAGLE rose to protest against the doctrine that a body, under the authority of which large sums of public money were administered, and to which enormous powers of taxation were entrusted, were not bound to furnish to Parliament returns respecting their proceedings. Such a doctrine could not be listened to for one moment. Parliament called for returns affecting county and parochial expenditure, and this Board ought not to raise the slightest objection when a similar return was moved for. He knew nothing about Mr. Leslie, except that in the vestry of St. George's, Hanover Square, this gentleman had effected a large amount of reform, for which he received the thanks of the whole parish. So far from a local inquiry forming a bar to inquiry by Parliament it was an additional ground for Parliamentary interference. The Board of Works had succeeded to the performance of the duties of the old Commission of Sewers, who occupied an office which they found sufficient for their accommodation. The first act of the new Board, however, was to purchase the mansion of the Berkeley family in one of the most expensive quarters of London, and then entirely to rebuild it. If they had determined to indulge themselves in a beautiful situation adjoining the Park at their own expense they might undoubtedly have done so without reflection. But all this was done with money raised by taxation.

THE EARL OF ST. GERMANS said, the principal allegation made by Mr. Leslie appeared to be that the parish of St. George's had paid the Board of Works the same sum twice over. Into this point Mr. Leslie asked for an investigation; a Committee of Inquiry was appointed, to which every facility was offered by the Metropolitan Board of Works. The Committee came to the unanimous decision that the charge had not been substantiated; the decision was stated in language the least likely to be offensive to Mr. Leslie, as it recognized his ability and services and recognized the integrity of his motives. The Report of the Committee had been circulated among the ratepayers; and, he admitted, if the great body of those ratepayers were not satisfied with it, but still thought there were grounds for the allegation of Mr. Leslie, they might call upon the Board of Works to produce the accounts moved for.

Motion *agreed to;* Return ordered to be laid before the House.

House adjourned at a quarter before
Six o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 18, 1861.

MINUTES.] NEW MEMBER SWORN.—For Wilts (Southern Division), Lieutenant Col. Frederick Hervey Bathurst.

PUBLIC BILLS.—1° Westminster Improvements. 2° Parochial Assessments.

THE BOARD OF ADMIRALTY.—PERSONAL EXPLANATION.

SIR JOHN PAKINGTON: Sir, I have to request the indulgence of the House for a very few moments while I offer an explanation upon a personal question which has arisen between myself and an hon. Member of this House with respect to the Notice which I have given of my intention to move for a Committee of Inquiry into the Administration of the Navy. On Friday evening, as the House was breaking up, I spoke to my noble Friend the Secretary to the Admiralty, with the view of asking that Sir Baldwin Walker might not leave England until he had given evidence before the intended Committee. This led to a conversation, and I learned from my noble Friend that it has been the intention of the hon. and gallant Admiral the Member for the East Riding of Yorkshire (Admiral Duncombe) to renew a Motion upon this subject which he made last year; and not only that he has entertained that intention, but that he has been in communication with my noble Friend upon the subject; that the Admiralty have consented to grant the Committee, and that even some of the Members of that Committee have been selected. The House will at once understand that when I gave my notice I had not the least knowledge of any of these circumstances. On the contrary, as the hon. and gallant Admiral has not yet been in the House this Session, I had no reason to suppose that he was about to take up a subject of this magnitude and importance; but, as nothing can be further from my intention than to do anything discourteous to the hon. and gallant Admiral, I, without loss of time, wrote to an hon. Friend of mine who had negotiated between him and the Admiralty, and explained to him that I had no wish to act uncourteously; and that I should be ready to take any course which he thought would be right and fair under the circumstances. In answer to that I received an intimation from my hon. Friend stating that the course which he should suggest was that I should leave the subject in the hands of the hon. and gallant Admiral. As I have said, nothing could be further from my intention than either to act or to appear to act with the slightest discourtesy towards the hon. and gallant Admiral, or any other Member of the House; and, since, provided the Committee is granted, and the investigation is complete and impartial, it can be of little moment either to the House or the country who may make the Motion for that Committee, I felt it my duty at once to comply with the suggestion which was made to me by the friend of the hon. and gallant Admiral. I am very anxious not to be misunderstood, or to appear in any way to shrink from the performance of the laborious duty which I had intended to undertake. I will only add that, as the investigation is not only a most important one, but must of necessity be very complicated and difficult, and probably very protracted, I earnestly hope that the hon. and gallant Admiral will lose no further time in bringing the subject before the House.

RAILWAY CARRIAGES.—QUESTION.

GENERAL UPTON said, he wished to ask the President of the Board of Trade, If he will inform the House whether the Railway Companies of the United Kingdom are careful that the best malleable iron should be used invariably in the construction of the wheels, tires, and axles of the carriages, trucks, and locomotives of their respective lines?

MR. MILNER GIBSON said, the Railway Department of the Board of Trade had it not in their power to give the information which the hon. and gallant Member required. Captain Tyler had recently made a very elaborate Report in which, probably, there might be mention of the kinds of iron used in a number of cases in which accidents had recently occurred. That Report will shortly be laid before the House.

THE RED SEA TELEGRAPH.

QUESTION.

GENERAL UPTON said, he would now beg to ask the Secretary to the Treasury, If all means were taken by the Official Director of Electric Telegraph Companies, himself one of the *ex officio* directors of the Red Sea Telegraph Company, to insure complete and uninterrupted insulation in the Red Sea Telegraph Cable by an efficient and continuous testing of the Cable during the process of its manufacture, as empowered by the agreement entered into with the contractors.—Chairman's Letter of the 28th day of September, 1858?

Mr. PEEL said, that he was informed that proper and sufficient measures were taken to test the cable during the whole course of its manufacture. The company had servants of its own resident upon the premises of the contractors, who were exclusively engaged upon the operation of testing the cable.

ARMY.—BARRACK MASTERS.

QUESTION.

Colonel DUNNE said, he wished to ask the Under Secretary of State for War, Whether the Government have come to a decision on the subject of Retiring Allowances to Barrack Masters, as promised last Session; whether any inquiry has been instituted on the subject; and whether he will lay the Report of the persons employed to make such inquiry upon the Table of the House, together with the decision of the War Department, if any has been made?

Mr. T. G. BARING said, he thought the hon. and gallant Member was under some misapprehension in supposing that any promise had been made last year with respect to the granting of retiring allowances to Barrack Masters. He (Mr. Baring) could not find that any such promise had been given. Hon. Members, however, who took an interest in the subject would perhaps recollect that the Government, two years ago, had pledged themselves to consider the question of the claims put forward on behalf of the Barrack Masters; and since that time a considerable amendment had been effected in their position, by the Royal Warrant of the 7th of February, 1860. There had been no special inquiry into the subject of the retiring allowances of Barrack Masters; but a suggestion had been made that commissions should be granted to them which would involve an alteration in the system of their retiring allowances. The subject was still under consideration, and had been referred to a Departmental Committee. It was not usual nor, he (Mr. Baring) thought, expedient to lay before the House the Reports of such Committees.

General Upton

BELLIGERENT RIGHTS AT SEA.

QUESTION.

Mr. HORSFALL said, he wished to ask the noble Lord, the Secretary of State for Foreign Affairs, Whether any steps have been taken by Her Majesty's Government with the view of carrying out the recommendations of the Shipping Committee of last year on the subject of Belligerent Rights at Sea?

Lord JOHN RUSSELL: No steps have been taken by Her Majesty's Government with a view of carrying out the recommendations of the Shipping Committee of last year on the subject of belligerent rights at sea; and perhaps the House will allow me to state the reasons for which I have not taken any such steps. I found that, when the matter was under discussion with the American Government, at the time of the Conference at Paris, the opinion of the Earl of Clarendon seems to have been unfavourable to the proposal that private property at sea should be respected during war. No final decision was come to, and no official communication was made, and the American Government subsequently expressed a wish that all communication upon the subject should be suspended. Some time afterwards Mr. Dallas read to me a despatch of considerable length and much ability, which was addressed to Mr. Mason, the American Ambassador at Paris. In that despatch it was stated by the American Government that it was impossible, as there proposed, that private property on board belligerent vessels should be respected at sea; but General Cass added that he considered that the right of blockade, as authorized by the law of nations, was liable to very great abuse; that the only case in which a blockade ought to be permitted was when a land army was besieging a fortified place, and a fleet was employed to blockade it on the other side; but that any attempt to interrupt trade by a blockade, or to blockade places which were commercial ports, was an abuse of the right which ought not to be permitted. That, of course, opened a still wider question. My answer to that despatch was simply that, as the war had ceased, and the treaty of Paris had been concluded, it was not advisable to continue that discussion. The proposition itself seems to me to be one of the utmost magnitude. It is, in fact, a proposal that, there being two Powers, one of which has a very strong army and a weak navy, the other having an army inferior in numbers, but a superior navy, that the Power which has the superior navy should forego all the advantage to be derived from that source, and allow the contest to be decided by military force alone. Its adoption would, in the next place, tend rather to prolong than to shorten wars; because one way in which a great maritime Power can act as a belligerent is to cripple the trade of its opponent. The greater its strength as a maritime Power the greater is its power to do this, and the better its chance of bringing the war to a favourable termination. If this proposition were accepted, the whole of the power would be gone which has hitherto rendered Great Britain so formidable at sea. In the next place, I perceive difficulties in detail which would be insurmountable. The mercantile navy of a belligerent would be free from capture; but no one could say, when a number of vessels, apparently merchant ships, appeared off the coast, that they might not be used for purposes of war, and that they did not contain—

MR. BRIGHT said, he rose to order. He wished to know whether the noble Lord was acting regularly in going into a lengthened argument on a difficult subject in reply to a question put to him, when no other Member holding different views would have an opportunity of answering him.

MR. SPEAKER:—It has always been usual to accord greater latitude to a Minister than to a private individual in answering questions which may be put to him. The noble Lord was explaining the reason why he had not acted in the manner which the hon. Member who put the question assumed that he ought to have done. Under these circumstances, the House will probably not consider that the noble Lord was transgressing the limits allowed on such occasions.

LORD JOHN RUSSELL:—A Select Committee of this House having made certain recommendations in, I think, very positive terms, it might be assumed that it was my duty to have acted in conformity with them, and to have taken some steps for carrying them out. I, therefore, ventured to explain to the House why I did not consider it prudent to adopt such measures. I do not wish to enter further into the argument, beyond saying that I regard the question as one affecting the whole maritime power of this country, and that I think any Minister of the Crown ought to be most cautious in taking any final step in respect of it.

BANKRUPTCY AND INSOLVENCY (SALARIES, &c.) BILL.

COMMITTEE.—RESOLUTION.

Bill *considered* in Committee:—

(In the Committee.)

THE ATTORNEY GENERAL said, he rose to move a Resolution charging the salary of the Chief Judge of the new court and his secretary on the Consolidated Fund.

SIR HENRY WILLOUGHBY said, it would have been more convenient if these Resolutions had been printed before the Committee was called upon to discuss them. The House had objected to the principle of compensation in the matter of bankruptcy officials, and he wished to know whether the present was not another mode of obtaining compensation from the Consolidated Fund for these officials?

MR. MASSEY observed that the word "compensation" was not used in the Resolutions.

THE ATTORNEY GENERAL said, he had stated the other night that, in conformity with a Resolution of the House passed last Session, he had carefully abstained from attempting to charge the Consolidated Fund with any of those sums which were then objected to. These Resolutions were confined entirely to the salaries of the officers and the stamps to be used in the proceedings of the court.

SIR HENRY WILLOUGHBY said, from what he understood the hon. and learned Attorney General to say on a previous occasion, he had certainly not proposed to introduce compensation direct, but in the shape of a vote annually in the Miscellaneous Estimates. That was the nature of the change. As that in no way removed the objection he had to the principle, he should deal with the subject when it was brought forward in the Estimates.

Motion *agreed to.*

1. *Resolved,*—

"That the Salaries of the Chief Judge and his Secretary, and the Retiring Annuity of any Chief Judge, which may become payable under any Act of the present Session for amending the Law relating to Bankruptcy and Insolvency in England, shall be charged upon the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

2. *Resolved,*—

"That, in addition to the ordinary Stamp Duty, every deed or instrument made or entered into between a debtor and his creditors, or any of them, or a trustee on their behalf, relating to the debts or liabilities of the debtor and his release therefrom, and the distribution, inspection, management, and winding-up of his estate, or any of such matters, shall be chargeable before registration with a Stamp Duty computed according to the following rule: (that is to say) if the estate and effects to be collected, administered, or distributed under such deed shall be sworn not to exceed the sum of Five hundred pounds, a Duty of Two pounds; if such estate and effects shall be sworn not to exceed the sum of Two thousand pounds, a Duty of Five pounds; if such estate and effects shall be certified to be above the value of Two thousand pounds, or if no statement shall be made touching the value thereof, then the Duty shall be Ten pounds."

3. *Resolved,*—

"That it is expedient to authorize the collection of Fees in matters of Bankruptcy and Insolvency in England by means of Stamps."

4. *Resolved,*—

"That the following Stamp Duties in lieu of Fees shall be charged in cases of Bankruptcy and Insolvency in England:—

Document.	Stamp Duty in lieu of Fees.		
	£	*s.*	*d.*
Every Petition presented to a Court of Bankruptcy for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors, or for the Distribution of the Estate and Effects of a deceased debtor	5	0	0
Every such Petition when presented to the London Court or to a County Court by Traders whose Debts do not exceed £300	1	0	0
Every Order of Discharge	1	0	0
Every Declaration of Insolvency	0	2	6
Every Registration of Trust Deeds	0	10	0
Every Summons of Judgment Debtor or Debtor	0	2	6
Every Admission of such Debtor	0	2	6
Every Deposition of good Defence	0	2	6
Every Bond with Sureties	0	5	0
Every Application for Search for Petition or other Proceeding	0	1	0
Every Application for Appointment of any private Sitting or Meeting in any matter under this Act	0	5	0
Every Allocatur by an Officer of the Court for any Costs, Charges, or Disbursements,—where such Bill of Costs shall not exceed £5	0	1	6
Exceeding £5 and not exceeding £10	0	2	6
„ 10 „ 20	0	5	0
„ 20 „ 30	0	7	6
„ 30 „ 50	0	10	0
„ 50 „ 100	0	15	0
„ 100 „ 150	1	0	0
„ 150 „ 200	1	10	0
„ 200 „ 300	2	0	0
„ 300 „ 500	3	0	0
„ 500	5	0	0

Resolutions to be reported *To-morrow.*

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Bill considered in Committee:—

Clause 1 *agreed to.*

Clause 2 (Appointment of Chief Judge),

MR. HENLEY said he wished to ask the hon. and learned Attorney General whether a statement in the report of certain proceedings in the Court of Chancery was accurate, according to which the Master of the Rolls was represented to have said that, as far as he could see, no business had been cut out sufficient to occupy him during the present sittings and the following Term, and from that statement he understood that the Vice Chancellors were in the same happy position. It became important that the truth of that statement should be ascertained when they were about to appoint a new Chief Judge with a high salary.

THE ATTORNEY GENERAL said, that it was probable that the time of the Master of the Rolls was not at present fully occupied, but he had no reason to believe that that state of things would continue. The Committee was aware that, in consequence of changes which had been effected some time ago, part of the business of the Court of Chancery was transferred from Court to Chambers. The amount of business now gone through in chamber was very considerable, and, though a portion of the time of the Master of the Rolls might not be occupied at present, he must repeat that he did not believe that to be anything like the ordinary state of things.

Mr. ROLT observed that his hon. and learned Friend had not satisfied him that the services of a Chief Judge and five London Commissioners were required. In the Bill of last year his hon. and learned Friend proposed that the entire work of the London court should be performed by one or two Commissioners and a Chief Judge. To retain five Commissioners and appoint a Chief Judge would add to existing expense and create confusion; and the result would be that the business would be less efficiently discharged than at present. He did not intend, however, to go fully into the question on that clause; but he mentioned the matter now in order that his hon. and learned Friend might take it into his consideration with a view to the amendment of the clause providing for the number of the London Commissioners. If the latter were altered he should give his cordial support to the clause now under discussion.

Sir FRANCIS GOLDSMID said, he would ask permission to remind the Committee of some facts connected with the various modifications in the Court of Bankruptcy since its establishment in 1831. By the Bill of that year a Court of Review, consisting of four Judges, was created; but before long it was discovered that so large a number was not required, and the Chief Judge was turned into a Justice of the Common Pleas, and another Judge into a Master in Chancery. By the Act of 1842 it was provided that the duties of the Court of Review should be discharged by a single Judge; but the matter did not stop there, for it was further found that the time of even one Judge was more than was requisite. An extremely eminent Judge, Vice Chancellor Knight Bruce, undertook to discharge the duties of the Court of Review in Bankruptcy in addition to those which he performed in Chancery; and he believed that the former were satisfactorily performed by the learned Judge devoting one day in the week to those appeals. When the functions of the Court of Chancery were modified, the reviewing of cases from the Bankruptcy Court was transferred to the Lords Justices; and they also had transacted this business by giving to it one day in each week. He (Sir Francis Goldsmid) did not find any reason for supposing that so much additional appeal business would arise under the new Act as to justify the appointment of a Chief Judge, whose whole time would be applicable to its performance. On the contrary, he thought that the observations of the Master of the Rolls referred to by the right hon. Member for Oxfordshire afforded ground for presuming that some arrangement might be made with the existing Judges for the discharge by them of the business which the Bill proposed to entrust to the new Judge. If once this functionary was appointed the step, so far as expense was concerned, could not be retraced; and his £5,000 a year must continue to be paid, even if only one-third or one-fourth of his time were occupied. The Committee ought, therefore, to know whether the learned Judges of the Court of Chancery had been communicated with on the subject, and whether it had been found impossible for them to undertake any additional duties.

The ATTORNEY GENERAL said, that the clause for the appointment of the Chief Judge was repeated from the Bill of last Session. When under discussion, as a part of that measure, it was agreed to unanimously. He did not say that it might not now be objected to on grounds which had not then been supposed to exist; but he must observe that without it no part of the measure would work. The continuance of the five Commissioners was not his act, but that of the House. Hon. Members would recollect that in his Bill of last Session he proposed that Parliament should release the London Commissioners, and that the functions of the London Court should be discharged by one Commissioner and a Chief Judge. They would further recollect that that proposition involved the further one — namely, that the released Commissioners should receive their full salary for life. The House showed itself reluctant to adopt the latter proposal; and, therefore, in the present Bill he was forced to continue the London Commissioners; but his hon. and learned Friend (Mr. Rolt) must be aware that it was not intended to keep up the number of five, or anything like it. He (the Attorney General) contemplated eventually two Commissioners, with a Chief Judge; but the Bill at present supposed three, because it was possible that there might be that number for some time—three of the present Commissioners, and, having regard to the age and length of service of those learned gentlemen, as much work could not reasonably be expected from them as might be looked for from younger men. Instead of three Bankruptcy and two Insolvent Commissioners, there would be two London Commissioners, with a salary of £2,000 a year each, which would make £4,000, and a Chief Judge with a salary of £5,000, bringing up the entire expense to £9,000. At present the Commissioners of the Insolvent and Bankruptcy Courts received salaries amounting to £13,500, so that the difference would be a saving of £4,500 a year. So much for the Commissioners. With regard to the necessity for a Chief Judge, hon. Gentlemen would do him the justice to observe that under the Bill a considerable portion of the bankruptcy business would be discharged by the County Court Judges. The result would be, that the London Commissioners, the District Commissioners, and the County Court Judges would all be exercising original jurisdiction in bankruptcy. It was true that the present Court of Appeal had only so much business as to occupy a small modicum of its time; but the reason was not that there were no judgments for revision, but that the amount at stake was frequently so small that it was not thought advisable to incur the expense and delay consequent on an appeal. The result of the present state of things was that one-half of the administration of justice in bankruptcy was without effective superintendence. But in future all the important business was to be discharged by the Court of Bankruptcy under the provisions of the present Bill. The insolvent business alone would be sufficient to occupy the time of one Commissioner, so that there would only be the Chief Judge and one Commissioner to get through the business that was now discharged by five Commissioners and the Court of Appeal. It was also material to observe that the present Bill, for the first time, brought every trust deed within the control of the Court, and gave to all parties claiming under these trust deeds the most ready means of resorting to the Court, and of having an economical administration of their affairs. These trust deeds amounted annually to 8,000, and the ordinary number of petitions relating to them in the Courts of Bankruptcy and Insolvency were very considerable. By the enactments of the Bill there would be about four times the amount of business added to the court. Supposing a question on some important matter to arise in the case of every twenty trust deeds, they would have, out of the total 8,000, no fewer than 400 subjects of adjudication brought up annually from that source alone. In addition to these, they would probably have the 2,000 cases of bankruptcy and insolvency now adjudicated upon considerably increased. In order to provide a tribunal that could adequately discharge all the business that would arise, and to whose decisions there would attach dignity as well as power and authority, the Judge must be in every respect equal to the Judges of the Court of Chancery and of Common Caw. It should be recollected, also, that the Chief Judge would have most important functions to perform in connexion with the discharge of bankrupts, on which difficult and intricate questions would often arise. He contended, therefore, that the time of the Chief Judge and the Commissioners who might be permanently employed, would be wholly occupied in the discharge of the important business with which they were intrusted.

Mr. ROLT said, that omitting to employ the London Commissioners would not add to the expense in any way whatever. If these Commissioners could be employed usefully he would be satisfied, but he could not understand how they were to be usefully employed under the provisions of this Bill. If the Bill passed in its present form the machinery framed by it would be permanent, and his hon. and learned Friend would not be able to accomplish what he desired — the establishment of a Chief Judge and one or two Commissioners only. The expense, therefore, would not be lessened by the course proposed by his hon. and learned Friend the Attorney General. As to the question whether it would be possible for the Chief Judge to discharge the duties without the assistance of any London Commissioners, he (Mr. Rolt) was satisfied that with a proper staff of registrars it might be done. At all events the assistance of one or two London Commissioners at most, as proposed last year would be sufficient; all the difference that his hon. and learned Friend could show between this Bill and the one of last year in that respect was, that it was now proposed to bring into the Court of Bankruptcy trust deeds, which, he said, were 8,000 in number. He calculated that out of this number there would be 400 cases annually brought into Court, but he (Mr. Rolt) submitted that this was a very loose estimate, and that, in fact, the change would add very slightly indeed to the labours of the Court. Neither would the jurisdiction as to the discharge of bankrupts add materially to the business of the Court, and he contended that the result would be to leave the Chief Judge no primary jurisdiction whatever, while the appellate jurisdiction would occupy little more time than it did now—half a day or so in the week. He believed that by the machinery provided in the Bill of last year the expense would be less than by the present, while the work would be efficiently done.

Clause *agreed to*, as were also Clauses 3 and 4.

Clause 5 (Present and future Commissioners of the Court in London),

MR. ROLT said, he was of opinion that the simpler course would have been to carry out the proposal of the Bill of last year, and to allow certain of the Commissioners to retire upon their full salaries. He thought such a proposition was very much calculated to simplify the working of the measure. He would suggest to the hon. and learned Attorney General that the present clause be omitted.

MR. MALINS said, he held that the Bill of last year was of great value in doing away with the old system of bankruptcy, which had worked very ill. That Bill substituted for the present Commissioners a Chief Judge, who would have abundant time to despatch all the business of the court. But to keep the Commissioners to encumber the Judge, as was now proposed, and the Judge to encumber the Commissioners, was by no means an improvement. It was clear there would not be business for all; for three or four years ago he ascertained that the average occupation of the five or six Commissioners of that day did not exceed nine or ten hours a week. There was no great reason, moreover, under the present Bill, to expect any considerable increase of business. An objection was made to paying the Commissioners their full salaries, and relieving them of their duties; but, after thirty and forty years' service, it was not unreasonable that they should retire on their full salaries. He should be sorry to place any difficulties in the way of the Attorney General, but he would recommend the hon. and learned Gentleman to consider the subject, and not press the clause before the Committee.

MR. MURRAY said, he would beg leave to suggest that a new arrangement should be made of the several districts, and that a provision should be made empowering the registrars to travel to the different towns in their districts in them. They had five Commissioners, five registrars, five ushers, and five messengers, and nine official assignees in London; while all traders beyond Salisbury or Norwich had to come to London with their attorneys and witnesses to investigate each case of bankruptcy. He thought it would cause great saving of expense to such persons if a registrar and messenger were stationed in each of the cities he had mentioned.

THE ATTORNEY GENERAL said, he could not consent to the proposal to discharge three of the Commissioners, retaining only two, upon whom it would be very unfair to cast an amount of business at least five times as great as that which they now had to discharge. Undoubtedly, for himself, he should have preferred the arrangement of last year; but the House of Commons had ruled otherwise and he had bowed to their decision. It must happen, in the course of nature, that the number of Commissioners would be reduced before very long, and then there would only remain two London Commissioners and a Chief Judge. He repeated he should have been very glad if the House had assented to the proposal he had submitted last year, but hon. Members would remember how his opinion had been overruled. It must be borne in mind that the Chief Judge would possess, not merely an appellate jurisdiction, but he (the Attorney General) hoped that that Judge would exercise a general superintendence over the whole business of the Commissioners. With regard to the suggestion that registrars should go from place to place, with a view to saving trouble and expense to suitors, a provision to that effect was contained in the Bill; but, as to the distinct distribution of registrars and giving them a local habitation, that was a suggestion which required consideration. For the present he saw no better arrangement than to leave the London Commissioners as they were, on the understanding that the staff of the Court should ultimately consist of two Commissioners and one Chief Judge, subject to the provision that the Lord Chancellor should, if he saw fit, make an alteration.

MR. WALPOLE suggested that the clause as it stood required alteration. The last words of the clause provided that the number of London Commissioners should always be three.

THE ATTORNEY GENERAL said, that a subsequent clause might be introduced, giving the Lord Chancellor the power to reduce the staff of the Court. He had, however, no objection to strike out the words "so that the number of Commissioners of the Court of Bankruptcy in London may be always three," and would propose their omission.

MR. ROLT said, he must remind the hon. and learned Attorney General that the clauses relative to the constitution of the Court, as proposed by the hon. and learned Gentleman last year, were sanctioned by Parliament, and were agreed to in Committee. The hon. and learned Gentleman was, therefore, scarcely justified in saying that his proposal to abolish the five London Commissioners was not approved by Parliament.

Clause, as amended, *agreed to.*

Clause 6 (Jurisdiction of County Courts under this Act),

MR. ROLT said, he was at a loss to understand how the County Court Judges were expected efficiently to discharge the duties imposed upon them by the Act. There now existed a proper number of districts and Commissioners throughout England, who were not overworked, and it was not proposed to abolish them. There was, consequently, an abundance of officers to do the duties of the Bankruptcy Court, and the County Court Judges, if additional work were thrown on them, would require additional salaries. He trusted, therefore, that these clauses would be omitted.

MR. MALINS observed that the subject had been discussed last year, and he felt that the constitution of the County Courts was not adapted to the performance of business of this kind. Nevertheless, on the best consideration, he was obliged to come to the conclusion that the administration of justice in that, as well as in other matters, should be brought home to people's doors; and, not being able to suggest a better mode, he now felt the necessity of giving the proposed jurisdiction to the County Courts.

THE ATTORNEY GENERAL said, he would say a few words in explanation of the difference on that point between the present Bill and the Bill of last year. The Bill of last year proposed to enable the County Courts to receive petitions for adjudications in bankruptcy where the assets did not exceed £300. Upon consideration the Committee thought the arrangement inconvenient, and, therefore, the present Bill left the County Court Judges in possession of the jurisdiction which they already held by law. At present insolvents in prison might petition the County Court Judges for their discharge; and by the Small Debts Act small traders, not owing above £300, might likewise petition the County Courts. He left those courts in possession of the jurisdiction they possessed under that power; and whatever they acquired beyond would be by the means of voluntary transfer on the part of creditors—for, undoubtedly, the Bill gave to a certain majority of creditors in any bankruptcy who believed that the estate would be better administered by a County Court power to transfer it to such County Court, and thus the clause before the Committee was rendered necessary.

LORD STANLEY remarked, that if he understood the object of the clause aright, it was to throw an additional amount of duty upon the County Court Judges; and he wished to know whether it was the intention of the Government to propose any additional remuneration for them? He believed a proposition to that effect was made last year. What he wished to know, in fact, was whether it was intended to throw extra labour upon these officials without any extra remuneration, or whether power was to be given to remunerate them for extra work?

THE ATTORNEY GENERAL said, that the Bill of last year contained a clause which directed that, when under the provisions of the Act, any County Court Judge was vested with bankruptcy jurisdiction, he should receive an augmentation to his salary of £300. The present Bill did not, however, contain a similar clause, inasmuch as it provided no fund on which that augmentation could be charged. He could not, of course, charge it on the Bankruptcy Fund. So far as the justice of the case was concerned it might be well if the House consented to the augmentation payable from the same sources as their salaries were at present paid; for he anticipated that a considerable addition to the County Court business would arise from the voluntary transfer of bankruptcy cases to them.

Clause 8 (Power to create additional County Courts),

MR. AUGUSTUS SMITH thought the clause unnecessary, and at any rate he conceived that the power should not be given to the Government, but should rest with Parliament. He should oppose the clause.

Mr. WALPOLE remarked that he did not intend to oppose the clause, but he wished to express his very strong apprehensions that clauses of that description, giving County Court Judges jurisdiction in bankruptcy, would destroy the value of those courts. There was an essential difference in the nature of the two tribunals; the one was as rapid in its operation as the other was slow. If the bankruptcy business were passed through too rapidly great injustice would be inflicted both on the Courts and on the public, and he could not help thinking that there was much danger that, in giving the two jurisdictions under one tribunal, the work would not be so efficiently performed as at present. But the Bill was so framed that if one clause were left out several others must be omitted. He should satisfy himself with saying that this was a very doubtful experiment; and, if it failed, he hoped his hon. and learned Friend the Attorney General would have the courage to make such subsequent alterations as experience should prove to be necessary.

Sir HENRY WILLOUGHBY said, he concurred with the hon. Gentleman opposite in thinking that the power given under the clause to Her Majesty in Council of establishing new County Courts was a very serious one. The consequence would necessarily be to impose upon the country increased burdens in the shape of salaries for the new Judges. It appeared to him (Sir Henry Willoughby) that, at any rate, a limit ought to be placed upon the power. At the present moment something like £600,000 a year was paid by the country in the shape of salaries to Judges, great and small. It was somewhat extraordinary how those sums crept up, and then the people wondered how the Estimates had increased.

The ATTORNEY GENERAL said, he believed it was generally considered that two paramount duties were incumbent upon the Government of a country—the one being the protection of those whose interests were committed to its keeping from external violence; the other their preservation as far as possible from internal injustice and wrong. The former duty the House of Commons always performed in a liberal spirit; the latter, he regretted to say, was by some hon. Gentlemen, dealt with after a somewhat niggardly fashion. In that circumstance lay the great difficulty of making provision for such cases as those to which the clause applied. With reference to the observations of the hon. Gentlemen opposite, it should be recollected that it was the ordinary prerogative of the Crown to establish any court it pleased. If, however, a new County Court were established, the expense of it would, of course, be defrayed in the same manner as that of the other courts—namely, by the vote of Parliament. Although, then, the Crown might establish a court, by its prerogative, the expense of it could not be paid without the authority of Parliament. But the object of the clause was not so much in reference to the creation of new Courts as to other circumstances connected with the provincial administration of bankruptcy. As the law of bankruptcy was administered under the existing system, a single district extended probably sixty or seventy miles, and embraced a great number of towns and places. Now, that had been felt to be a great inconvenience at times, and a new distribution of tribunals had been thought desirable in order to facilitate and accelerate the administration of justice. Under such circumstances it might be necessary to establish one or two additional County Courts in large and populous places. Power was taken for that purpose in the Bill. He would also again remind the Committee that a great deal of the business of bankruptcy might be voluntarily transferred to the County Court Judges. If that were found to be the case, it would, of course, conduce to the interests of the mercantile and trading communities; but the fact might render it necessary to augment those tribunals as a substitute for the present Local Commissioners of Bankruptcy.

Mr. EDWIN JAMES said, he could not but regret the line of argument which had been taken by the hon. and learned Attorney General. It seemed to him that the hon. and learned Gentleman was disposed to place too great an amount of power in the hands of the Crown. The hon. and learned Attorney General was no doubt right in his axioms as to the two great duties of Government. But in reference to its duty of protecting the subjects of the Crown from wrong and injustice at home, it was very questionable whether the authority to turn loose upon the country any number of County Court Judges would strengthen their security from such a contingency. It was the prerogative of the Crown undoubtedly to appoint those Judges, but Parliament must be applied to for their salaries. It did not appear to him that the Attorney General had properly answered the argument of the hon. Baronet the Member for Evesham (Sir Henry Willoughby). The objection of the hon. Baronet went to the increase of salary. According to the hon. and learned Gentleman's arguments there was no necessity for the clause at all. There were at present sixty County Court Judges. Now, the facilities afforded by the Bill to private arrangements would rather have the effect of decreasing the business of bankruptcy throughout the country, instead of augmenting it. If, however, it should be found that the sixty County Court Judges were unequal to the discharge of the duties to be thrown on them, it would be easy to come to Parliament for power to appoint eight or ten more. It appeared to him that the Bill, as it stood, gave great power to the Lord Chancellor to appoint County Court Judges, *ad libitum*, with salaries. [Mr. Roebuck: No, no.] Did the hon. and learned Gentleman propose to appoint them without salaries? If he did, he doubted very much whether he would find a gentleman that would be willing to undertake the office.

Sir FRANCIS GOLDSMID said, it appeared to him that the distinction between appointing a Judge by the prerogative of the Crown, and appointing him by a regular provision of law, was this—if the Judge were appointed solely by the prerogative of the Crown Parliament would be under no legal nor moral obligation to provide for his salary; if, however, Parliament, by an Act, should specially recognize the prerogative of the Crown, and concur in the exercise of that prerogative, it would be under a moral obligation to provide a salary for such an officer. He, therefore, concurred in the propriety of placing a limit on the number of County Court Judges who might be appointed by the Crown under the clause.

Mr. BARROW said, it should be recollected that this very provision was the act of the House last year, and the Committee ought, therefore, to abide by it. It was quite clear, however, according to the Attorney General's argument, if they conferred by enactment the power upon the Crown, and any gentlemen were appointed under it, the hon. and learned Gentleman would come down to the House next year for the salaries of those Judges, and tell them they must abide by their own act.

Mr. AUGUSTUS SMITH observed, that if it were within the prerogative of the Crown to appoint as many Judges as it pleased, the clause under consideration was supererogatory.

Mr. MONTAGUE SMITH said, his objection was that his hon. and learned Friend was pressing the clause prematurely. It was proposed to give the Crown power to exercise, under an Act of Parliament, the prerogative of appointing additional Judges; but they were not giving Her Majesty at the same time any power of paying those Judges. It followed that another application must be made to Parliament for means to pay the Judges and to fix their salaries. They were placing themselves, then, in the ungracious position of, perhaps, being induced to quarrel with the Crown for having exercised its prerogative after they had sanctioned that exercise, as the House might be of opinion that the new Judges appointed by the Crown were too numerous and unnecessary. He was further of opinion that all the business of bankruptcy might be performed by district Commissioners better than by the County Court Judges. If the time of the latter were to be occupied in the administration of bankrupts' estates, they might be unable to render those ordinary services to the country which had been hitherto so useful. The only objection he had heard urged against the district Commissioners being appointed for those duties was that they were resident and stationary in one locality. But the remedy was a very simple one. Let them be required to make a circuit, like the other Judges, in order to administer the business of bankruptcy within the districts where it arose. He, therefore, thought that the clause was unnecessary.

The ATTORNEY GENERAL said, it was quite obvious that the course of procedure under this clause would be that, supposing Her Majesty in Council should be of opinion there was a necessity for a new district, then the scheme or order for such district would have to be laid upon the table of the House before any appointment was made under it. It would then be discussed, and if the House approved of it, and voted the necessary sums for the maintenance of the Court, the order would be promulgated. It would be impossible for the House to discuss the question until the scheme had been first arranged and matured, and the clause only provided the ordinary machinery for preparing that scheme. No apprehension need be entertained by the Committee of being surprised into any Vote, or of incurring any moral obligation on that head.

MR. AUGUSTUS SMITH asked, whether the hon. and learned Gentleman would have any objection to introduce words to that effect into the clause at a future stage?

THE ATTORNEY GENERAL replied, that the scheme for a new district must necessarily be submitted to Parliament before promulgation; but he had no objection to insert words to that effect.

Clause *agreed to,* as were also Clauses 9, 10, and 11.

Clause 12 (Appointment of additional Registrars),

MR. NEWDEGATE said, he wished to put a question to the Attorney General. The hon. and learned Gentleman had held out, he (Mr. Newdegate) understood, not long since, hope to the gentlemen acting as County Court Judges that with an increase of business they would receive an increase of salaries; but it appeared that this intention had been abandoned, and no reason had been assigned for this abandonment. On the other hand, to the registrars and other officers of County Courts, an increase of remuneration was proposed. Now it seemed to him that if the one class of functionaries were deemed deserving of an augmentation of their salaries on the ground of extra labour, the salaries of the principal officers of the courts ought to be increased on the same ground. He wished to ask whether it was proposed to increase the salaries of the minor officers of the County Courts in consideration of the augmentation of business under the new Bill; and whether it was proposed that there should be no increase to the salaries of the Judges, the principal officers of those courts?

THE ATTORNEY GENERAL said, the officers of the County Courts were remunerated by fees, and the additional business would, of course, give them additional remuneration. He did not propose to augment the salaries of the County Court Judges, though he should have been happy to do so had it been in his power.

MR. NEWDEGATE could not see why, if they could command the fees in the case of the registrars, they should not, by some transfer of part of these fees to the Consolidated Fund, if necessary, or otherwise, be able to give a just increase of salary to the Judges also with an increase of business.

Clause *agreed to.*

Clauses 13 and 14 *postponed.*

Clause 15 (County Court Registrars),

MR. MURRAY said, that Clause 20 provided that all fees except those of solicitors and attorneys should be assessed by the registrars of the County Courts, and the clause now before the Committee, taken in connection with that clause, would give the registrars of County Courts, who would be the official assignees, power to settle their own fees, which was surely objectionable.

THE ATTORNEY GENERAL admitted that it would be the most unreasonable thing in the world to allow the registrar of a County Court, acting as official assignee, to send in his bill of costs and charges. There was, however, another clause which said that all the fees of the officers of the Bankruptcy Courts should be settled by the Judges of those courts.

Clause *agreed to,* as were also Clauses 16, 17, and 18.

Clause 19 (Registrar in Country Districts to be Taxing Officer),

MR. MURRAY complained that in some local districts fees of the most exorbitant kind were charged. It would be a great advantage if arrangements were made by which one taxing-master were appointed, all business being transferred to London, so that a uniform system might be adopted.

THE ATTORNEY GENERAL said, he thought the suggestion a valuable one; the only difficulty was as to the arrangement of machinery to give it effect with economy and despatch. If the hon. Member would embody his views in a clause it might be considered on bringing up the report.

MR. HADFIELD remarked, that it would be very inconvenient to have but one taxing-master.

Clause *agreed to,* as was also Clause 20.

Clause 21 (Reduction in the number of Official Assignees),

MR. MONTAGUE SMITH said, he would appeal to the Attorney General to postpone the clause until the clauses proposing to appoint creditors' assignees should have been considered. He thought it very doubtful that creditors would wish to take upon themselves so much labour and responsibility, with all the stringent regulations annexed. The complaint against the official assignees was that they cost too much. The hon. and learned Gentleman (the Attorney General) had stated, on bringing in the Bill, that the expenses of collection of the bankrupts effects by the official assignees amounted to 33 per cent on the estate. Now, he (Mr. Smith) thought the mercantile community were expecting too much if they expected a very inexpensive collection of a bankrupt's estate. The bankrupt himself generally got in all the assets which were easy of collection, and left the rest to be got in by the assignees.

Mr. CRAWFORD said, he should oppose the postponement. There was no portion of the Bill which was so much demanded by the mercantile community as that which would give the creditors more power over the bankrupt's estate, and circumscribe the duties of the official assignee.

Mr. MELLOR said, he saw no object that was to be gained by delaying the clause, which was, perhaps, more strongly demanded by the commercial community than any other portion of the measure. Mercantile men professed their readiness to undertake the duties of creditors' assignees.

Mr. ROEBUCK observed, that the hon. and learned Attorney General, in introducing the Bill, had said that he contemplated a great increase in the business of Bankruptcy Courts, and yet he proposed to reduce the number of official assignees. Then, again, the hon. and learned Gentleman had stated the expense of the collection of bankrupts' estates by the official assignees was 33 per cent. The fact was it only amounted to 4½ per cent; and he (Mr. Roebuck) did not believe that by any other arrangement could the collection be made so cheaply. He knew there was a cry both in and out of the House among the mercantile public for divesting official assignees of their present functions. He had learnt that cries were often very senseless things, and he thought the present one would prove one of the most senseless. When official assignees had been got rid of he believed it would be found that inefficient and useless persons had taken their place, who would charge dearly for services that were ill-performed, and that then there would be a cry to have the official assignees restored.

Mr. MALINS said, the objections he had previously expressed to that portion of the Bill which related to the official assignees had in no wise been removed. He believed the machinery of the Bill would not work. There ought to be a class of public officers in whose hands the assets of bankrupt estates should be vested. The law would never be able to exercise the same control over the trade assignee as over the official assignee. The present system in connection with the official assignees might show abuses, and the salaries of those officials might be too high, but if so let them be diminished. The clause ought to be postponed, and the question re-considered.

Mr. MURRAY said, he thought the time had arrived when official assignees should be reduced both in number and in fees; and he hoped that the clause would be at once proceeded with.

The ATTORNEY GENERAL said, he could not consent to postpone the clause. No doubt it was the duty of that House to consider whether any particular "cry" had a foundation before they yielded to it. In this case the general demand certainly was, that creditors should have restored to them the administration of what was really their own affairs; and he could not say that that demand was unreasonable. He fully recognized the value of the services of the official assignees, especially in collecting small debts, because they had a large staff of clerks, and could easily resort to the Commissioner or the Judge. One of the provisions of the Bill, therefore, intrusted to them the getting in of debts not exceeding £10, which they could do more cheaply than a solicitor could. The number of those gentlemen was at present, however, far too many, and, indeed, he thought there would not be sufficient work for those whom the Bill proposed to retain.

Mr. MONTAGUE SMITH said, he did not mean to assert that under no circumstances would mercantile men consent to act as creditors' assignees. What he maintained was, that the provisions of the Bill were too stringent and burdensome, and would tend to deter such persons from undertaking these duties.

Clause *agreed to.*

Clause 22 (Messengers),

Mr. BRISCOE said, he wished to ask the hon. and learned Attorney General whether it was proposed that the Chief Judge should have the power of dismissing messengers, whether they performed their duties properly or not, for, as the clause termed it, "sufficient reason?" He would suggest that, as another clause relating to the dismissal of the official assignees contained words implying that "during good behaviour" dismissal could not be ordered, the same words should be substituted for "sufficient reason" in this clause. There were but five messengers in London, one of whom had held office for forty-two years, and was now seventy-one years of age. It would, he thought, be a great hardship that such a man should be dismissed from office without compensation, as he might be under the Bill, and be told merely that the chief Judge considered he had sufficient reason. The office of messenger was, in his opinion, a highly important one; for upon their vigilance, perseverance, and integrity, especially in the cases of fraudulent bankrupts, depended very much the amount of assets realized.

The ATTORNEY GENERAL said, that the phrase "sufficient reason" was a phrase perfectly well understood; it must be a reason sufficient, not only in the mind of the Judge, but of those under whose notice the order of dismissal (in which it was provided the reason must be stated) might be brought. The messengers were employed to take possession of property, and although the present holders of those offices were very respectable gentlemen, yet their duties were such as might be performed by very subordinate officers.

Mr. HENLEY said, he wished to know whether it would be a sufficient ground for dismissal that their services were no longer required?

Mr. BRISCOE said, he would remind the Committee of the speech of the Attorney General when he introduced the Bill, and when he said that, if the measure became law, private arrangements would be the rule and bankruptcies the exception. That state of things would inevitably bring about the result referred to by the right hon. Gentleman, and if so, it could not possibly be termed justice to dismiss a man who had held office with credit to himself, performing his duties satisfactorily for forty-two years, and tell him that he was entitled to no compensation, but that having nothing more to do in consequence of the passing of a new Act of Parliament should be considered a "sufficient reason" for his dismissal.

Mr. ROLT said, where it was meant the office should be retained "during good behaviour," those words were used. If it was not intended to get rid of the messengers by a side-wind, why not state at once either that they would be dismissed, or that they would be permitted to retain office "during good behaviour?"

Clause *agreed to*, as was Clause 23.

Clause 24 (Commissioners of Insolvent Debtors' Court released),

Mr. MONTAGUE SMITH said, this clause, while it left open the question of trader and non-trader, removed and modified many objections that were taken last year to the method by which it was then proposed to abolish the distinction between the two classes of debtors. The hon. and learned Attorney General deserved, in his opinion, great credit for the manner in which he had dealt with this question.

Clause *agreed to*, as was Clause 25.

Clause 26 (Provisional Assignee),

Mr. MALINS said, he wished to call attention to the position of the provisional assignee of the Insolvent Debtors' Court, who, by this clause, was to receive the same emolument as the other official assignees. As that officer had always performed his duties in a most satisfactory manner, it would be unfair to reduce him now from £1,500, the amount of his present income, to £1,200 per annum. He (Mr. Malins) would propose an Amendment to the effect that the provisional assignee should continue to receive the same amount as he now derived from his office.

Mr. MELLOR said, the Bill provided that the provisional assignee of the Insolvent Debtors' Court should perform the same duties as the official assignees. It would therefore be unfair that he should receive a different salary from the official assignees.

Mr. W. WILLIAMS said, he wished to know why the provisional assignee should be placed in a better position than the official assignees?

Mr. MALINS thought it very hard that, after having discharged the duties of the office for forty-two years, the gentleman in question should now have his salary cut down, especially as he would still have to do the same amount of work.

Mr. HENLEY said, he believed that if they allowed the provisional assignee to retain his present emoluments, there would be a difficulty in dealing with the official assignees. He wished to know whether the officer in question was paid by salary or by fees, for from what had been stated an important question was opened up as regarded his remuneration?

Mr. MALINS could not specify the exact proportions, but the payment was by both salary and fees. He had no acquaintance with the gentleman whose interests he was advocating, had never seen him, never spoken to him in his life, but as an officer of the court he was well known in the Court of Chancery, and the facts of the case had been made known to him (Mr. Malins) by a gentleman, upon whose truth he could thoroughly rely.

Mr. COLLIER said, the salary was originally £250 a year, but had become raised to the amount stated (£1,500) by fees—a sum which he thought was much larger than was necessary to a person performing such duties as the office required. By the present Bill the remuneration would be £1,200 a year, and he considered that an ample payment.

Amendment *negatived.*

Clause *agreed to.*

Clause 27 (Officers of the Insolvent Debtors' Court),

Mr. MALINS proposed that the persons described as clerks should be called registrars.

The ATTORNEY GENERAL said, no doubt the clerks were desirous of being designated registrars, for they would be entitled to increased salaries; but he should object to the alteration.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 28 (Returns of pending Business),

Mr. ROLT suggested that some difficulty might arise from the clause as it was now worded.

The ATTORNEY GENERAL then moved, that the word "Commissioners" should be substituted for "Commissioner" in the seventh line.

Clause, as amended, *agreed to,* as were Clauses 29 and 30.

Clause 31 (Insolvency Fund),

Mr. ROLT moved the omission of the two last words, "now pending," as they might lead to difficulty at a future time.

Clause, as amended, *agreed to,* as was Clause 32.

Clause 33 *postponed.*

Clauses 34 and 35 *agreed to.*

Clause 36 (Salaries of present officers of the Insolvent Debtors' Court),

Mr. MALINS said, he proposed to omit the words "as nearly as may be out of the same funds, and payable in the same manner in all respects as if this Act had not been passed," and to substitute for them, "and the same shall be paid out of the fund standing to the credit of the chief registrar's account."

The ATTORNEY GENERAL said, the hon. and learned Gentleman had not explained the reasons why he proposed the alteration with regard to the mode of payment of the messengers and brokers of the Insolvent Debtors' Court. He hoped the Committee would allow the clause to pass in its present shape, on the understanding that it should be open to alteration on the bringing up of the Report.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 37 (Remuneration of Official Assignees),

Mr. EDWIN JAMES said, he had given notice of an Amendment to the effect that the salaries of the official assignees in London should be £1,000 instead of 1,200, and in the country £800 instead of £1,000. It had been exceedingly difficult to ascertain the amount of remuneration the official assignees had received, for it depended upon the result of the ballot whether they got £3,000 or £4,000, or only £1,000 a year. Some assignees had been exceedingly fortunate in getting estates of great amount ballotted to them, whilst others received very little more than the cost of their establishments. He wished to ask the hon. and learned Attorney General, whether he could state what had been the average income of the official assignees, *plus* the cost of their establishments, and of the necessary assistance that they were obliged to have?

Mr. ROEBUCK said, he wished to inquire whether the Attorney General had always been of opinion that £1,200 a year was sufficient remuneration for an official assignee; and whether he had acquired any further information upon the subject since last year?

The ATTORNEY GENERAL said, that he had had the honour of receiving a deputation from the official assignees, and undoubtedly, from the representations which they made to him, he was led to think that their emoluments had been considerably more than he had been made aware of; and, therefore, he expressed his wish to fix the *maximum* at £1,500, and he introduced a clause into the Bill for that purpose. His own disposition was to give those gentlemen ample compensation, and he was only anxious to arrive at what was the proper amount. That clause, however, had led to a great deal of remonstrance, and was among the principal reasons why the Bill had been given up. Since then he had made a full examination into the matter, and though unfortunately, from accident, he had not brought with him an account of incomes for several years antecedent to 1856, yet he could say, from statements made by themselves, the average emoluments for several years previous to 1856 of these gentlemen were less than £1,200 a year. That was, at all events, the impression which remained on his memory. From a Return which had been made to the House of the emoluments of official assignees from the 11th October, 1857, to the end of the year 1859, a period of two years and four months, it appeared that their incomes amounted to the sums which he was about to state. He ought to add also that these gentlemen had been placed in situations of considerable peril from being made defendants in suits, and having sometimes to pay considerable sums for costs. From this liability they would now be effectually relieved. The Return showed that the net amounts received, after deducting the cost of clerks and other expenses, for the time he had mentioned, were as follow:—Mr. Patrick Johnson, £2,067; Mr. Bell, £3,716; Mr. Whitmore, £6,896; Mr. Cannan, £5,214; Mr. Graham, £4,363; Mr. Stansfeld, £4,313; Mr. Edwards, £5,633; All these gentlemen admitted, however, that the remuneration for the last three years had been very much larger than for preceding years; and if he were to take an account for ten or twelve years, their incomes would, on the average, very little exceed £1,200 a year each. On referring to the measure by which their offices were created, he found that the original intention was that they should receive £800 a year; but, having reference to their length of service, to the altered nature of their position, and to their average receipts for the last ten or twelve years, he thought it would be found that £1,200 a year was, by no means, an exaggerated estimate.

MR. MONTAGUE SMITH remarked that the clause only provided that the income should not exceed a certain sum; it did not provide for the other alternative, and state that it should not be less than a given amount.

SIR MORTON PETO said, that with reference to what had fallen from other hon. Members, he was in a position to state, that the salaries of the official assignees, taken for fifteen years, averaged £1,616 per annum; taken for twelve years they averaged £1,800; and taken for seven years they averaged £2,000.

MR. MURRAY said, he wished to point out that although the several official assignees received pretty much the same number of fiats, their remuneration materially differed; for instance, the income of Mr. Bell, one of the assignees, had, during the last three or four years, nearly doubled that of his colleagues. He took the liberty of suggesting that the proper course would be to fix the salary of the official assignees at a *minimum* of say £800 a year, and then give them above that a per-centage. The evidence which had been taken before a Committee of the House, he thought, would be found to support the expediency of the plan he had mentioned. He did not think they could get the work well done without giving some remuneration above the fixed salary.

MR. MALINS observed that by the clause, as it at present stood, the salary could not exceed £1,200, but it might be only 12*s*. Something ought to be fixed certain. He could not see the force of the observation of the hon. Member for Newcastle (Mr. Murray) that the official assignees could not be got to do their duty without a salary in addition to fees. As every other officer of the court was to be paid by salary, why should an exception be made in the case of the official assignees?

MR. BRISCOE suggested that the clause might be amended by substituting the words "shall amount to" for the words "shall not exceed." That would secure the officers a salary of £1,200 a year.

MR. AUGUSTUS SMITH said, that so much depended on the diligence used by the official assignees in the collection of the assets, it would be better to pay them partly by salary and partly by fees.

THE ATTORNEY GENERAL said, if he acted on his individual opinions he would carry out the arrangement proposed in the clause as it stood with regard to present assignees, and that proposed by the hon. Member for Marylebone, with respect to those to be appointed in future. If the Committee agreed with him as to the propriety of that course, he would postpone the clause and introduce another for the purpose of adopting it.

MR. EDWIN JAMES said, he thought the suggestion of the Attorney General an admirable one, and he, therefore, would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Clause *postponed.*

Clause 38 (Remuneration of Messengers),

Mr. MALINS said, he would ask the Attorney General to postpone this clause.

The ATTORNEY GENERAL said, he had no objection to the postponement, if the hon. and learned Member for Marylebone, who had given notice of an Amendment respecting the remuneration of the messengers, did not object.

Mr. EDWIN JAMES said, he did not see what the messengers had to do, and he hoped the hon. and learned Member for Wallingford would inform them on a future occasion what was the proper definition of the term messenger, what duties the messengers to Bankruptcy Courts performed, what amount of money they had received, and how much they returned to the income tax.

Mr. MALINS said, he knew that the messengers had for very many years had most important duties to perform, and that they had always performed them well, and to the advantage of the public. He did not pledge himself to any particular course; but an hon. Member had mentioned that one gentleman had performed these duties for forty-two years; he had received considerable remuneration under the law—remuneration which he was clearly entitled to—and he believed the Committee would not do an act of injustice, and leave that gentleman, at 71 years of age, and after rendering forty-two years' valuable service to the country —stranded. That he believed to be a correct statement of one case; and that he might not make any statement which was not entirely supported by facts, he had asked the hon. and learned Attorney General to consent, with his usual good-nature, to the postponement of the clause.

Mr. BRISCOE stated that he had just received two petitions from messengers in Bankruptcy, but had not had time to peruse them. He had no doubt they contained important statements, and he should take care to make himself master of them.

Mr. SPOONER said, that notwithstanding what had fallen from the hon. and learned Member for Marylebone, he could assure the Committee that on the honesty, integrity, and activity of the messenger much depended; he was not a man holding a mere nominal position. The messenger had to find out what property the bankrupt had immediately before he became bankrupt, what had become of it, and how it was to be got at for the creditors, and to get it. The realisation of the estate in a very large measure depended upon him, and in cases of fraudulent bankruptcy the discovery of the fraud depended mainly on the activity, the intelligence, and the discretion of the messenger. It was a very important office.

Clause *postponed*, as was Clause 39.

Clause 40 (Retiring Pensions to Officers),

Mr. AUGUSTUS SMITH said, he would move the addition of the words:—"and shall be above sixty-five years of age." Many of these offices might be filled by men aged twenty-five, and they would be entitled to retire, even though in good health, when they were forty-five. While they held office they ought to provide retiring pensions for themselves.

The ATTORNEY GENERAL said, he saw no objection to the insertion of the words proposed; he knew no reason why gentlemen in good health should be entitled to retire before they were fifty-five years of age in the enjoyment of two-thirds of their salaries.

Amendment *agreed to.*

Clause as amended *agreed to*, as was Clause 41.

Clause 42 (Compensations),

Sir HENRY WILLOUGHBY said, he had an objection to the last four lines of the clause, whereby it was provided that compensations should be paid into the Bank of England to the credit of the chief registrar'sa ccount, by the Commissioners of the Treasury, out of monies to be from year to year voted for that purpose by Parliament. He did not wish to prevent the parties mentioned in the clause from obtaining remuneration, but he objected to the remuneration of the patentee being paid out of the public purse. The salary was created by no Act of Parliament; it was created by letters patent, and he objected to this large sinecure being placed on the public taxes. The question he should submit to the Committee was, whether they were prepared to open a new item of account in the Miscellaneous Estimates? It was the practice of the House to regret the vast increase which had taken place in those Estimates, and it had been stated by members of the Government that the fault lay with the House of Commons; but, although they objected, they were constantly adding to those Estimates. If the clause were agreed to it would bring under the annual notice of Parliament an amount of £20,000, and that sum would form the subject of a new and unpleasant discussion. The discussion would not be confined to the patentee of bankrupts, but it would be extended to the Commissioners and other officers. The House last year refused to place those items of compensation on the Consolidated Fund, and he now asked the Committee to leave them to be paid out of a fund from which they had been paid during the past forty years, and not to throw them on the public purse. The precise fund out of which the patentee and other officers were paid was called the "Secretary of Bankruptcy Compensation Fund," but there was a very considerable balance arising from the accumulation of many years, amounting to nearly a million and a half, the interest upon which was, or could be, applied in the same way as the fees. He objected to these compensations being thrown upon the Consolidated Fund, and he should move the omission of the last four lines of the clause, the effect of which would be to leave the patentee of bankruptcy and other officers to receive their payment of compensation out of the Bankruptcy Fund.

Amendment proposed, to leave out from the word "Fund" to the end of the clause.

THE ATTORNEY GENERAL said, that he should feel it his duty to resist the Amendment of the hon. Baronet. The clause, as it at present stood, had been arranged by him within the last year, and he thought with the concurrence of the great body of the House. He must explain to the Committee that these particular compensations were thrown upon the Bankruptcy Fund by statute, when alterations were made in 1831, and they were compensations which were deemed right to be paid, and were paid, by the authority of Parliament. That fund arose from the contributions of creditors in their capacity as suitors, and he desired to know with what possible justice could money paid by way of indemnity for past errors, committed by a former generation, be charged upon future generations of creditors who should come to seek justice under this Bill? He begged the hon. Baronet to observe that when it was the duty of the State to provide for the administration of justice, it was the duty of the State to do that at the expense of the community. It was undoubtedly true that the Bankruptcy Court was partly judicial and partly administrative. He proposed that the Court should pay for the administrative duties, and those who resort to the Court would have to pay to the Court sufficient to discharge those duties; but so far as the Court performed the public duty—namely, of administering justice in this wide and important range of the law of debtor and creditor, it was the duty of the State to find the funds. All he now asked the House of Commons to do was to rescue the unfortunate suitors in Bankruptcy Courts from the unjust burthens that were placed upon them by paying for a fault—not committed by them, and from which they had no benefit—but a fault committed by former generations of legislators in that very House. The Commissioners of 1854, who went very fully into the subject, had pointed out the great injustice of this burden, and recommended that the compensations hitherto paid out of the suitors' fund should be placed upon the Consolidated Fund of the country. In accordance with that recommendation the Bill of last year proposed to put the payments on the Consolidated Fund, but an objection was taken to this on the ground that it would establish the payments in perpetuity. In the present Bill he had made an alteration which would have the effect of making the compensations payable by monies annually voted by Parliament. He trusted this proposal would be adopted by the House. There was nothing more unwise or unjust than to tax suitors, in addition to the expense they necessarily incurred on going into court, for the justice which they sought to obtain.

MR. BARROW said, the hon. and learned Attorney General told them that he was throwing these payments into a charge which was to be paid annually by a vote of Parliament, but the words of the clause were to a contrary effect, for they declared that the amount "should be paid into the Bank of England out of moneys to be from year to year voted for that purpose by Parliament." The sums were to be paid, and the Parliament was to provide the amount. He denied that there was any injustice in paying these compensations out of the fund contributed by the suitors. The hon. and learned Attorney General might, with equal reason, contend that the law expenses of all who went to law should be paid by the State. The patentee of bankrupts was a mere sinecurist, and if the fund out of which he was now paid should, at some future time, be exhausted, and he should have a claim upon the charity of a future Parliament, he might bring it forward, but so long as there was a fund—as he understood was the case from the speech of the hon. Baronet—from which his compensation could be paid, there was not the slightest justification for charging it on the tax-payers.

Sir HENRY WILLOUGHBY said, he wished the hon. and learned Attorney General to state whether there was not a balance of the Bankrupts' Account amounting to £1,500,000, the interest of which, at £4 per cent, was £60,000. If that were the case, it was surely fairer to go to that fund for these payments. The Committee could scarcely seriously intend to place an enormous charge of this kind on the tax-payers, as long as that fund was unexhausted. If they would do that they would do anything. He hoped that hon. Gentlemen, who, in words at least, professed to have strong objections to increasing the Miscellaneous Estimates, would take that opportunity of making a beginning of giving effect to their professions. They would thereby save themselves from many tiresome debates, for there could not fail to be a debate every year when this Vote was proposed.

Mr. HENLEY said, that he voted last year against paying those charges out of the Consolidated Fund, and he confessed the present mode of dealing with it was ten thousand times more objectionable. If it were right that the money should be paid out of the funds of the country, and if it were right that those parties who, on the faith of Parliament, had had for thirty years the compensation assured to them, should receive compensation, then he could not conceive either a greater deception upon the public on the one hand, or upon those gentlemen on the other, than the mode in which it was proposed that the compensation should be paid. For what was proposed to be done? In the first place they were to have been paid out of the Bankruptcy Fund. Was the fund sufficient or insufficient? They had not been informed; but for fear it should be sufficient, they were to cut off a large portion of what should go to maintain the fund. And then it was pretended that Parliament could deal with the compensations as it pleased. Why, then, tie the hands of Parliament neck and crop? The first time any hon. Gentleman got up in Committee of Supply to object to the Vote he would be met by the reply, "You consented to take away the stream which fed this fund, and you have no choice now but to find the money." It was said they had made mistakes some thirty or forty years ago, and they had no right to make the public pay for them, or any part of them. Would the learned Attorney General get up in his place and inform the Committee whether the banker's balance, which had been alluded to, had or had not any existence when those sums were charged on it? The Committee had a right to be informed what the interest of that banker's balance was, and what those unnamed compensations would amount to, for then the Committee and the country would be able to judge what foundation there was for the assertion that they were taxing the persons coming into the Bankruptcy Court to pay those compensations. He confessed he considered this mode more objectionable ten times over than the plan of last year, because anybody could understand that, but this was pretending to give Parliament the power of dealing with the matter from year to year, while it did no such thing, but pledged Parliament irrevocably to it.

Mr. MALINS said, that if he understood the proposition of his hon. and learned Friend, it was his intention to put the charge on the Consolidated Fund.

The ATTORNEY GENERAL said, that the money was to be voted annually. The Bill of last year went to put it on the Consolidated Fund; the House would not agree to that, and it was then arranged in the manner that they now found it, and when the right hon. Member for Oxfordshire (Mr. Henley) complained of the manner in which it was thus placed, he (the Attorney General) had no other alternative, for—to borrow the elegant metaphor which the right hon. Gentleman had used—his hands were tied "neck and crop."

Mr. MALINS said, he would have voted for placing the compensations on the Consolidated Fund if the proposal had been made. He saw no reason why creditors who came into the Bankruptcy Court in 1862 should have their dividends diminished to pay compensation granted in 1832. The Government proposal to rely from year to year upon the justice of Parliament was inconvenient, and it would be more satisfactory to throw the charge at once upon the Consolidated Fund; but he would support the arrangement contained in the clause, which was one founded upon justice, exonerating the Bankruptcy Fund, as it did, from a charge to which that fund ought not to be subjected.

Mr. HENLEY denied that he had ever said that Parliament would refuse to pay the money. All that he said was that the hon. and learned Gentleman had made it optional, whereas the Bill had been so framed that Parliament was tied hand and foot, and must do it. He would remind the Committee that to the fund which was thus to be exonerated for the relief of future creditors, those creditors had not contributed one farthing; it had grown up in course of years, like the Suitors' Fee Fund in Chancery, in some mysterious manner. These great Courts seemed to get as much money into their hands as possible, and to keep it as long as they could. The offices in question were abolished for the special benefit of the suitor in bankruptcy, and the fund being one to which the future creditors had contributed nothing at all, and had no claim whatever on, he was at a loss to know why it could not be applied for the purpose of paying the compensation.

Mr. VANCE observed, that he should oppose the clause, on the ground that the Irish tax-payers would be unjustly treated; because in Ireland a number of offices had been abolished, and the compensations thrown on the Bankruptcy Fund. In addition to paying those compensations, they would, if the clause were adopted, have to pay for the suitors in the Court of Bankruptcy in England.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:* — Ayes 78; Noes 28: Majority 50.

Clause *agreed to,* as was Clause 43.

Clause 44 (Court Fee abolished),

Mr. MURRAY said, that no Court Fee of this kind was paid.

Clause *postponed;* as were Clauses 45 to 49 inclusive.

The ATTORNEY GENERAL said, he would not ask the Committee to proceed further with the Bill that night.

Committee report Progress; to sit again on *Thursday.*

PAROCHIAL ASSESSMENTS BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. HENLEY said, he did not intend to offer any opposition to the second reading, but as the measure was beginning to excite some attention in the country, he hoped the right hon. Gentleman would not propose to go into Committee for some little time, in order that an opportunity might be afforded to the country of considering the principle involved in it. If time were given there would then be an opportunity for hon. Members to determine whether or not the better plan would be to refer the Bill to a Select Committee. Looking at the Bill as it stood, without much explanation, he must say he was afraid of the expense to be incurred in carrying out its provisions. It might be possible to work it without very much expense; but on the face of it he did not think it probable that it would be so worked. One very ominous clause gave power to the County Boards to order maps. Now, when it came to mapping a country it was difficult to say what expense you might not run to. Some of their friends in the north knew something of mapping on an extensive scale, and it might happen that some counties might think it desirable to have their villages mapped on a scale of from six inches to a foot. It might be desirable to refer the Bill to a Select Committee upstairs, but in any case he trusted the Government would allow due time for its consideration.

Mr. AUGUSTUS SMITH said, he hoped the second reading would be postponed. He did not think the House had as yet sufficient information on the measure. The principle of the Bill was to give to county magistrates the power of assessing every parish in their county. And that was to be done by means of a County Board. Before the House conferred such powers they ought at any rate to make provision for the County Board being properly constituted. To his mind, in introducing measures of the kind in question, the Government were virtually putting the cart before the horse. There was a strong feeling in the country that county and local expenditure was running on at the same pace as that of the home Government. They had, besides, a measure before the House that they ought to have time to discuss—that of the hon. Baronet the Member for Tavistock (Sir John Trelawny), which would give a proper machinery for governing the expenditure of counties. There were several other Bills introduced, such as the Parochial Assessments, the Highway Rate, and one or two others, and they wanted good machinery for administering all these Acts.

Mr. DEEDES said, he was still of the same opinion as he formed on the introduction of the Bill, that the machinery would be somewhat cumbrous, costly, and rather difficult of operation. With regard to parochial assessments it was desirable that inquiry should take place with respect to the principle on which they were made, with the view of attaining something like uniformity. He believed that in parts of the country many acts were done which savoured more or less of oppression, in consequence of the manner in which the assessments were carried out. Some farms, for instance, were very moderately assessed, while the tithes of clergymen were made liable to wholly extravagant charges. He should, therefore, wish to see a change made in the system of parochial assessment. But in the counties the magistrates were enabled by the existing state of the law to carry out a very fair system of valuation; and in that case he feared that, while the Bill could do no good, it might unnecessarily entail an increase of expenditure. As it was right that parochial authorities should be well acquainted with what was meant to be done, he had intended to propose that the second reading should be deferred, and he only refrained from pressing that proposition because he advocated making progress as far as possible with Government measures at an early period of the Session; but it should be understood that if the Bill were now read a second time it would be referred to a Select Committee, after a sufficient delay to enable parties to become acquainted with the details of the measure.

Mr. BARROW said, he decidedly objected to any proposal for vesting the whole of the taxation in that case in the magistrates; and, if that were a principle indispensable to the passing of the Bill, he should decidedly oppose the measure. But he believed that it might be remodelled in that respect, and he was prepared to assent to the second reading from a hope that under its provisions Boards of Assessment on which the ratepayers would be represented might be established.

Sir GEORGE LEWIS said, it was a mistake to suppose that the Bill was a Bill of taxation. It did not propose to levy any taxes on the people, but merely provided that the mode of taking the assessment on which the taxes were levied should be fixed by a board of county magistrates. The Bill was brought in in order to prevent those inequalities which arose from the present system of parochial assessment. Therefore, the dogma that taxation and representation were co-extensive had no application to the present Bill. With regard to the conversion of the financial administration by county magistrates into an administration by a representative body, that subject might come under the consideration of the House at the proper time, and, if Parliament sanctioned the proposition, the present Bill would naturally follow that system of administration; but he proposed to found himself on the existing state of things as to the administration of the affairs of counties by county magistrates. The principle of the Bill was to provide better machinery for establishing fairness and uniformity in forming parochial assessments, and beyond that principle he did not conceive that any hon. Gentleman was pledged by voting for the second reading. All the details of the machinery were matters for subsequent consideration in Committee. With that explanation, he trusted that the House would that night agree to the second reading. The Bill had been in the hands of hon. Members for more than a week, it was printed and distributed last Session, and there had been ample opportunity to judge of its provisions. At the same time, if there was any wish on the part of the House that the Bill should be referred to a Select Committee for the purpose of considering the clauses, he should make no objection. If that course were adopted, it would be convenient not to postpone the Select Committee until a very distant day, because the Bill must afterwards be considered in a Committee of the whole House; and, therefore, should the Bill be read a second time now, he would fix the Committee for Monday week, and then it might be decided whether or not it should be referred to a Select Committee. If it were not so referred, he undertook to allow further time for consideration.

Mr. ALDERMAN SIDNEY said, he thought the Bill a decided improvement on the measure at present in force. He wished, however, to know whether there was any reason for limiting the operation of the Bill to parochial and county rates. Uniformity of assessment was very desirable with respect to them, but it was equally desirable in assessments for poors' rates, sewers rates, improvement rates, police rates, and property tax. The assessments on which these taxes were levied were made by different jurisdictions, and were by no means uniform in their amount. The Bill was a timid measure. If they were to have a Board of Assessment it ought to embrace all the matters on which property was liable to be rated, so as to have uniformity of quota to their respective assessments. But such boards of jurisdiction to work well ought to be co-extensive only with the unions of the various parishes. The Act was also indefinite as to who were to be the assessors, and where the boards were to meet. The Bill, however, was capable of being made a very valuable one, and he trusted the right hon. Gentleman would not deem it of less importance to introduce uniformity in the case of all other local assessments.

MR. EDWIN JAMES said, he did not rise to discuss the merits of the measure, but rather to invite the right hon. Gentleman to defer the second reading of it for some ten days. Hon. Members had not had the opportunity of ascertaining the sentiments of their constituents, who were much more capable than those who represented them of forming an opinion on the particular bearings of such a Bill. The right hon. Gentleman had told them the Bill was not one for the imposition of taxation. Well, perhaps it was not so in one sense; but was it not an assessment Bill, and did it not fix the amount of taxation levied? And then the absurdity of appealing from the decision of five magistrates to the Court of Quarter Sessions—that was to say, from magistrates to magistrates—was so manifest that the House could never adopt the provisions of the Bill. Last year the second reading of the Reform Bill was postponed for a month; and there was nothing so pressing in the present measure that a little delay might not be conceded. If the right hon. Baronet did not concede it, he should move that the Bill be read a second time that day fortnight.

MR. PULLER said, he approved the general object of the Bill, but it contained some deficiencies in points of detail which he hoped would be corrected in subsequent stages; among them were the assessment of liberties, the manner of publishing the assessment lists, and the short time allowed to put in objections. A ratepayer might object to and appeal against successive rates; but if he did not lodge his objection to the assessment list within a fortnight, he was precluded from doing so at all. Many causes might prevent him from having any knowledge of the new assessment, and he thought the time within which objections could be made should be considerably extended.

MR. BRIGHT said, that he had gathered two things from the discussion which had taken place—namely, that the Bill was one of considerable complication, and that very few Members of the House had had time fairly to examine it. As a consequence, the various constituencies throughout the country had not, as yet, had an opportunity afforded them of considering its provisions. He might add, that a very eminent authority in the town which he had the honour to represent had written to him for a copy of the Bill, stating that he was, so far as his knowledge of it went, disposed to regard it as in many respects highly objectionable; that he had complied with that request, but that he had not, as yet, had time to receive the definite opinion of the gentleman to whom he referred on the subject. Indeed, he had not himself had an opportunity of examining the measure, and the great majority of hon. Members stood, he believed, exactly in the same position—a state of things which it was not desirable should exist, when the House was asked to give its assent to a scheme which dealt with matters of a very complicated and irritating character. There was hardly any question which the House was bound to legislate upon with more care and deliberation than the one before them. He did not speak with the slightest idea of throwing any obstacle in the way of the right hon. Gentleman. All he asked for was, the adjournment of the debate for a fortnight. The House would not be taken by surprise, and there would be no hurtful delay, for it was not a Bill that would give rise to an adjourned debate. It would be accepted or rejected on the second reading. He did not quite understand whether the hon. Member for Kent (Mr. Deedes) desired that evidence should be taken before a Select Committee, or only that the Committee should have the power of considering, re-arranging, or in some respects altering the clauses if they thought necessary. Seeing that the House was almost dying by having nothing to do—Government having reduced the policy of doing nothing this Session to a system—the right hon. Gentleman might fairly adjourn the debate for a fortnight, which would certainly meet the wishes of the House far better than by pressing on a division at the present time.

Motion made, and Question proposed, "That the Debate be now adjourned."

SIR GEORGE LEWIS observed, that it was rather hard upon a Member of the Government to have complaints made of his not bringing forward his measures early in the Session, and then when he did so to have a cry raised for their postponement. All he asked the House upon the present occasion to do was to assent to the principle of the Bill, which was simply the introduction of greater uniformity into the system of parochial assessment, without pledging itself to any of its details. If hon. Gentlemen would assent to the adoption of that course, he would fix the Committee for Monday week, and would then be prepared, if the House were desirous that he should do so, to send the Bill to a Committee upstairs, which would not examine witnesses, but simply go through the various clauses of the measure. That Committee would have accomplished its task, in all probability, about Easter; and then the Bill would come before the House in Committee, when any hon. Gentleman might take a division upon it. Nobody could, under those circumstances, be taken by surprise; and he trusted, therefore, the House would read the Bill a second time that evening.

MR. BARROW said, it was impossible that the hon. Members for constituencies residing in remote rural parishes could have an opportunity of considering the measure and reporting their opinions upon it to their representatives before the day fixed by the right hon. Gentleman for the Committee. It was true that Ministers had been urged to bring in their Bills early, but it was never wished that they should be pressed on in a hurried manner.

MR. WALPOLE said, he was struck with the remark of the hon. Member for Birmingham (Mr. Bright) that Ministers had this Session reduced the policy of doing nothing to a system; that might or might not be the policy of the Government. But what he strongly deprecated was, that the House should reduce the policy of doing nothing to a system. There was no dispute about the object of the Bill. The only discussion was in respect to its machinery. The right hon. Gentleman the Secretary of State had not only given them another fortnight, during which there would surely be plenty of time for hon. Members to communicate with their constituents, but at the end of that time he was willing to send the measure to a Select Committee, so that it would not be before a Committee of the whole House for a month yet to come. Unless, therefore, the House was determined to reduce the policy of doing nothing to a system, they ought to read the Bill a second time.

MR. DEEDES said, he did not propose to take evidence before the Select Committee, which he had suggested, and, therefore, he wished to know whether the Government would definitively adopt his suggestion. No hardship would thus be inflicted, and the measure would be fully discussed.

MR. AUGUSTUS SMITH said, that he was not aware whether the Amendment was moved by the hon. Member for Birmingham or the hon. and learned Member for Marylebone; but he should support it.

MR. BRIGHT said, he would withdraw his Amendment if there was a distinct understanding that, at the end of a fortnight, the Bill should be referred to a Select Committee.

SIR GEORGE LEWIS said, that he was willing to give the required assurance.

Motion by leave *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2°.

HIGHWAYS BILL.

SECOND READING POSTPONED.

Order for the Second Reading read.

MR. DISRAELI: Sir, I wish to call attention to the mode in which the business of this House is conducted by the Government. We have already appointed a Committee to consider whether any changes could be introduced into the mode of conducting the public business which would tend to facilitate its progress through the House. Among other objections, one has been made to an ancient privilege of this House, which is certainly productive of some inconvenience—that of bringing forward Motions on going into Committee of Supply. One great evil arising out of the exercise of this privilege is that the House never knows when the main business of the evening will come on for discussion. When the Navy Estimates, for example, are on the paper, we come down and find some hon. Gentleman bringing forward the grievances of Whitechapel. Perhaps there may be good reasons for that course of procedure, but I wish more particularly to call attention to the manner in which the programme of business is prepared for the information of the House by the Government. I came down to-night to discuss the Highways Bill, a subject in which my constituents—and the constituents, no doubt, of many hon. Gentlemen on both sides—are much interested. The Highways Bill stands first on the paper, but when it was called nobody proceeded with it. It ought to have been proceeded with; or, at least, those responsible for the Bill ought to have given some reason to the House why it was postponed. The second order is the Post Office Savings Banks Bill, a subject which at present engages public attention. I know that many hon. Members came down to-night purposely to receive information respecting that Bill, and to offer their opinions upon it; but that Bill also was passed over in silence, and the Minister responsible for it did not appear in his place to explain why the second measure appointed by the Government was not proceeded with. The next order on the paper—the Bankruptcy Bill—was certainly proceeded with, but only to a certain point. The Minister responsible for that Bill told us he believed there was an understanding that progress should not be made beyond a certain clause; and the consequence is that, at a comparatively early hour, there is no Government business before the House. As the Minister responsible for the Highways Bill was not in his place when it was called in its proper order it was postponed, according to our usual practice, until after the other orders. It has now been called again; but, although the Minister is present, he has not condescended to give us any reason why the arrangement of business devised by the Government has not been followed. I want to know what prospect there is of our conducting the public business with satisfaction to ourselves or to the country if the House is to be treated in this manner by the Government. I have always thought that, although there are many means by which the business of the House might be expedited, much must necessarily depend upon the management of Ministers. See what has happened to-night. Upon an important Government night, at the beginning of the week, we have a programme of business prepared and circulated for two days, and when we come down we find it is not realized in any respect. The only conclusion at which we can arrive is that the conduct of business in that manner, if not the only cause, is a cause of the unsatisfactory state of public business. I think an explanation is due to the House by the Government upon these heads, and I await it with some interest.

SIR GEORGE LEWIS: Sir, I regret that any inconvenience has been caused by the circumstances to which the right hon. Gentleman has referred; but I think I can give an explanation which will be satisfactory to the House. I was perfectly prepared—indeed, it was my wish—to move the second reading of the Highways Bill to-night; but the hon. Member for Leominster (Mr. Hardy) on Friday evening asked me across the table whether, in consequence of the short time during which the Bill had been in the hands of hon. Members, I would consent to postpone the second reading. I said that as the time had been short I would consent to postpone the second reading, and I added that I would mention on Monday the day to which I should postpone it. Perhaps I ought to have moved the postponement on Friday night, but I distinctly stated that I would not move the second reading this evening. With respect to the Post Office Savings' Banks Bill, I believe my right hon. Friend the Chancellor of the Exchequer is confined, if not to his bed, at all events to his room, by illness; and, consequently, it was not in his power to come down to the House to-night. If he had been able to attend in his place, he would have moved the second reading of the Bill. Such are the circumstances under which the Bankruptcy Bill came to have precedence; and I, for one, was under the impression that my hon. and learned Friend the Attorney General had stated publicly that he would not proceed beyond the 50th Clause. I presume he expected, remembering the long debates which took place last Session, that the first fifty clauses would occupy the House the whole of the evening. I am always sorry when hon. Members have reason to complain of any want of notice, but I trust they will see that there was no intentional omission on the part of the Government upon this occasion.

MR. BARROW said, he hoped the right hon. Gentleman would not fix the Highways Bill for Thursday, as there was not much probability of its being proceeded with on that night. During the last Session he had come down forty nights expecting that the Highways Bill would be brought forward, without its being proceeded with, and of that he felt he had some right to complain. It seemed useless to fix the order for Thursday, when the Bankruptcy Bill was likely to occupy them the whole of that evening.

Sir GEORGE LEWIS admitted it to be probable that the Bankruptcy Bill would occupy the whole of Thursday evening, but it might not, and in that case was the Government to expose itself to the reproach of not placing on the paper sufficient business to last the whole of the night? It was very difficult to anticipate all the contingencies that might occur, and he could only say that he had no wish to bring down hon. Gentlemen when the business in which they took an interest was not likely to come on.

Mr. HENLEY said, he agreed with his right hon. Friend the Member for Bucks that the Government might fairly be expected to arrange their Bills in the order in which they were to be brought forward for discussion. Much inconvenience had been caused by the postponement of the Highways Bill and the Post Office Savings Banks Bill.

Second Reading *deferred* till *Friday*.

RED SEA AND INDIA TELEGRAPH BILL.

COMMITTEE NAMED.

Mr. PEEL said, that in the absence of the Chancellor of the Exchequer, he rose to move the nomination of the Select Committee on this Bill as follows:—Mr. Peel, Sir Stafford Northcote, Mr. Dunlop, Mr. Cave, Mr. Scholefield, Mr. Edward Egerton, and Mr. Bonham-Carter.

Mr. WYLD said, he must oppose the appointment of a Committee in the absence of the Chancellor of the Exchequer. He wished to know what the Committee was to do—whether, for example, it was to inquire into the whole of the circumstances connected with the laying of the cable? He believed the contract was carried out in good faith by both the late and present Governments. Every one believed it would be beneficial both to India and to England; but the question, to his mind was, as to the power of the Committee to deal with the contract.

Mr. PEEL said, he thought the best way of determining the purpose for which the Committee was to be appointed was by referring to the object for which the Bill had been introduced. Now, the object of the Bill, as explained by his right hon. Friend the Chancellor of the Exchequer, was simply to carry out the intention with which the late Government on the one hand, and the Red Sea Telegraph Company on the other, had entered into an agreement for a guarantee of the Company's capital. That intention, according to the interpretation of the contract, by the law officers of the Crown was not carried out either by the contract or by the Act of Parliament; and the question turned altogether upon what the intention was of the Crown and of the Company in entering into the agreement. Was it the intention of the parties that the guarantee should be conditional or absolute, entirely irrespective of the success of the undertaking—a guarantee in which the whole risk was to rest with the Government? The inquiry of the Committee would be as to the intention of the Government and Company in entering into the agreement; not as to the policy of the measure. If it was desirable that the general question should be inquired into it would more properly come before another Committee. For the present, and for the purposes of the Bill, the Committee would have to deal simply with the intention of the parties.

Sir MINTO FARQUHAR could not help observing that every question which had been put to the Government on this subject had been most vaguely answered. The question before the public appeared to be somewhat misunderstood. Many did not comprehend why there should be a Committee at all. The hon. Member for Inverness-shire had put a question, the reply to which the parties interested could not understand; and the reply of the right hon. Gentleman opposite had now made confusion worse confounded. That right hon. Gentleman said the question to be inquired into was whether the guarantee was conditional or unconditional. The public had taken up the matter with much interest; marriage contracts had been drawn up on the basis of this guarantee, the project had been recommended as a Government security, and money never could have been raised unless it had been believed that the agreement was to be an unconditional one. Public faith was most clearly pledged, and the only question was simply this, how the contract was to be carried out. The question was submitted to the law officers of the Crown upon the contract. Then arose the question as to the agreement being conditional or unconditional. Mr. Stepheson of the Treasury, actually gave the instructions to the solicitor of the Treasury, and the contract, therefore, was drawn out by the solicitor of the Government. It was thoroughly and entirely understood that the contract should be fully carried out. This was clearly laid down by the right hon. Member for Buckinghamshire, and the hon. Baronet the Member for Stamford; and the statement now made would only confuse the public mind, and lead to the inference that it was questionable how far the contract should be carried out.

MR. GREGSON said, he had no doubt whatever that the guarantee was unconditional. There was a great desire on the part of the country generally to see that line of telegraph carried out; and the Government of the day were entitled to the highest credit for entertaining the question. They had endeavoured to make the best possible terms for the public. Without an unqualified guarantee the concern would not have floated. Whatever party had been in office at the time could not have made a better contract, and the late Government were entitled to unqualified praise for the patriotic and zealous manner in which they had given this guarantee.

ALDERMAN SIDNEY said, he must insist that the House was entitled to the fullest information as to how the company had performed their part of the contract, as well as to know the degree to which the public faith had been pledged. No doubt the Company was respectably formed, and that the Government had guaranteed to be paymasters; but there was not a scintilla of evidence that the Company had fulfilled their portion of the contract, and yet the country was called on to pay £36,000 a year for fifty years. The question had been discussed three times, and yet the House had not been favoured with the opinion of the law officers of the Crown as to whether the country was pledged to such payment.

SIR GEORGE LEWIS said, he wished to recall the attention of the House to the real question before it. The House had already determined to appoint a Select Committee. That question did not now remain for discussion; the Motion was as to the parties proposed to be nominated. It would, therefore, be more convenient to confine the debate to who should be members of the Committee. The hon. Member for Stafford (Mr. Alderman Sidney) asked for the opinion of the law officers of the Crown. The hon. Gentleman, with his Parliamentary experience, ought to be aware that it was not the practice of the Government to lay before the House the opinions of the law officers; that those opinions were confidential documents, intended for the guidance of the Government, and which were not under ordinary circumstances to be produced. But with respect to the understanding come to when the contract was made, that would be the subject for the consideration of the Committee. It would not be their duty or business to go into the policy of the engagement—a question wholly foreign to their inquiry. All they would have to inquire into was what was the nature of the engagement that had been entered into. When that inquiry had taken place, no doubt the House would receive full information.

MR. J. L. RICARDO said, that with all deference to the right hon. Baronet he thought the question put by the hon. Member for Bodmin (Mr. Wyld) was perfectly fair, and that when the Committee was proposed the hon. Gentleman had a right to ask what was the investigation into which they were to enter. Having heard the explanations of the right hon. Gentleman the Secretary to the Treasury, and the Home Secretary, it appeared to him that this so-called Committee of Inquiry was to make no inquiry at all. He really thought, when they named the Committee, they ought to have a perfect understanding as to what it was about to do. It seemed that the Committee was to investigate a question which the House did not want to know anything at all about. What they did want to know was simply this — whether the Company had complied with the agreement made by the Government, and what that agreement was. His own idea—and he thought he knew something of this matter—was that the Company had not at all fulfilled the engagement for which they were now about to pay £35,000 a year. He believed the arrangement made was to this effect:—The noble Lord at the head of the late Government had determined that this line should be in work for thirty days; but, when the matter went back to the Treasury, on the accession of the new Government, somehow or other it was so manœuvred that at last the arrangement came to be this, that if a certain section of the line should be in working condition for thirty days, the Company should be entitled to the £35,000 a year. Now, he believed the line had never been one single day in work throughout its whole length. That was the circumstance which ought to be inquired into in Committee. But if he gathered anything from what had fallen from the right hon. Secretary to the Treasury and the right hon. Baronet, he must say that that was a point from the investigation of which the Committee was to be interdicted. He wished to know, then, how the Company had fulfilled the engagement into which they entered with the Government. If the Committee were not to be at liberty to inquire into that, their labours would be of no use whatever, and the House had better go on with the Bill without their intervention. The explanations of the Government were not at all satisfactory, and he should be glad to hear that the Committee would not be fettered in their inquiry. If no such assurance were given, he would take leave to move that it be an instruction to them to investigate as to how far the Company had complied with the terms of the contract.

Sir CHARLES WOOD said, the arrangement was one for which the present Government were not responsible, it having been made by their predecessors. A question had arisen, on which the opinion of the law officers of the Crown had been taken, and that opinion was to the effect that the Government were not legally bound. Her Majesty's Government, however, conceived that if not legally, they were morally bound to carry out the agreement which was supposed at the time to have been entered into by both parties. He believed, with his hon. Friend who spoke last, that the line had never, as a whole, been in working order, but each portion of it had; and a certificate had been given by an officer on the part of the Government that sections had been in that condition for the time stipulated. A Bill had, therefore, been introduced to carry out the engagement under which they considered that the Government had come. The House had determined that a Committee should be appointed, and the question now simply was who should be its Members. That Committee might report in favour of or against the Bill; but by them that investigation would be conducted, which all who had spoken agreed in thinking necessary. The object of everybody would, therefore, be attained by the appointment of the Committee, whose Report would put them in full possession of the information they required. Surely, therefore, hon. Gentlemen who called for that information were defeating their own object by objecting to the nomination of the Committee.

Motion *agreed to.*

Select Committee *nominated* accordingly.

Mr. WYLD said, he wished to give notice that he should move that it be an Instruction to the Committee that they should investigate all the circumstances connected with the undertaking, and how far the contract had been fulfilled.

House adjourned at Eleven o'clock.

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HOUSE OF LORDS,

Tuesday, February 19, 1861.

INDIA—LOCAL STAFF APPOINTMENTS.

QUESTION.

Lord WYNFORD rose to put a Question, of which he had given notice, respecting appointments to the Local Indian Staff Corps. He wished to know, Whether, the Royal Warrant having issued for the formation of a Staff Corps at each Presidency of India, will there be, upon transfer of any officer of the local armies from regiments retained as effective, promotion to the officers remaining in that regiment, by the step being filled up as on a vacancy by death or other casualty? There was a good deal of anxiety on this subject, as it was generally believed that much of the want of discipline among the regiments in India was to be attributed to the want of officers in those regiments.

Earl DE GREY and RIPON said, he must decline to answer fully the Question of the noble Lord, as it would require him to give an explanation of the arrangements that were about to be made in the Indian army, and which were not yet completely determined upon in detail. He would, therefore, content himself with saying that, as the system in India previous to the amalgamation of the Queen's and the local army was that when an officer in the local army received staff or political employment, he was not thereby removed from the strength of his regiment, and no promotion of junior officers took place in consequence, the same rule would be followed now, and when an officer was appointed to the staff corps from any regiment in the local army promotion would not necessarily take place in that regiment.

THAMES EMBANKMENT, &c.
PETITION—QUESTION.

Lord LLANOVER *presented* a Petition of Vestry of Parish of St. Leonard, Shoreditch, in favour of the Construction of Thames Embankment, &c.; and said he would take that opportunity of asking the Government a question on the subject. It would be remembered that in 1855 the Metropolitan Board of Works was created, and was entrusted with the main drainage of the Metropolis. The plan they adopted to carry out that drainage was by means of a high level, a middle level, and a low level sewer; the low level to proceed by way of the Strand and St. Paul's, and other of the great thoroughfares, which would be at such a depth, and the excavations would be so extensive, that it was plain the traffic would be stopped for many months, to say the least. This scheme was, however, adhered to until last year, when a Select Committee of the House of Commons, that had been appointed to consider the whole subject of the embankment of the Thames, unanimously recommended that the Thames should be embanked, and that the low level sewer should run under the embankment. They further recommended that the dues of 8*d.* and of 1*d.* on coal, the Acts for which were about to expire, should be continued for some time longer, in order to defray the expense. What he wished to ask the Government was, Whether any steps were about to be taken to carry out this plan, and whether they intended to bring in a Bill to continue the coal dues for the purpose? He had heard that it was the intention of the Government to appoint a Royal Commission to inquire further into this subject; if so, he hoped the Commission would be speedily issued, that they might be in a position to report early this Session; so that some decisive steps might be at once taken in a matter which, if carried out, would be one of the greatest improvements of the Metropolis.

Earl GRANVILLE said, it was the intention of the Government to issue a Royal Commission; but the question of the continuance of the coal dues was still under the consideration of the Government.

CHINA.—ADDRESS FOR PAPERS.

Earl GREY: I have to move your Lordships that an Address be presented to the Crown for Copies or Extracts of any Despatches Her Majesty's Government may have received respecting an Expedition which it is reported is to be sent up the Yang-tze-Kiang. If this expedition is to be undertaken with the view of entering into communication with the rebels who are now in possession of some of the chief towns on that great river, the step is one of great importance, and it is desirable that the House should be put in possession of any information bearing upon it. If, however, there should be the slightest objection, on the part of Her Majesty's Government to produce any despatches they may have received, I shall not press my Motion; indeed, my principal object in making it is that it will give me an opportunity of calling your attention to the general subject of our relations with China. I should not, my Lords, have taken upon myself to do this were it not that I consider the subject to stand in urgent need of discussion, while I have learnt that Her Majesty's Government do not propose to bring it in any manner before us (as I think they ought), and that it is unlikely that any other noble Lord will do so. I do not propose calling your attention to the important papers relating to China that have been laid before us, with the intention of again discussing the question as to the origin of the war, which was so fully discussed four years ago—though I believe the war just concluded to afford a solitary example in our constitutional history of an important war having been begun and finished without the servants of the Crown thinking fit to ask for a direct approval of their policy by Parliament. It is remarkable that Parliament has never been asked to express an opinion on the subject except by those who think the war to have been wrong. While neither House has even been invited to approve it, your Lordships, by a small majority, rejected Resolutions directly condemning it; and the other House, by a still smaller majority, adopted a Resolution to the same effect, which still remains unrescinded on its Journals. In these circumstances I have no wish to reopen the question, being content to leave it as it stands, resting on the arguments unanswered and unanswerable, as I consider them, which were at the time urged by some of the most distinguished members of the present Government, to show that the war was unjustifiable. I rest the case on the speeches of the Secretaries of State for War, and for Foreign Affairs, and of the Chancellor of the Exchequer. It is true, that the circumstances which led to the renewal, or, according to the noble Duke the Secretary for the Colonies, the continuance of the war, have never been discussed in this House; but though I believe it would be perfectly possible to show that for the unhappy catastrophe at the mouth of the Peiho the blame rests far more with us than with the Chinese, I do not propose to enter into that matter. It is not my object to refer to past mistakes except so far as they bear upon our future policy, and my intention is to call your attention to our relations with China in times past, and to the existing state of those relations, only as they affect our future conduct. The question what course we ought hereafter to pursue towards China is one of the deepest importance, and I am persuaded we cannot form a sound judgment upon it without looking back to past transactions. I will, therefore, endeavour, as shortly as I can, to recall some of those transactions to your recollection.

My Lords, when the trade between China and this country was thrown open by the abolition, in the year 1833, of the monopoly formerly enjoyed by the East India Company, our commerce with that great empire was considerably increased. Its extension, however, fell far short of the high-raised expectations and eager wishes of the nation, and especially of the mercantile community. The failure of our commerce to increase as rapidly as had been anticipated was attributed to the adherence of the Chinese to the system we had abandoned, and to their still allowing European trade to be carried on only with one of their ports, and through the close monopoly of a society of merchants called the Hong merchants. No doubt, this mode of accounting for the disappointment of our expectations of increased trade was in part true; but though much discontent was, in consequence, felt in this country, nothing was for some time done to compel the Chinese to admit our commerce more freely. I presume it was felt that we had no more right to insist upon this with the Government of China, than we should to insist on a similar concession from the Governments of France or of Spain; that the Chinese were entitled by all the laws of nations to lay down the rules upon which they would consent to carry on intercourse with us, and to tell us that we might accept or refuse intercourse on these terms as we might think fit. But after a time an opportunity arose which was thought to justify us in pursuing a different course towards China. Partly by force, and partly by corrupting the Chinese authorities, British subjects had established a very large smuggling trade in opium. This was done against the loudly expressed wishes of the Chinese Government, and in spite of all their efforts to put it down. They believed—whether rightly or not—that the traffic was one which was extremely detrimental to the true interests of their Empire, and, therefore, they were most anxious to suppress it. But it was not discountenanced by us; on the contrary, it was encouraged and supported, and the British Government in India derived a very material part of its revenue from this trade. Annually large quantities of opium were grown in India, and sold by the Government, avowedly for the purpose of being smuggled to China. This state of things in the opinion of the Chinese Government was so intolerable, that at length they determined to take measures to put a stop to it; and they adopted a course quite consistent with their own traditional notions as to the rules which ought to govern the intercourse between themselves and foreign nations, but which, in our opinion, was inadmissible. They seized on the representative of the English Government, and some of the principal British merchants at Canton, and they made them redeem their lives by giving up a large quantity of opium for the purpose of being destroyed. There can be no doubt that the Chinese were quite unjustifiable in the measures to which they resorted; but it can hardly be denied that they had a real grievance, though the means they took to obtain redress were indefensible, and we ought to remember that they knew nothing of those conventional codes of international law which prevail in Europe. They are not able, like the Foreign Secretary, to quote Vattel (perhaps their ignorance saves them from making some blunders), and some indulgence, therefore, must be shown for the error into which they fell. These circumstances led to what has been called the Opium War. In that war the Chinese, of course, were entirely defeated. They were even more incapable then than now of making any stand against European forces. They were utterly subdued, and compelled to accept what terms of peace we chose to impose on them, and we were not very forbearing. We required, in the first place, a large pecuniary indemnity, as compensation for the injuries said to have been sustained by British subjects and to defray the expenses of the war. We next required that five Chinese ports should be opened to our trade, and that very low rates of duties should be levied both upon imports and exports. We also required that the monopoly of the Hong merchants should be abolished; that English subjects should be permitted to trade with any Chinese they pleased; we required the cession of the island of Hong Kong; and, above all, we insisted that English subjects in China should be exempt from the jurisdiction of Chinese authorities and from the operation of the Chinese law. Such were the principal conditions of the treaty which we imposed upon China.

There might, I think, be some question as to what right we had to impose these terms upon China. Even if the fault had been more clearly, and more exclusively with the Chinese in the original quarrel respecting the importation of opium, I own that I am not aware by what principle of the law of nations, or of natural justice, we were intitled to insist that beyond making the most complete compensation for the wrong we complained of, the Chinese should further make concessions which were in the highest degree distasteful to them, and which involved a large sacrifice of that authority in their own territory, which properly belonged to them as an independent State. I have never understood what right, but that of superior force, we had to insist upon this; but, waiving that question, I wish to call your Lordships' attention to the manner in which the treaty has been observed by both parties, and to its results. So far as regards the Chinese, I have never heard it suggested that that treaty has not been fully and fairly carried into effect, except in two particulars. Complaint has been made of their having departed from the rules agreed upon on certain points of etiquette in the communications between the two countries; and complaint is also made of their having refused to admit British subjects into the city of Canton. The Chinese authorities always alleged their inability to perform the latter provision of the treaty, without risk to the peace of the country, and their excuse was for several years expressly admitted by Her Majesty's Government. I wish I could say that I thought that the treaty had been observed with equal fidelity by Englishmen. When we obtained from China the large concessions which I have described, we, on our side, took upon ourselves the obligation that we would enforce payment of all duties justly due to the Chinese Government, and obedience to the laws of China on the part of British merchants and subjects. It was expressly stipulated that

> "The security merchants being now done away with, it is understood that the British Consul will henceforth be security for all British merchant ships entering any of the aforesaid ports."

And also that our consuls

> "Were strictly to watch over and carefully scrutinize the conduct of all persons being British subjects trading under their superintendence."

Among the laws of China, which were to be thus enforced by us, because the Chinese authorities had been deprived of all power over British subjects, was the prohibition of the sale of opium. Sir Henry Pottinger distinctly declared this to be the case in a proclamation he published immediately after the signing of the treaty. But, instead of assisting the Chinese in suppressing the smuggling of opium, from the first hour of the treaty's coming into force, up to this time, the traffic has received our open countenance and support. The British Government in India has continued to regard the sale of opium for the purpose of being smuggled into China as one of the main sources of its revenue. Further, it is stated that the foreign merchants in China launched into a wholesale system of smuggling and fraudulent devices for the evasion of duties. Chinese laws and treaty stipulations were alike disregarded, sometimes by one party with forcible infractions of port regulations, oftener by bribery and collusion between the native authorities and the foreigners. The Imperial revenue was defrauded by both, and foreign trade was demoralized and converted into a game of hazard and over-reaching. In spite of the provisions of the treaty no effort was made on our part to arrest these evils, except in the single instance of the establishment of what is called the foreign inspectorate of customs at Shanghai, a remedy as bad as the disease. The consuls of some of the Powers, instead of checking, are stated to have been active parties in promoting these abuses, in which they were directly interested not receiving any salaries but being paid by fees and allowed to trade. And here, my Lords, I must remind you that the power thus abused by the consuls of some other Powers was derived from our interference; we professed that we wanted no exclusive advantages for ourselves, and, therefore, caused the privileges we obtained under the Treaty of Nankin to be extended to other European nations and to the United States. The consequence was, that the consuls of different powers, in their eagerness to secure as large as possible a share of the trade for their own countrymen, vied with each other in supporting the frauds perpetrated upon the Chinese Government. These frauds extended to the smuggling carried on not only by Europeans but by Chinese. It is said that when a Chinese merchant had had his property seized, perhaps hundreds of miles from one of our ports of trade, he would go to some European to whom he would make a nominal sale of his property, who thereupon would claim, through his consul, the restitution of the property. Thus the consuls of the various Powers actively interfered to prevent the enforcement of the revenue laws by the Chinese authorities, not only against Europeans, but even in these instances against their own subjects. In the papers there is one remarkable instance of the manner in which the power of the consuls in these ports has been abused. Lord Elgin states that he finds in one of the ports, I think at Foo-chow, the foreign consuls had four times stopped the payment of all duties to the Chinese Government as the means of extorting redress for some alleged grievance. This was done three times by the American, and once by the English Consul. Lord Elgin does not mention the case in which the English Consul resorted to this high-handed proceeding, nor have I been able to trace it; but he says that on the last occasion, when such a power was exercised by the American Consul, it was for the purpose of compelling the Chinese authorities to take Mexican dollars at a higher rate than the current market value. The Chinese were willing to take them at their real value; but these coins were not so popular in the country as some others, and therefore these other coins, according to the current rate, had an advantage of 10 per cent. The American Consul required that Mexican dollars should be taken at the same rate as the other coins, and this demand, preposterous and unreasonable as it must be considered, was actually enforced. The English merchants, who had contentedly paid in the Mexican dollars at their current value, received back this 10 per cent on their payments for some time previous, in order to put them on a footing of equality with the Americans. Of course this was necessary. You could not, without disorganizing trade, allow one nation to obtain greater commercial facilities than another. But it shows how grossly this system operates when one nation being guilty of such an abuse other nations are compelled to follow in a similar course. These abuses prevailed not alone for the purpose of defrauding the Chinese revenue. I find it stated that they were also practised (and I am afraid that a British firm of considerable standing was concerned in them) for the purpose of supplying heavy cannon to the insurgents in arms against the Chinese Government, in defiance of all international law. A still worse traffic was supported in the same manner. I mean the trade in coolies; in other words, a traffic which vies in its horrors with the African slave trade in its worst days. We are informed in these Papers that, at the instigation of foreigners who were ready to purchase so-called emigrants, abandoned Chinese practised a system of kidnapping and decoying their fellow-countrymen, in order to ship them to European colonies, under circumstances of the greatest atrocity. Sometimes these poor people were taken by force, sometimes they were tempted to drink, and then to gamble away their liberty; and, once in the hands of the kidnappers, they were confined in places provided for the purpose, and there treated with the greatest cruelty, so that when ill, and when it was thought they would prove unfit for work, they were turned out to die by inches in the public roads. Lord Elgin tells an affecting story of an unfortunate widow who had two children. Her son was induced to gamble away his freedom in the way I have described, and fell into the hands of the kidnappers. His mother, in order to release him, sold her daughter, and then, when she went to redeem her son, found she was too late, and that he had already been shipped to an European colony. Lord Elgin says that, though the subordinate agents employed are generally natives of the country, the horrors of this traffic are put down by the Chinese to the account of the foreigners. They are justly so put down, because if it were not for the privileges which we secured to foreigners, and their consequent immunity from Chinese law, these horrors would very soon be suppressed by the local authorities. But the foreigner is safe under the protection derived from our treaties. He is able to bribe the bad men who are to be found in the great cities of China to carry on this inhuman trade; and I say that the Europeans who do so are as much responsible for the cruelties and iniquities which are consequently perpetrated, as a receiver of stolen goods in this town is answerable for the guilt of some unfortunate apprentice whom he may tempt to steal his master's property. I grieve to add that I think no small part of the responsibility for these abuses falls on the Government of France, because I believe that Government has made contracts for the conveyance of emigrants to its colonies without taking any security whatever against the abuses I have described. Nor is this all; we are told that "vile and reckless men," deserters from ships and adventurers of all descriptions, the scum of Europe and America, have infested the coasts of China, and availing themselves of their immunity from Chinese authority, of the laxity of the consular system, and of the fear inspired by our arms, have committed every kind of outrage. As an instance of the open lawlessness of their conduct, Lord Elgin mentions a fact which came under his own observation; he states that when he was proceeding up the estuary of the river leading to Foo-chow, two men calling themselves Americans came on board the frigate to offer their services as pilots; they proved incompetent, and upon inquiring why some perfectly competent Chinese pilots had been unwilling to come forward, one of them replied, drawing his hand in a significant manner across his throat, "These Americans make too much bobbery." But the mere driving the natives of the country out of their legitimate employment, is nothing compared to the outrages these foreigners commit. Smuggling, piracy, and violence of every kind are habitually practised — these men, it is said, for the most part, confine themselves to the coasts, where they commit depredations of all varieties; but sometimes they do business on land, either on their own account or that of Chinamen who employ them. They occasionally disappear altogether, having fallen victims, it may be supposed, to the vengeance their conduct has provoked. And these disorders have been facilitated by the gross abuse of European flags, and especially of the British and Portuguese flags. When we concluded the Treaty of Nankin, and acquired by it special privileges for our flag, the law did not admit of its being assumed by any vessels not *bonâ fide* British, and of which the owners, and at least three-fourths of the crew, were British subjects. It was to vessels of this description that the Chinese meant to grant the privilege; but, without consulting them, or asking their consent, we altered our law, first, by an Act of Parliament, and then still more largely by a colonial ordinance, which allowed vessels having no pretensions to the character of British ships to hoist our flag and claim the privileges which belong to it. I find it stated that "Canton built vessels owned and manned by Canton men, some having a white man, some a black, some no foreigner at all, on board," have hoisted the British flag, and under its protection, have carried on piracy and smuggling in the most daring manner. I need hardly remind your Lordships that it was our claim to give protection to a vessel of this description which caused the quarrel that led to the unhappy war just concluded; and with reference to that quarrel, Mr. Alcock, who was then Consul at Canton states, that in all probability it would never have taken place, if the gross abuse of foreign flags and the immunities they enjoy by treaty had not been habitual and matters of notoriety, especially in the class of lorcha vessels, which he describes as "smugglers and pirates all."

You may, perhaps, be inclined to believe that such an accoun tas that which I have just given of the state of things in China cannot possibly be accurate, and must be exaggerated. Allow me to assure you that it is far otherwise; I have drawn it from no Chinese or doubtful authorities, but entirely from the papers laid upon the table by command of Her Majesty, and from the statements contained in these papers of men entitled to our implicit confidence. Many of the facts I have mentioned are taken from a very able memorandum drawn up by Mr. Alcock, which derives weight both from the character of the writer, and from the manner in which it has been given to us. This memorandum was drawn up at the desire of Her Majesty's Government in the year 1858 by Mr. Alcock, who was on leave of absence in this country from the post he then held of Consul at Canton. It was deemed of so much importance by my noble Friend Lord Clarendon, then Secretary of State, that he sent it officially to Lord Elgin to assist his judgment in the negotiations he was entrusted to conduct with China. Of the reliance to be placed on Mr. Alcock's judgment we have the best proof in the fact that he was selected by another Secretary of State for the post of British Minister in Japan. This is a post which at the present moment is, perhaps, more important and one requiring higher qualifications, than any other in our diplomatic service, and I believe the selection for it of Mr. Alcock has commanded the entire approval of all to whom his character is known. A memorandum proceeding from him, and endorsed as it were by the Secretary of State, is a paper of no ordinary authority. I have also made use of the able reports of Mr. Meadows, Mr. Winchester, and Mr. Robertson, who are employed in our consular service, a very able letter from Mr. Davidson, the senior British merchant at Ningpo, and above all the despatches of Lord Elgin. The statement I have laid before your Lordships is a feeble and imperfect summary of what is to be found reported by these high authorities in the papers on your table. I could easily have supported what I have said by quotations from what they have written, and I have only abstained from doing so, because I feared unduly to trespass on your time, and because I know how unpalatable it is to you to be called upon to listen to long extracts from blue books. But, so far as my memory would serve me, I have used their very words. I hold in my hand references to the passages to which I have referred, and if even the minutest particular of my statement should be disputed, I am prepared to point out the page in the papers in which the authority for it will be found.

Perhaps, my Lords, I may be told that, granting the evils I have described to exist, it is not to this country that they are to be imputed, but to the venality and corruption of the Chinese authorities. I do not dispute the fact that the Chinese authorities are too generally corrupt, but I find it to be the opinion of Lord Elgin that "the terror inspired by the foreigner and the dread of getting into difficulty with him are accountable for the irregularity of the Chinese custom-house, in a hardly less degree than the habitual venality of the Chinese officials." But, further, I must call your attention to the fact that the Chinese did not willingly adopt that system of intercourse with us which has proved so injurious to them. They were aware of the defects of their own Government, and of their inability to maintain their revenue and good order under the system we imposed upon them, and which they so little understood, though they were quite able to do both if we had permitted them to adhere to their old and traditional policy, which, barbarous as we consider it, and so in many respects it really is, has yet been proved by experience to be efficient and well suited to their state of society. But we would not listen to any remonstrances, they were unable to resist our superior strength, though they would far rather have foregone all trade with us, than allow it to be conducted on the terms we prescribed, we compelled them to do so. If, therefore, under the system we have established, Europeans avail themselves of the corruptibility of Chinese officers to commit abuses, this is only an additional ground for just complaint on the part of the Chinese Government.

But, my Lords, the real question is not who is to blame for the evils that have arisen, but how does the system of intercourse between the two nations, which we have compelled the Chinese to submit to work for the benefit of either? I have already sufficiently shown you how it has worked for the Chinese;—has it been really more advantageous to the true interests of England? Lord Elgin, in one of his despatches, observes that in general the evils of the existing state of things which he describes, appear in the first instance to fall exclusively on the natives and on the Imperial revenue, except, he adds, "that foreigners have been placed in a position in which the common virtues of truthfulness and honesty can be practised only at a ruinous sacrifice." This is a significant observation, and there is abundant evidence in the papers that, under the existing system, there are such facilities for fraud on the part of European merchants, and that those who adopt dishonest practices have so enormous an advantage over more conscientious traders, that it is impossible for the latter long to carry on their business, in competition with their dishonest rivals, and thus, even men who have gone out with the fullest intent of conducting their trade on the principles of honour and justice, are gradually drawn in to adopting more or less of the evil practices that prevail around them, and thus trade has been demoralized and corrupted. In a national point of view, this is no light evil. Complaints have been made of late years that the standard of commercial morality in this country has become perceptibly lower; that frauds and malpractices take place to an extent that was formerly unknown. I cannot say how far that is true; but, if it be so, I want to know whether it is not possible that our having allowed a great branch of our trade to become thus corrupted may have contributed to this most unfortunate result. I think the high name for honour which the British merchants formerly bore, and the character for uprightness which they enjoyed all over the world, were one of the most precious possessions of the country, and, I should, indeed, grieve if it were lost. But it is not in this way only that we have been losers;—we suffer also in a more pecuniary and commercial sense from the evils we have inflicted upon China. It is obvious that the permanent prosperity, and the extension, of our trade with China, depend upon her internal peace and prosperity. If her provinces are laid waste by anarchy and civil war, her power of purchasing our manufactures, and furnishing the produce we import from her, must, of necessity, be diminished. It is impossible that such disorders as I have described can exist on the coast of China, without carrying great discouragement to trade and industry; the depredations of the ruffians who avail themselves of their immunity from Chinese law, cannot prevail unchecked, without destroying that security which is the very soul of industry, in all places within their reach. It is true, that these outrages chiefly affect the coast, and are little felt in the great producing districts, but there are still worse evils in the interior of the Empire. I would remind your Lordships that, since the Treaty of Nankin, and, as I am persuaded, mainly in consequence of it, extensive provinces of China have been laid waste by a fearful rebellion. I am aware that rebellions have not been uncommon in China, but in general they have been of a very different character from that which is now raging. They have usually been mere local insurrections for the removal of some local grievance, and have been soon terminated, either by the redress of the grievance, or the defeat of the rebels. But this rebellion has now raged for ten or twelve years, over a wide extent of the richest districts of the Empire. There is a great difference of opinion among high authorities as to the true character of this rebellion. Some believe it to be an earnest religious movement, in which there is a serious desire to adopt Christianity, although, at present, in a sadly distorted form, combined with a national movement of the Chinese against the Tartar dynasty. Others hold on the contrary with Mr. Bruce; and from the facts stated in his recent despatches, I am inclined to believe this to be the more correct opinion—that it is a mere rising of the dangerous classes, having for its object to upset all Government and authority, and to enable the stronger to pillage the weaker; and that its result, wherever the rebels prevail, is to establish the rule of the sword in its worst form, to the destruction of confidence, capital, and commerce. But whichever of these views may be the more just, whether the rebels, or the imperialists, are the chief workers of destruction, there can be no doubt that, in the wide districts affected by the rebellion, there has been an amount of bloodshed and devastation which is almost beyond belief. When Lord Elgin went up the Yang-tze-Kiang he found the mouth of the great canal, which in 1842 was so crowded with grain junks that a passage could hardly be made through them, deserted, except by a few Imperial war junks; and cities which were then rich and prosperous, the seats of commerce and industry, almost reduced to heaps of ruins. To show the extent of the devastation he mentions that in walking through one of these towns (Woochang) he sprang pheasants in what had been the very centre of the walled town. All that he describes tends to confirm what is stated by Mr. Meadows, that it is the internal troubles of China which have caused the check to consumption in the interior, and have prevented the hoped for extension of our trade. This rebellion, which has thus devastated China, I believe to be the direct consequence of the

Opium War of 1842, and of the treaty by which it was concluded. These events shook the authority of the Emperor in the minds of his subjects, while the government in the Southern Provinces (on which the consequences of the war mainly fell) was utterly disorganized by its financial difficulties, arising, in the first instance, from the expense of the war, and the large pecuniary indemnity we exacted, and afterwards from the failure of the customs revenue from the system of smuggling that was introduced. The Mandarins not receiving what was due to them from the Government, owing to the financial distress thus created, were led to carry the abuses and venality from which the Chinese Government had never been free, to a height previously unheard of. Those whose duty it was to maintain public peace and order became themselves the accomplices of robbers and pirates, and the population were the victims of intolerable oppression. Dr. Gutzlaff, who knew China well, informed me that it was impossible to describe the extreme misery thus brought upon the inhabitants of these provinces, and the complete disorganization of the Government and of society. Discontent was still more widely spread by the means the Imperial Government was driven to adopt to raise money in order to meet the demands upon it. From evidence with which I will not now trouble your Lordships, I hold it to be clear that the primary causes of the great rebellion in China, and of the inability of the Imperial Government to suppress it, are to be found in the war of 1842, the treaty by which it was closed, and the manner in which that treaty has been acted upon.

I have troubled your Lordships with this review of the Treaty of Nankin and its consequences, because I think this will help us to form a sound opinion as to what we have to expect from the treaty just concluded. Judging of the terms of peace which Lord Elgin, under the instructions of Her Majesty's Government, has exacted from the Chinese, by the light of past experience, I can only regard the arrangements now made as a further step on a wrong road, and in a vicious policy. You have opened additional ports to our trade, but have you in doing so taken any new securities against the frauds and the violence which have prevailed in those already open to us? Lord Elgin, in one of his despatches, says that

> "Morality apart, it is not for our interest that concessions extorted from the Chinese Government by British arms should be employed by British subjects and others for the promotion of rebellion and disorder within the empire, or for the establishment of privileged smuggling and piracy along its coast or up its rivers."

A most true observation, but I look in vain in the treaty for any effectual security against such evils, and without a complete change in our system I am at a loss to understand how such a security can be provided. Again, my Lords, I have endeavoured to show how grievously China has suffered from the exaction of a large money indemnity at the end of the opium war. You are going to exact a far larger amount now. At the conclusion of the opium war we required China to pay a pecuniary indemnity of 15,000,000 dollars or little more than £3,000,000 sterling. The united demand of England and France at the present moment is 18,000,000 taels, or rather more than £5,300,000. The burthen imposed is increased; but is China as able now to bear the weight as she was in 1842? In 1842 China had long been in the enjoyment of internal peace and prosperity. Her resources were then unimpaired, except by the foreign war just concluded. That foreign war had affected an almost insignificant portion of her territory, and inflicted comparatively little injury upon her. In the foreign war which has now terminated she has suffered far more severely. She has lost many thousands of her best troops, in the unequal contest of matchlocks, and bows and arrows, against Enfield rifles, and Armstrong guns; her capital has been taken by the invader, and she has suffered over a far wider extent of country than before. Yet her losses from foreign war are absolutely as nothing, compared with what she has suffered from the long continuance of rebellion. The country, as far as it has reached, is one wide scene of devastation and ruin. China, therefore, is little likely to be able now to support a demand much heavier than that which was found to be more than she could bear in 1842, especially when we consider what is the state of her finances? I find that in 1858 Lord Elgin reported to Her Majesty's Government that there was every symptom of extreme penury in the Chinese treasury, and that he had reason to believe that even the troops defending the capital remained unpaid. And in October last he informed Her Majesty's Government that as to obtaining from China the payment of any large sum, it was simply impossible—that all that could be done was to impose on her the payment of 40 per cent of her gross Customs revenue (equal to more than half the net revenue) to discharge the debt incurred by the indemnities she has undertaken to pay. Lord Elgin adds that it will take about four years of this large proportion of her Customs revenue to discharge that obligation. Nor is this all that you have done by the treaty, to press down China under an intolerable load of financial difficulty. While you have increased the demands upon her treasury, you have compelled her to submit to what will cause a large falling off in its receipts. Notwithstanding the Report from your own officers, that the Chinese tariff is the most liberal, and most liberally enforced, of any that is known—that it contrasts very favourably with our own, and still more so with those of every other European nation—at this very time we compel them to submit to very large reductions in some of the most important items of their Customs revenue, for the purpose of encouraging our trade. One of our public servants (Mr. Wade) says he thinks it hardly fair to China—when we will not ourselves consent to reduce our tax of 1*s.* 3*d.* per pound on tea—that we should oblige her to lower her present tax of a fraction more than five farthings to about three farthings a pound. You have likewise insisted upon her very largely reducing her internal transit duties upon the commodities in which we deal with her, though from time immemorial, these transit duties have been one of the chief means for meeting her local expenses, and especially that of maintaining those canals and roads by which her produce reaches its markets. If, therefore, China is already staggering under her accumulated difficulties—if it is in the highest degree doubtful whether her Government can suppress the rebellion which has been so long consuming her strength and wasting her resources, is it not, my Lords, most improbable that she should be able to endure the exaction that you are now putting upon her? Is it not almost certain that her Government will sink altogether under the burden, and that the once rich and flourishing provinces of an empire that was prosperous for much more than 1,000 years, until we forced upon her that intercourse with Europe which has proved so fatal to her, will fall into confusion, and become—as some of them are already—the scenes of devastation and ruin? If this result takes place, and takes place by our interference—I will say nothing of the deep guilt which, in the eyes of God and man, will rest on this country for producing such a catastrophe, strongly as I feel on the subject—but I will ask you, even taking the lowest and most selfish view of the question, will this be for your own interest? Mr. Meadows, in one of his very able papers, after describing the peculiarities of Chinese institutions, observes that—

> "Under these national institutions, with no improvements or aid from western foreigners, an agricultural and commercial people has grown into existence, which can take off a large and, in time of peace, an increasing quantity of foreign produce, which can furnish a large and increasing quantity of silk, and can supply all the world with tea. It cannot be too often repeated that foreigners who come here to trade cannot use too much care in abstaining from everything that tends to impair institutions under which such results have been obtained."

Lord Elgin expresses a similar opinion. He says that—

> "Privileges acquired by a process which enfeebles the Government and destroys its moral influence may sometimes be purchased at too great a cost."

My Lords, our experience of India ought to warn us upon this subject. It ought to teach us that it is easy to destroy an Asiatic Government, but not so easy to replace it. It ought to teach us that, if we take the first step towards interference with such a Government, we may be irresistibly led on, until nothing remains for us, but to take its administration into our own hands. We have had a late example of this in Oude. We know how, by our interference, we gradually weakened the Native Government of that State, until at length it was alleged that common humanity made it absolutely necessary to incorporate it with our dominions. We know, too, that we have carried this policy so far in India, that it now throws a burden on our military resources, which is a subject of serious anxiety to every man capable of properly considering the question. But the difficulties of India are nothing compared with those to be expected in China, if you should there also pull down the national institutions and Government. And this, my Lords, is what I fear you are doing. I see symptoms that you are entering upon that fatal course of policy—that you are beginning a system which will take you on from one step to another until you have utterly destroyed those institutions which have existed for ages in China, but for which you will be totally unable to find a substitute. You will then be left in this dilemma—that you must either abandon China to anarchy, or attempt that which is far beyond your strength—namely, to govern her by your own power. You have already, I think most unadvisedly, defended Shanghai against the rebels. Mr. Bruce very properly declined to carry that interference further until he had received instructions from home; but it is obvious that, having by our policy so enfeebled the Chinese Government that it cannot uphold its authority against the insurgents, a pressure will be put upon Her Majesty's Government to lend it their assistance for that purpose. This will come very soon, because the rebellion is now approaching the silk producing districts, and on the maintenance of tranquillity in these districts one of the most important branches of our trade depends. Mr. Bruce, too, has very truly pointed out to you that in these Asiatic Governments the only check on abuse and tyranny, on the part of the local officers, is the power of resistance on the part of the people. Insurrection is their recognized resource against oppression and misgovernment. In China insurrection is regarded as an appeal to the judgment of Heaven when the people are oppressed; they consider the success of insurrection a proof of its justice, and hold it to be even a duty in certain cases to take part in it. If, then, you suppress Chinese insurrection, you take away what has heretofore held very much the same place in their institutions as the power of refusing Supplies in our own Parliamentary history. It is the recognized method of obtaining the redress of grievances, from either the general, or local Government. If, after having so weakened the Chinese Government that it cannot protect itself against rebellion, you interfere and say we cannot allow these insurrections, you will remove the only efficient check on that venality and corruption of the mandarins which is so much complained of, and thus bring on the people the evils of misgovernment. If you attempt to avert this consequence, by controlling and directing in detail the acts of the local authorities, you will in effect supersede the Chinese Government, virtually usurping the Government of China; and, I caution you, this is a task you cannot perform, unless you are prepared to support it by an enormous military force. Is Parliament prepared to vote such a force in addition to that you already find necessary in India? There are other parts of the treaty which have a similar tendency, especially those clauses which take away a large part of the Customs' duties in China, and stipulate for the abolition of transit duties. How are you to enforce either of these stipulations without constant interference with the internal administration of China? One of your own consuls has distinctly told you that it is impossible to enforce the reduction of transit duties, unless you interfere with the internal Government. It is the same with the Customs' duties; when you cut off a large portion of them the Chinese Government will very soon permit smuggling, and the recognized Chinese process called "squeezing," by which they will obtain the duties in another form and another place, will be resorted to. You will be unable to guard against this except by interfering more and more in the internal administration, and thus more and more completely destroying the moral authority of the Imperial Government. Lord Elgin has already warned you that "embarrassing questions respecting the occupation of Chinese territory are involved in this arrangement," for obtaining payment of the indemnity out of the Customs' revenue. All these questions will be the more embarrassing, because you are sure that the Chinese will use every means in their power to evade the performance of the hard conditions imposed upon them. This is the invariable conduct of Asiatic Powers, and it is the more certain to be that of China, because, Lord Elgin, informs you, that in the eyes of the Chinese Government the terms of the Treaty of Tien-tsin amount to a Revolution, that they involve the surrender of some of the most cherished principles of the traditional policy of the empire, and that they have been extorted from its fears. You cannot, therefore, expect that terms so regarded, and so obtained, will be observed, except when it is impossible to evade them, and so long as you can continue to enforce them by fear. For these reasons, my Lords, I must regard the treaty which Lord Elgin was instructed to obtain from China—and which I am satisfied would have been very different if he had been left to follow his own judgment—as one containing within itself abundant seeds of future difficulties, and, I am afraid, of future wars. These are things which I think, my Lords, you ought to consider now while there is yet time. It is the more important that we should do so, because the lesson we ought to learn from the past is no less applicable in Japan than in China. In Japan, as in China, we have obtained, in reality by fear, rights of access and trading privileges, which its rulers would gladly have withheld if they had dared. Already there are symptoms that, unless Her Majesty's Government exercise a firm control, these privileges will be abused in Japan as they have been in China, and will, no doubt, lead in the end to the similar result of a Japanese war. I earnestly hope that Her Majesty's Government will not allow this to happen, and my object in bringing this subject this evening before you, has been, if possible, to convince Her Majesty's Government, your Lordships, and the country, that, in our recent dealings with these semi-barbarous nations, we have been pursuing a policy inconsistent alike with our duty and our interest, and that we can only hope permanently to maintain satisfactory relations with them, and to carry on a profitable commerce, if we are content to trust for it to the good will of the people to be earned by fair and considerate treatment, and to their sense of their own interest,—not to privileges extorted by the sword. If we had heretofore acted upon this principle, I am persuaded that we might have obtained the means of carrying on, without war and violence, a large and lucrative commerce with China and Japan; but by the policy we have actually followed, all we have gained is this:—We have inflicted upon China the horrors of war; while we have brought upon ourselves, an enormous expenditure, the amount of which, I am persuaded, when fairly known will both astonish and alarm the country; and the result of this immense outlay has been not to extend your trade, or to make it more secure, but, on the contrary, to leave it on a more precarious footing than before. Do not, my Lords, let it be supposed that when I say this, I mean to impute the whole blame for all these evils to the Europeans, and none to the Chinese. Far from it. The Chinese have made great advances in many of the useful arts of life, and they are in some respects a civilized people; but in others they are still essentially barbarians. They have shown this too much by the dreadful treatment of their prisoners, which has justly excited the horror and indignation of all Europe. But still I say the Chinese are singularly impressible by fair and generous treatment—witness the manner in which they behaved to Mr. Fortune, and even to Lord Elgin, as pointed out by himself on more than one occasion. They are amenable to the law of kindness; though, when their passions are raised, and they think themselves treated with injustice, they are also capable of the most frightful excesses. We must also remember that they have not, like us, been instructed in the great truths of Christianity; they have been brought up under a far lower standard of right and wrong. We must, therefore, expect often to meet from them with conduct of which we have good ground to complain. But it is not by meeting wrong with wrong, and violence with violence; but, on the contrary, by forbearance, and by the strictest adherence on our own part to those rules of right which we profess to reverence, that we can hope, by degrees, to bring about a better state of things.

My Lords, I have to add before I conclude that I think all the objections to our policy are greatly aggravated by our having united with the French in this war. Their quarrel was totally distinct from ours, and it ought to have been separately pursued; we had nothing to do with it, and ought not to have made ourselves responsible for the measures the French might think fit to adopt. At all events, before we joined with them in military operations, and aided them in exacting redress for the grievance of which they complained, there ought to have been a careful inquiry as to how far that grievance was a just one, and a complete understanding with our allies as to the redress to be exacted by them from the Chinese. I find in these papers no trace of any such inquiry, or of any understanding entered into between our Government and that of France, as to the terms which France might properly demand. What I do find is that our highest and most trusted diplomatic agents in China have expressed themselves in a manner which implies, I think, pretty clearly an opinion adverse to the justice of the French quarrel. In the first place, I observe that Lord Elgin, in an answer to an address presented by certain missionaries, urging that Chinese converts to Christianity should be protected by the treaty, replied, it was quite right that Chinese converts should not be persecuted by their own Government; but it was also quite right that the Chinese should not be tempted to profess being converted in order to obtain abnormal protection against their own Government. Now, it is the power to protect Chinese converts to Catholicism which it has been the main object of France to establish. Again, Mr. Alcock states that the Chinese Treaties with France and England give to missionaries the right of protection, and to native converts the right of exemption, from any persecution on account of their change of religion; but he adds that the same treaties contain an express stipulation that missionaries are on no account to go into the interior of the empire. He says that this stipulation has been systematically violated from the beginning, both by Protestant and Roman Catholic missionaries, but chiefly by the latter; and that the Roman Catholic missionaries, not content with penetrating into the interior of China, in defiance of the treaty, at the same time used the stipulation in favour of toleration in a manner justly offensive to the Imperial Government:—

> "That this stipulation had for many years been made the ground of such frequent and irritating interference between Chinese subjects and their own authorities, even in the most distant provinces upon Reports of Roman Catholic missionaries domociled in the interior, as not only to force the fact of such domocile upon the Chinese in office in direct violation of the treaty, but to prove to them that it was systematic, and openly protected by one of the treaty powers."

Mr. Alcock states that the alarm which this state of things has naturally created in China has been the greater from the fact that the rebels, or Taepings, as they are called, profess to entertain a form of Christianity, and is further aggravated by their recollecting that, two centuries ago, the interference of the missionaries was carried to such an extent, and became so unbearable, that the Chinese Government put an end to the whole system. All the missionaries then in the country were massacred, and a persecution was raised against Christians which has lasted till the present time. It thus appears that the traditional feeling of two hundred years has been enlisted to increase the jealousy of the Chinese, which led to a Roman Catholic Bishop in the interior being put to death by the local authorities, on the suspicion of his having been acting in concert with the rebels. It is for the execution, or murder, of this missionary that France sought redress in the late war; but Mr. Alcock remarks that, with such legitimate causes for jealousy and alarm as he has described, it must be a matter of surprise that a single missionary out of the many hundreds in the interior has been left alive, not that one should have been sacrificed; and he winds up this part of his memorandum by observing "the French and the English both are in arms at this moment, each to assert rights that have been mainly brought into peril by unchecked abuses." Such is the nature of the quarrel between France and China. We have enabled France virtually to establish political power, through the instrumentality of Roman Catholic priests throughout the whole country; and we have also enabled her to establish this extraordinary claim that she is at liberty to demand the restitution of any part of the property said to have been taken from the Roman Catholic Church some two centuries ago. In the exercise of that power she has already, to the great astonishment and dissatisfaction of the British community, claimed as a site for a Roman Catholic cathedral one of the most valuable portions of the city of Canton. I doubt the wisdom of the policy we have thus pursued. When I look at the manner in which French Roman Catholics missionaries have used their power in other places, when I remember how they employed it in the South Sea Islands, when I call to mind how nearly France and England were embroiled in war, by the over-bearing conduct of the French missionaries in the celebrated case of Mr. Prichard, when I remember, further, that missionaries of all kinds—not Roman Catholics only, but Protestants as well—are too apt to interfere unnecessarily with the governments of barbarous countries, I must question the wisdom of our having given our support to the establishment of a system which will give so much power to French priests throughout the Chinese Empire. One word more and I have done. I have thought it my duty to bring this subject before your Lordships, because I believe that we are now pursuing a course which, if persevered in, must lead to the most calamitous results. Although I cannot flatter myself that my weak voice will be able to change the opinion of any of your Lordships, or of the country, yet I do hope that what has passed this evening may induce some, both within and without this House, to look into this subject for themselves; and I am persuaded that, if the subject should attract the attention it deserves from its extreme importance—if the papers which have been laid before us are studied as they ought to be, public opinion will eventually be brought to the same conclusion at which I have myself arrived, and the necessity of reconsidering our whole system of Chinese policy will be generally recognized.

Lord WODEHOUSE: My Lords, I am relieved from the necessity of entering into all the circumstances which led to our dispute with China, or of discussing the questions arising out of the conduct of Her Majesty's Envoy in that country, because the noble Earl throughout his interesting speech has almost entirely abstained from referring to those matters. It is true that he alluded once or twice to the almost forgotten affair of the lorcha *Arrow;* but he did so in an incidental manner, and it is quite unnecessary that I should make any observations upon that much-discussed subject. Before proceeding to notice the remarks of the noble Earl, I wish to state that there will be no objection to produce the papers for which he has moved. There are only two despatches, which, or parts of which, I will lay on the table. They explain shortly what was Lord Elgin's intention in proceeding up the Yang-tze-Kiang. That intention was, not to interfere in any manner in the civil war now being waged between the insurgents and the Chinese Government, or to use force, but to endeavour to make arrangements for the carrying on of trade. I may add, that Lord Elgin's intention has been communicated to the Imperial Government at Pekin, and that they have made no objection to its being carried into effect.

My Lords, the noble Earl began at a very early period. He went back some thirty years, and told us of a time when commerce was carried on from only one port in China. He then came down to the events which led to the Treaty of 1842; and I think it will be sufficient if I begin with the events which led to the Treaty of Nankin. The noble Earl was extremely severe upon the Treaty of Nankin, and what he called its consequences. I think that, in many respects, the noble Earl has exaggerated those bad consequences. I am afraid, also, he has not considered what alternative course could have been pursued by this country. He has not sufficiently taken into account the weakness of the Chinese Government, and the extreme difficulty of dealing with that Government on the one hand, and a large number of Europeans anxious to trade on the other. I think I can show that our officers in China have done their utmost to carry out the stipulations of the treaty, and have displayed the utmost good faith towards the Chinese Government, and have, in some respects, succeeded in effecting a considerable amelioration.

The first point to which the noble Earl referred, in speaking of the Treaty of Nankin, was the question of opium. It is very easy to throw the whole blame of the opium trade, as is constantly done, upon this country; but let it not be forgotten that, although the Chinese Government prohibited by law the use of opium, they never were able practically to enforce that prohibition. If we had endeavoured to stop the trade in opium, we must have done that which the noble Earl also says is so undesirable—namely, enforce the laws of the Chinese Government. I believe that practically it is inevitable that opium should be carried into China, and that the arrangement under the new treaty by which the trade in opium is legalized and subjected to a moderate duty, is the most humane, the most reasonable, and the most sensible arrangement that could be made. I pass now to the question of the payment of duties. My noble Friend will find in the papers that have been laid on the table of the House a great deal of information on the subject. It has been, as all who have taken an interest in the affairs of China very well known, a very embarrassing question for the Government of this country to deal with. We were bound by the Treaty of Nankin to assist the Chinese authorities as far as we could in the duty of enforcing the duties payable by our merchants. Other Powers did not undertake that responsibility; and, in consequence of the weakness and corruption of the Chinese system, a great inequality was established, which became intolerable to our merchants. The merchants of other countries—and in all countries there are unscrupulous men—evaded the payment of the duties, or paid only a small portion. The conscientious British merchant, therefore, who paid full duties, found himself in a position in which he could not carry on trade with advantage. So far from Her Majesty's Government being responsible for this state of things, the responsibility falls primarily and principally on the Government of China. The Chinese Government were bound to see that they had efficient officers and that the duties were fairly enforced. But when we found that the weakness of the Chinese Government was such that they could not enforce those duties, we took the only measures which could be devised for endeavouring to secure their fair collection. The noble Earl has mentioned the system established first at Shanghai, and since extended to other ports, by which what is called foreign inspectorships have been established, and under which, as now finally arranged, foreign gentlemen, officers of the Chinese Government, and independent of foreign Governments, are to superintend the collection of duties. Nothing, I believe, can be more fair or just than the system carried out by these gentlemen; and Mr. Bruce points out in one of his despatches that the Chinese Government have received no less than £1,000,000 under the new arrangement. I have no intention to weary your Lordships by reading despatches, but as the noble Earl has brought a wholesale accusation against the consular authorities for not having done their duty previous to the establishment of inspectorships, I shall trouble you with a short extract, and it is the only one to which I shall refer. Mr. Bruce says—

> "The records of the Foreign Office will prove that for several years after the opening of Shanghai to trade a system of smuggling and of compromising duties prevailed to an extent that destroyed practically the value of a fixed tariff, and defeated the calculations of the honest merchant who found himself, owing to the corruption of the Chinese Custom House officials, exposed to a ruinous and unfair competition with his less scrupulous rivals in commerce. Her Majesty's consuls, in fulfilment of the obligation imposed on them by the Treaty of Nankin (an obligation not assumed by the other Treaty Powers), omitted no effort to insure the payment of the just duties to the Chinese Government. They imposed fines for breaches of regulation on British merchants, they gave notice of lax proceedings to the Chinese, but they succeeded in effecting no improvement in the system, while they incurred much odium among their countrymen by inflicting penalties on them for acts which it was notorious the citizens of other countries were committing every day with complete impunity."

That proves that no effort was spared on the part of the British authorities to procure a fair execution of the stipulations, More than that they could not do. It was

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impossible to make the authorities incorrupt or to prevent abuses which are inherent in Chinese administration.

My Lords, the next point to which the noble Earl referred is one of great and deep interest—I mean the emigration of coolies. I entirely concur in the general remarks of the noble Earl, though not in his conclusions. I entirely concur in all which he said as to the iniquity of the system—not only on the ground of humanity, which is the highest, and amply sufficient for the occasion, but on other grounds. It was our obvious policy and interest to try to put an end to that system, because a continuance of a system of kidnapping on the coast justly irritated the Chinese population, and if continued would have probably endangered peaceful intercourse with them, and might perhaps put an end to our whole trade with China. But when the noble Earl goes on to charge the British Government and this country with being responsible for that system, I can assure him that, so far from that being the case, no effort was spared to put an end to it; and, moreover, that our efforts were far, indeed, from being without success. Some years ago, when I held the position of Under Secretary of State, I moved in this House a Bill brought from the other House of Parliament, which was the first which passed on this subject, and by which regulations were imposed on Chinese passengers. This first step was followed by further regulations, and as regards British ships they were quite sufficient. But the kidnappers, finding that British ships were unavailable, had recourse to foreign ships. When the allies occupied Canton they determined to establish a better system, so far at least as that port was concerned. A gentleman recommended by the Colonial Office, Mr. Austin, who was well versed in the emigration system to the West Indies and other parts, succeeded in establishing a system of regulations at Canton under which coolies have been regularly and peacefully engaged for emigration to our West Indian colonies. So great has been the satisfaction of the Chinese with those regulations that whereas before it was impossible to obtain Chinese women and children to accompany Chinese men to the Colonies—whereby great evils resulted—whole families have since been embarked, and 300 or 400 respectable Chinese women have been sent to our Colonies. This was done with the full approbation and co-operation of the Chinese authorities. The Chinese Governor General, being a sensible man, entered at once into the reasons which were laid before him for legalising this emigration. He concurred with our authorities in the regulations adopted, and they succeeded by forcible measures in putting an end to kidnapping in the river, and in establishing a system as humane as any system of emigration from the ports of this kingdom. Her Majesty's Government are anxious to see the system extended to other Chinese ports, and to all European ships. They have communicated with all the European Governments and with the Government of the United States. They have urged on those Governments, in the strongest terms, the policy and humanity of adopting the present system, and I hope the different Governments will concur in a single course of action upon a matter which, in our relations with the Chinese, is of the greatest importance. If any Government should not do so, then I agree with the noble Earl it will incur a grave responsibility for neglecting an obvious and pressing duty.

My noble Friend mentioned, among other topics, the great increase of piracy on the Chinese seaboard. There is no doubt that the Chinese seaboard is in a condition far from satisfactory. But the efforts of Her Majesty's and other European Governments to suppress piracy have been untiring, and I am sure every one in this House must have remarked frequent accounts of gallant engagements between naval officers and Chinese pirates. Of course, all the Government can do is to keep men-of-war on the coast to suppress a crime which is disturbing to our trade and pernicious to our interests. These, I think, are the principal points to which the noble Earl has called attention.

The Treaty of Nankin naturally led to the present treaty. The present treaty is an extension, undoubtedly, of the Treaty of Nankin. My noble Friend finds fault with the whole of our policy towards the Chinese. He says that our intercourse has been the source of all the evils which have been witnessed; that it has corrupted the honesty of our merchants—that it has entailed an immense pecuniary expenditure, and that it will probably end in a permanent occupation of the country. I admit that, in dealing with such an Empire as China, questions of grave character and great difficulty must arise. But they are difficulties which have arisen wherever European civilization and strength have been brought in contact with Eastern barbarism and weakness. In India, Turkey, and Japan, the result has been the same. The noble Earl has stated, with great force, all the difficulties of the problem, but he has not contributed a single element for its solution. I cannot suppose that he thinks trade might be limited to one port, as formerly, because, in that case, Europeans would repair to others which were not under our control. We, therefore, extended the number of ports and regulated the intercourse by treaty. If the Chinese had simply and honestly endeavoured to observe the provisions of the treaty, I maintain that they would never have been subjected to another foreign war. The Chinese Government, by their treachery and insincerity, and their refusal to adhere to plain engagements, have brought the war on themselves. With a Government which conducts itself in this way, it is impossible to avoid quarrelling. If you submit to their evasions and their insults they are constantly on the increase; and, if you take measures to vindicate your rights and compel them to fulfil their engagements, then you put yourself in the position of killing the goose which lays the golden eggs—you go to war and you run the risk of shaking the whole fabric of the Government. I fully concede that to my noble Friend, but it is inevitable if you have dealings with a Government so constantly insincere and treacherous. In fact, there are but two alternatives in dealing with Asiatic Governments, either there must be no intercourse at all with them as in Japan, or that intercourse must be placed under treaty regulations. If an Asiatic country like Japan can entirely shut out foreigners, then none of these difficulties arise: but if they open a communication with you, and you conclude a treaty, you ought to adhere strictly and simply to the words of the treaty. If you think there is a provision in that treaty which need not be carried out, renounce it at once, plainly as useless; but if you once give them an idea that you will depart from the simple words of the treaty you will get into endless difficulties—Asiatic diplomacy is sure to beat you in the long run, and you end the controversy by cutting the Gordian knot with the sword. My noble Friend drew a very lamentable picture of the state of China, which is, I am afraid, to a considerable extent too true; but the blame of which rests neither with the people nor the Government of this country. It is easy to say that the Taeping rebellion has been caused by the consequences of the war of 1842, but any one who has read all through the documents on this subject will find it extremely difficult to determine the causes or the object of that rebellion. I have always understood—though I am not sufficiently well read in Chinese history to be certain of the fact—that such rebellions had happened in China before several times, and that they have lasted twenty and thirty years; so that, in fact, there is nothing taking place in China different from what has taken place before. As to our conduct at Shanghai, I cannot conceive how any other course could have been adopted there. When the rebels attacked Shanghai it was not a question of interfering between the Chinese Government and its rebellious subjects—it was a question whether or not you would allow a community of British merchants to be murdered, and the trade broken up, and the settlement destroyed. I should have thought that there could not be two opinions on the point. I can assure the noble Earl that we have not the slightest intention of interfering in the civil commotions of China, but in cases where our merchants are menaced by such peril, it is the duty, and it is the policy, too, of the Government to ward off such a calamity. My noble Friend went from China to Japan, and he gave us to understand that we were very likely to have a repetition of the same difficulties there. My noble Friend had but one remedy, and that was that we should trust in all things to the goodwill of this Asiatic people. As far as we have yet gone we have pursued that plan. We have certainly shown no disposition to quarrel, or to cause unnecessary difficulties; and though thus far, owing to the prudence and judgment of Mr. Alcock, we have avoided any serious difference with the Japanese Government, we certainly have not met with that goodwill, but with what we always meet with—the ordinary treachery and chicanery of Asiatics. My noble Friend has praised the conduct of Lord Elgin, and seems to think that if Lord Elgin had been left to his own discretion he would probably have concluded a different treaty with China. I can only say that I have had many conversations with Lord Elgin on the subject of this treaty, and I never for a moment heard him propose any other policy than the policy of this treaty; and when he went back to China and had an opportunity of inserting modifications in it, he never, that I know of, made any such attempt. With regard to the indemnity, I am sure the demand we made upon the Chinese Government—two and a-half millions for the expenses of the war—was extremely moderate; the most moderate ever asked, I think, from any Government under such circumstances. Whatever we may have done in 1842, the moderation displayed all through our late negotiations must be apparent to any one who takes a candid view of these matters. The mode of attack chosen at the commencement of operations was such as would least interfere with the trade of the country. It was an attack on the central Government alone; the march was a short one, the conduct of our troops was excellent, and, with the exception of the burning of the Summer Palace—which it would not be difficult to justify—the Chinese suffered very little. Operations of such magnitude had never been carried on with so slight injury to an invaded people. On the other hand, the conduct of the Chinese Government, it must be admitted, was not such as demanded any great consideration. The Emperor of China issued an edict, setting forth the origin and circumstances of his difference with us, and offering so much per head for the heads either of black or white men. Looking at the language in which that edict was couched every one must admit that the barbarity of the Chinese Government was carried to the utmost pitch. Nor was it confined to edicts alone. The House knew too well the barbarous manner in which our countrymen—prisoners—were treated; and never was greater moderation shown than in our concluding peace without increasing any of the demands we had made before that abominable outrage was committed.

My Lords, I do not think it necessary that I should trouble your Lordships with more observations, which can only be of a general character. My noble Friend has made no specific charge against the Government. He has merely objected, in general terms, to the whole course of our policy towards China. There are great difficulties connected with the matter, but I believe there is no other course than to get access to the central Government, and conclude a distinct engagement with it, and to endeavour to induce it to perform its engagements faithfully. As regards our intercourse with the central Government, I believe our policy is eminently a right one. It has been said that it would have been better if we had confined ourselves to dealing with the local Governments alone. I believe a greater mistake could not be made. The system of China is a highly centralized system; that is to say, although you have local authorities who are in a position of great laxity towards the central Government in minor matters, yet you have no great satraps or governors who are independent of the central authority. More than one instance might be cited of the wisdom of going to the central authority. You will find in one of the dispatches that, when Mr. Bruce spoke to Prince Kung of the events which had occurred at Shanghai, the Prince owned that he was utterly ignorant of what had taken place, and expressed himself as grateful for the information given to him. As far as we can see, the communications made by Prince Kung to Lord Elgin and Mr. Bruce show that if the Chinese Government could be enlightened as to the condition of the seaport provinces it would be amenable to reason on all subjects of dispute between us. While, on the one hand, you thus have a proof of the advantage of such communications, a singular instance of the want of them is also furnished in the papers. A curious letter is there given, in which the Lieutenant Governor of Shanghai gives the Imperial Government an account of the attack of rebels and their repulse. In this account there is not one word about the assistance given by the European forces; the whole merit of the action is given to the local troops, who all ran away the moment the insurgents appeared. In return, the Chinese Government were so pleased that they gave this man a red button, and the other a white one, and promised a third the first appointment that fell vacant; adding, however,—"Let him hand over the usual fee forthwith." Such communications show how disadvantageous both to us and to the Chinese Government has been the system which allowed us to communicate only with the local authorities. A different system is now inaugurated by the treaty. I admit that, if the Central Government is so weak, and if China is so disorganized, that no authority can be exercised at Pekin, and no influence can be brought to bear by the Government there upon the local authorities, then, of course, our efforts to carry out the treaty will be unavailing, and our relations with China will be thrown into confusion. But I maintain that in going to Pekin, and in concluding this moderate treaty—in endeavouring to show the Chinese that we act in good faith, and wish fairly to observe all our treaty stipulations—we have made a just and righteous effort to prevent the evils which the noble Earl apprehends, and the responsibility of those evils, if they occur, will fall not upon us, but upon the Chinese Government.

THE EARL OF ELLENBOROUGH: My Lords, I am unwilling to allow this discussion to terminate without expressing how entirely I concur in all that has fallen from my noble Friend (Earl Grey), and to thank him for myself, and I think I may say for your Lordships also, for his extremely able and useful speech, recalling to your Lordships' attention the whole of our transactions with China during the last twenty years. My Lords, it is with pain and regret I say that the state of things pictured by the noble Earl has not been in the slightest degree, in my judgment, overcoloured; and the state of things pictured by the noble Lord (Lord Wodehouse) has not dispelled the pain which the noble Earl's picture has excited. I think we have acted towards China with injustice. The cruelties and treacheries of the Chinese officials, which recent transactions have particularly manifested, have deprived them of all sympathy. The result will be, on our part, more injustice; and, I fear, more calamities for China. We have now terminated the fourth campaign of Sir John Bowring's war. I might call it also Lord Palmerston's war, because Lord Palmerston adopted it. But are we at the end of the war itself? Of that I am not so confident. Until all the conditions of the treaty are fulfilled—until our troops are withdrawn from Tien-tsin, and from every other portion of the Chinese territory—I cannot think that the war is wholly concluded: because, at any moment that war may break out again. The position of our troops in Tien-tsin in particular is the cause of great anxiety. For four or five months in the year they can have no communication whatever with the south; they can receive no reinforcements. It is true there is a force there that is probably sufficient to repel all attacks; but it is not sufficient to deter attack, and an attack, however repelled, is the renewal of the war. My Lords, I have always looked with the greatest pain on the condition of China as produced by our transactions there in 1842. I recollect perfectly well the events of that war; and I recollect also that the accounts transmitted to the Government at that time stated the impending dissolution which the success of our arms threatened to bring on the Chinese Government. From that war, from its success, and the consequent weakness of the Chinese Government, I date the commencement of those troubles which have since desolated the fairest portion of the Chinese empire. There is one article in the treaty just concluded which I confess I see with very great regret—the article which legalises the emigration of coolies. I doubt its propriety—I doubt its justice, and still more doubt its policy. Its effect will be to identify us, in the opinion of the Chinese, with those other European nations who do not exercise their right in respect to coolie emigration in the same manner in which it will be exercised by us. It will obtain for us—it has already obtained for us—in place of the former name which the Chinese thought fit to give us, of "foreign devils" and "barbarians"—it has obtained for us the name of "man-stealers," which is the most odious name that can be inflicted on any body of persons in the world. I know that the Government will discountenance—I hope that our merchants will not engage in—a discreditable trade of this description. At the same time it is impossible for us, with this article keeping its place in our treaty, to divest the Chinese of the idea that we shall act in the same manner as other European nations have unfortunately acted. There is another matter which has been rather slightly touched upon. I refer to the rumour that it is the intention of Government to send an expedition up the river Yang-tze-Kiang. I think this is one of the most important subjects which can occupy the attention of Government. As I understood the noble Lord (Lord Wodehouse) the object of that expedition is merely for the purpose of protecting or furthering trade. [Lord WODEHOUSE: Opening trade.] Now, my Lords: first of all, we are not justified without further communication, and without the authority of the Chinese Government, in going up the Yang-tze-Kiang for such a purpose; because by the treaty we are not entitled to open the trade of that river till peace was established on its banks, and we know that the right bank is held in force by great bodies of rebels.

LORD WODEHOUSE: The noble Earl is perfectly correct in saying that, according to the treaty, we are not entitled to proceed up the Yang-tze-Kiang until after tranquillity is restored. But in the communications which were subsequently made to the Chinese Government, Mr. Bruce stated that he thought permission might be given now, and the Chinese Government raised no objection to the expedition proceeding at once up that river.

THE EARL OF ELLENBOROUGH: I rejoice greatly to hear that explanation from the noble Lord, because I think that, rightly managed, this expedition will afford the only hope of restoring good government in Central China. The noble Lord talks of opening trade, but the noble Lord must know that that means opening fire. Your Lordships are aware that when Lord Elgin made his former voyage up the river as high as Hang-Kow he was fired upon by the rebels at Nankin and at other places. The British returned the fire, and with effect. If it is intended now to go up the river for the purpose of opening trade, we should be perfectly justified, if these banditti—for banditti they are—if they place any obstructions in the way of the expedition, we shall be perfectly justified in removing those obstructions. We cannot remove them otherwise than by arms, and in doing so we shall incidentally be doing something in the heart of the Chinese Empire to restore the authority of the Chinese Government. That is the only way in which we can incidentally repress the advances of these rebels—in which we can put an end to the horrid combinations of those miscreants, who to their bloodshed and massacre add the crime of blasphemy; who violate women, who destroy men and all men's works. It is only in using our arms and our strength in repressing those banditti that we can in any manner atone for the great miseries we have brought on the Chinese Empire, and for the injuries we have done to humanity by our conduct in these wars.

EARL GREY, in reply, denied that he had made any wholesale charges against the consular body. On the contrary, he was much impressed with the evidence the paper contained of the ability and honesty with which these gentlemen for the most part discharged their duties—nor had he made any charge against the English Government for having wilfully neglected to enforce the provisions of the Treaty of Nankin. He well knew the insurmountable difficulty of doing so; but, what he complained of was that through ignorance the British Government had come under engagements to that of China, to do certain things which it was wholly incapable of doing; and that, upon the faith of these engagements, had compelled the Chinese to submit to alterations in their laws which had proved ruinous to the Empire. The Chinese formerly had a system they were used to, and which they perfectly understood. If we had allowed them to continue their Hong, and if the trade had been confined to it, the Chinese agents would have levied the duties. It might have been a barbarous system, but the Chinese understood it, and it answered the purpose. We forced them to change it, and the responsibility rested on us. In fact, all the evils and abuses of which he had complained came under one head. English subjects had been exempted from all Chinese authority. No doubt it would often have been exercised with great barbarity; but if Europeans went to the country they should do so at their own risk, knowing what was likely to happen. But if they were only to be judged by English laws, when there were no English police, no English courts, and no means of maintaining order and peace, it was utterly impossible that abuses should not prevail. What he complained of was that they had taken a wrong course of action. The noble Lord stated that we must either abstain from intercourse with China altogether, or that our intercourse between the two nations must be regulated by treaty. He entirely differed from him. He believed there was a third alternative. The intercourse might be carried on with all the risks attached to it—a pure voluntary intercourse carried on by merchants who might be disposed to trade, apart from all treaties. He objected to treaties with semi-barbarous nations, because the stipulations they contained were sure to be violated, and when violated we are compelled to interfere for the purpose of enforcing them. The Chinese could not be forced into European systems without pulling down the whole fabric of the barbarian Government. By the manner in which they were treating China they were, as the noble Lord had himself admitted, "killing the goose that laid the golden eggs." The noble Lord had called the present treaty an extension of the Treaty of Nankin. He entirely concurred in this description of it, and that was his reason for objecting to it. The treaty of Nankin had been proved to be a mistake by its results. Its extension, therefore, was only an extension of the mistake; it was a further step on a wrong road and in a pernicious course of policy. The noble Lord had referred to the amount of the Chinese indemnity as exceedingly moderate. If they had any right to an indemnity at all, he admitted it was moderate; it amounted to but a fraction of the expenses of the war. But what he urged was this—that, moderate or immoderate, it was placing a load upon China which was more than she had strength to bear, and which must insure the ruin of that empire.

Motion *agreed to.*

THE PROTESTANT ALLIANCE AND MR. TURNBULL.—MOTION FOR A PAPER.

THE EARL OF SHAFTESBURY, who had given notice to move for Copy of Memorial of the Protestant Alliance to the First Lord of the Treasury in the matter of Mr. Turnbull, rose to postpone his Motion, and said: My Lords, the Motion I have to make will not detain your Lordships five minutes. I have been compelled to put this Notice on the paper because the noble Marquess (the Marquess of Normanby) came down to this House a few days ago and stated that it was his intention to make a Motion impugning the conduct of the Protestant Alliance, of which I am the President, and their objections to the appointment of a certain gentleman in the Record Office. I attended in my place to give your Lordships all the information on this matter so far as I was concerned; but the noble Marquess put off his Motion indefinitely—he has named no day on which he will bring it forward. And in the meantime I am lying under certain personal charges—I am charged with having done two or three unkind and unfair things towards Mr. Turnbull. I am anxious to take the earliest opportunity to answer these charges on my own account and the society of which I am the representative. In the first place, we have been charged with circulating a memorial containing grave charges against Mr. Turnbull in secret. Now, I can prove that a copy of that memorial was sent to Sir John Romilly as soon as it was issued. In the second place, we have been accused of bringing a charge against a respectable gentleman, that he has suppressed and mutilated certain public documents. We never made such a charge—we never thought of making it—and I defy any one to lay his finger on any part of our memorial that insinuates it. The third charge is, that we took the course we did because Mr. Turnbull is a Roman Catholic. I deny it. I say that with the means we have—with the professions we make—with the ideas we entertain of the qualifications required for this office—we would have acted in the same way against a Protestant that we have done against a Roman Catholic. The noble Marquess says that in taking the course I have done in bringing forward this Motion I have acted unfairly to him. I can only express my hope he will lose no time in fixing a day for his Motion, and that he will fix as early a day as possible, and that he will then state what he has to say to your Lordships against the Protestant Alliance, and against me as their representative; and I shall then be able to show that we have acted throughout with fairness and justice, and in as straightforward a manner as any person or body of persons could have done.

THE MARQUESS OF NORMANBY: My Lords, the indignation of the noble Earl at my not having brought forward my Motion is quite unfounded. Little more than five minutes ago I told the noble Earl that I did intend to bring the subject before the House, and that the reason of the delay was, because I thought that the course of justice requires that an appeal should be first made to the Prime Minister of the country to ascertain whether he, acting under the inspiration of the noble Earl and the Protestant Alliance, would disregard the remonstrance of the legal functionary at the head of the Record Office, who, on receiving the resignation of Mr. Turnbull, expressed his sense of the detriment that resignation would be to the public service, on account of Mr. Turnbull's eminent qualifications to discharge all the public duties of the office, which he is compelled to resign only on account of the *ex parte* statements of the Protestant Alliance. Now, one word as to the charges the noble Earl describes. I accuse the Protestant Alliance, upon the testimony of the noble Earl himself, of having published what they must have known to be a misstatement. They have published in their monthly report words to the effect that it was lucky Mr. Turnbull had retired "from the task of writing officially the History of Religion in England under Queen Mary." Now, this is distinctly a false statement. But on this I have nothing more to say, as the noble Earl has himself admitted, in a letter to a public journal, that nobody ought to have made it. The noble Earl need not fear that I shall not bring the Motion forward. I think it is very important, since Lord Palmerston gave this morning judgment to that effect to an influential deputation of Protestants, that it should be declared by your Lordships, whether a person entertaining strong opinions with regard to religion should, on that account, be prevented from fulfilling a duty that, in every respect, he is peculiarly well qualified to discharge? The question will certainly be brought forward, but I will not fix a day till I have ascertained what the order of business is likely to be.

THE EARL OF SHAFTESBURY: It will not be disputed that this is something of a personal attack. I, therefore, requested the noble Marquess to give me an early opportunity of stating what are my views of the case, and to enable me to say that we have not been animated by the spirit he alleges, but have taken a course we think most conducive to the public service.

THE EARL OF ELLENBOROUGH: If we are to have a discussion on this subject it will be a great convenience to me, and probably to many other noble Lords, if the noble Earl will have the goodness to explain the nature of the paper he asks to have laid on the table; and if he will explain also, what the Protestant Alliance is. I have never heard it explained; the noble Earl appears to represent, in person, the great Alliance that has kindly undertaken the protection of the Protestant religion. Undoubtedly it is a good intention; but what may be the practical advantage to the Protestant religion I know not. I should wish to know who are the Alliance, what they are, what are its objects, what is its constitution, and what are we to expect from it?

THE EARL OF DONOUGHMORE hoped that the noble Earl (the Earl of Shaftesbury) would be prepared, when the Motion of the noble Marquess was brought forward, to state distinctly to the House the grounds of the Protestant Alliance for making the charge that had been referred to against this unfortunate man. If there was no imputation on his character, what was it all about? Was a man, who had been declared by high authority eminently suited for his peculiar duties, to be driven from that employ because he was a consistent Roman Catholic? If that was the ground on which the noble Earl and the Alliance over which he presided made their charge against Mr. Turnbull, all he could say was, that, although a staunch Protestant, he disavowed any participation in the proceedings or mode of action of such a society.

THE MARQUESS OF **NORMANBY** said, he would consult with the noble Earl (Earl Granville) as to a day on which the Government business would not be likely to occupy much time.

EARL **GRANVILLE** said, he was not prepared to name any such day at that moment.

Notice of Motion *put off.*

House adjourned at Eight o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 19, 1861.

MINUTES.] NEW MEMBER SWORN.—For Bolton, Thomas Barnes, esquire.

PUBLIC BILLS.—1° County Franchise; Superannuation (Officers of Prisons); Public Charities; Burial of Dissenters; Borough Franchise; Conveyance of Voters.

COLONY OF QUEENSLAND.

QUESTION.

MR. **MARSH** said, he would beg to ask the Under Secretary of State for the Colonies, Whether it is the intention of the Government to lay upon the Table of the House the Despatches of Sir George Bowen, Governor of Queensland, Australia?

MR. **CHICHESTER FORTESCUE** said that his hon. Friend must be aware that it was not usual to communicate the ordinary despatches of Colonial Governors to Parliament; but the progress of the Colony of Queensland had been so interesting, and so creditable to the colonists, that his noble Friend at the head of the Colonial Office had no objection to produce these papers.

SUPERANNUATION ALLOWANCES TO POOR LAW OFFICERS.

QUESTION.

MR. **PERRY WATLINGTON** said, he wished to ask the President of the Poor Law Board, Whether it is his intention to introduce any Bill this Session to provide for Superannuation Allowances to Poor Law Officers of Unions and Parishes?

MR. **C. P. VILLIERS** said, that a Committee had been appointed to consider the various questions involved in the administration of the Poor Laws, and he had thought it better to refer the matter to which the hon. Gentleman's question related to that Committee, before he proceeded in any way to deal with it.

THE IRISH MAILS.

QUESTION.

MR. **BRADY** said, he would beg to ask the Chief Secretary for Ireland, If his attention has been directed to the fact that Irish letters arriving at the General Post-Office, London, at seven o'clock in the morning, are there detained and not delivered before the second delivery (even so late as twelve o'clock A.M.)

MR. **CARDWELL** said, he had made inquiry into this matter, and he found that the mail from Ireland ought to arrive in London in time for the letters to be sent out by the earliest delivery. Several times since the 1st of January, however, owing to the tempestuous state of the weather, it did not reach London until a quarter before eight o'clock. Notwithstanding that, the letters had in all but two instances been delivered by the second delivery, which terminated at a quarter past eleven o'clock; and in these two instances by the third delivery.

EXTENSION OF THE COUNTY FRANCHISE.—LEAVE.

MR. **LOCKE KING**, in moving for leave to introduce a Bill to extend the franchise in counties in England and Wales, said he hoped the House would not think that he was either too presumptuous or too persevering for again calling its attention to this question. From what had occurred during the last few, and more especially during the last two years, he had anticipated that it would never have been necessary—for him, at all events—to bring it again under their consideration: but, as we had now no Reform Bill in prospect, and no promise of a Reform Bill, and as no allusion had been made to such a measure in Her Majesty's Speech, he felt that this was a very seasonable opportunity at which to bring the subject of the county franchise again before the House. Further, there had always been a great number of persons who felt very strongly that the surest and perhaps the safest method of obtaining any Reform was by instalments—by what was popularly called "bit-by-bit Reform;" and, under these circumstances, he ventured to propose to the House, as by no means an insignificant instalment, the extension of the county franchise to occupiers of premises of the annual value of £10. It was now a great number of years since he first brought this question before the house, and those who supported his original Bill had to contend with a great many obstacles which did not now exist. The Liberal party was then by no means united upon this question. It had been gravely argued by great authorities in that House that the Bill was unsound in principle; that the ancient distinction between counties and boroughs ought to be maintained in all its integrity; that in counties representation ought to be in respect of tenure, while in boroughs it ought to be in respect of occupation. These arguments he was not now called upon to answer, because the great authorities had themselves answered them in the most effectual manner by speaking and voting in favour of Bills similar to that which he was now asking leave to bring in. The noble Lord the Secretary of State for Foreign Affairs—the bold and enterprising Reformer of 1832—the promoter of that measure which was in itself a revolution, and, in all probability, prevented the occurrence of revolutions in this country, was, every one would admit, a great authority upon all matters relating to the constitution; and, although he was bound to admit that, for the first year or two after its introduction, the noble Lord opposed this measure, yet as early as the year 1852 he admitted that the principle upon which it was founded was a sound one, because in the Reform Bill which he introduced that year he proposed to reduce the county qualification to £20. In the year 1854 he went further, and fixed it at £10, the very sum which he (Mr. L. King) had originally proposed. In the year 1857 the noble Lord supported this Bill as an isolated measure, apart from any Reform Bill, and argued most forcibly in its favour. His words then were so forcible, and so applicable to the present time, that he (Mr. L. King) should like to quote them. The noble Lord said:—

> "Whatever might have been the impropriety of introducing driblets when large measures were required, I think that if we sincerely desire reform the only course now to be pursued is to adopt any measure which is in itself a safe improvement whenever it may be proposed; and I cannot but admit this measure is in itself such an improvement."

If that argument was applicable in 1857, it applied, he contended, with still greater force in the present year. The noble Lord then argued in favour of the class whom this Bill proposes to enfranchise. He said:—

> "I think that no one who is disposed to entrust the elective franchise to the occupiers of £10 houses in towns can object to its enjoyment by those who occupy such houses in the country; because the occupant of a £10 house in the country is generally a person of greater intelligence and more property than is the tenant of a similar house in a borough. . . . I therefore think this change is a safe one; and, seeing that no one is likely to propose a large measure of reform, I am, moreover, of opinion that it will tend to satisfy a large body of persons who have some reason to complain of the existing state of things." [3 *Hansard*, cxliv. 849.]

In the year 1858 again the noble Lord sanctioned this Bill as an isolated measure, when he made use of the very descriptive words, "A bird in the hand is worth two in the bush." In 1860 this very proposal was included in the Reform Bill which he then brought forward. There were in that House only two persons besides the noble Lord who were Members of that distinguished Cabinet which effected the great revolution of 1832. The noble Lord at the head of the Government must forgive him when he said that he could not look upon him as quite so great an authority upon matters relating to Reform as the noble Lord the Secretary of State for Foreign Affairs. Perhaps in his early years he was not quite so much mixed up with Reformers as was the other noble Lord; and he was bound to say that in the year 1857 he opposed this Bill. He warned the noble Lord at that time that if he divided he would lead the opposite side of the House into the lobby against it, and would be deserted by his own party. The noble Lord persevered in his opposition, but though, by the means of what he might be excused for calling that "Unholy Alliance," the Bill was rejected—it was rejected only by the small majority of 13. In the following year the noble Lord profited by his experience, admitted the principle to be just, and voted in favour of the second reading of the measure. The only other authority to whom he should refer, was the right hon. Gentleman who sat below him (Sir James Graham). That right hon. Gentleman was a Member of the distinguished Cabinet of 1832; and he (Mr. Locke King) was happy to say, that so satisfied had the right hon. Baronet—by no means a reckless or radical Reformer—all along been of the justice of this cause, that even in the worst of times, when the Bill was in bad repute among the great authorities in that House, he supported the measure. As early as 1854 he found the name of that right hon. Gentleman on the back of a Reform Bill which contained this very proposition; in 1857 he supported it energetically as an isolated measure; and in 1858 he did the same thing. It was very satisfactory to observe the great progress which the measure had made on the Liberal side of the House. He believed there was scarcely a Member sitting on those benches who would now oppose this Bill in any one of its stages. But that was not all, for he was proud to say that support had come from a quarter whence he least expected it. In 1852 the great chief of the party opposite (the Earl of Derby) denounced his Bill as a very dangerous measure. Little, therefore, did he think that, when the noble Earl came to deal practically with the question of Reform, he would find it necessary to adopt, as the leading feature of his Bill, the very principle which he (Mr. Locke King) had been seeking for years to advance. The Reform Bill of 1859 contained a little disfranchisement of small boroughs, enfranchisement to a limited extent of some towns, and of a county or two; but its most important feature was that of his (Mr. Locke King's) old Bill—marred and mutilated he did not deny—but still the original Bill which he had introduced. To counterbalance this concession it proposed the disfranchisement of the freeholders whose qualifications lay in represented towns; but these were a most independent and ancient class of voters, and on account of that clause he had been unable to give his support to the Bill, much as he approved of other portions of it. He believed it was his over-manœuvring, if he might so call it, which had lost the noble Earl the confidence of the country—if he ever possessed it—and which had hurled him from power. During the last eight years there had been no less than four Reform Bills, and all the four admitted the principle of extending the franchise to occupiers in counties to be sound and just; while three of those measures, including that of the right hon. Gentleman opposite (Mr. Disraeli), lowered the franchise to the very amount for which he had always contended. It was needless, therefore, to argue as to the soundness or justice of the principle of the Bill, or as to the respectability of the class which would be enfranchised; these were admitted facts, and he might almost as well try to prove the correctness of the multiplication table. But he would ask what reason could there be for refusing any longer to pass this measure? What excuse could be invented? They had got rid of the old pretext that they ought to wait for a comprehensive Reform Bill. The House was tired of that excuse. Moreover, there was not even a prospect of such a proposal looming in the distance. If any opposition should be found in the fact, that the Bill proceeded from an independent and humble Member of the House, let that difficulty be removed—by all means let it be taken up by some influential Member—independent of party, if that were considered preferable—and he should be very happy to get rid of the charge of the measure, and to see it passed into law. He hoped that any hon. Gentleman, if there were any, who might be inclined to oppose the Bill, would profit by the experience of the past, for it was a noticeable fact, that nearly all the great authorities who had opposed the Bill, no matter on which side of the House they sat, sooner or later had been obliged to eat their own words, and to make some excuse for the past, and support the measure. For years it had been a stumbling-block to almost every Government. Every kind of promise had been made for the purpose of getting rid of it. It had become a habit to introduce into Her Majesty's Speech a paragraph promising that the question of Reform should be dealt with—how many paragraphs had thus been inserted he was unable to say, but it was certain that till now they had been attended with no effect whatever. Such conduct, he thought, was neither respectful to Her Majesty nor satisfactory to the country. He was one of those who had not voted for the Amendment of the hon. Member for Brighton (Mr. White); and, considering what had happened for so many years, he had almost felt rejoiced that there was no allusion to Reform in the Speech from the Throne this year. He hailed it as a happy omen, and he thought it possible that there might be a better chance of obtaining Reform, now that the matter was no longer in the hands of the Government; who would be unable to carry any measure on the subject unless they were prepared to stand or fall by it. Their chance now lay in gaining instalments; and independent Members would, indeed, be in a forlorn position, unless they were able to carry measures bit by bit, which, in course of time, might form in the aggregate a great and satisfactory Reform Bill. He ought to mention that one part of the Bill which he proposed sought to adopt the suggestion which was made to him some years ago by the right hon. Gentleman below him (Sir James Graham), with regard to occupiers, to the effect that a portion of their holding, say to the extent of £5 or £6, should consist of a House. The absence of this provision was one of the objections made by the right hon. Gentleman the Secretary of State for India, when explaining to his constituents in 1857 how he had managed to vote against the Bill; and he was now happy to obviate it by consenting to this alteration. It might, perhaps, have been better if the right hon. Gentleman on that occasion had consented to the introduction of the Bill, and had afterwards introduced the improvements, which he felt desirous to introduce, in Committee; but he was willing to let bygones be bygones, and to introduce a clause with the object he had stated. He hoped the House would support the Bill in the shape in which he now proposed it. Many of them were very apt—he was afraid himself as much as any one—to condemn the acts of despotic rulers on the Continent because they refused to give political rights to their people. But he really thought those rulers acted a comparatively bold and noble part. They told their people boldly and frankly, that they were not fit to enjoy those rights. He thought, however, that the House, with regard to the political rights of the people of England, were acting a somewhat mean and timid part. They flattered the people who sought to be enfranchised, and told them that they were perfectly fit for it—that it was part of their constitutional right—nothing was more settled than that political fitness ought to be followed by political rights—that where electoral capacity existed their electoral rights ought to follow. They told the people this—told them they were fit, and then invented every kind of excuse and delay before complying with their just demands. Thus, in a free country, a greater act of despotism was absolutely committed than in countries which were professedly despotic. He hoped the House would consent to the introduction of the Bill; and he was persuaded the words would be verified which were used by the noble Lord the Secretary of State for Foreign Affairs, when he fought so ably for this very measure in 1857—that it would tend not only to improve, but also to consolidate our institutions, and to give stability to our electoral system. The hon. Member concluded by moving for leave to bring in a Bill to extend the Franchise in Counties in England and Wales.

Motion made, and Question proposed.

MR. WARNER asked the indulgence of the House while he endeavoured in as few words as possible to state the reasons which had led him, and he believed might lead others, to prefer the Amendment standing in his name, [That a Select Committee be appointed to consider what changes it may be desirable to introduce with a view to amend the Representation of the People] to the Motion at present before the House. Towards the end of last Session, when it became evident that Ministers were not prepared to make a declaration of their policy in reference to Reform, he had thought it his duty to give notice that, early in the present Session, he would move the appointment of a Select Committee to enquire into the whole question. As this notice must necessarily compete in some respects with those given by other Members, he had thought it would be more convenient to place it in the form of an Amendment to the first of those which stood upon the paper; and this happened to be the Motion of the hon. Member for East Surrey. As there had been a great deal of misrepresentation out of doors, he wished to state, in the most explicit manner possible, that he entertained no objection to the Motion of the hon. Member. He had not one word to say either against his arguments or his facts; he had voted for his Motion on a former occasion, and saw no reason why he should not vote for it again. With a great deal of what had fallen from the hon. Member be perfectly agreed, though, perhaps, in some respects, he had come to different conclusions. There was no reason why a £10 householder in the country should not be equally capable of giving an intelligent and satisfactory vote with a £10 householder in the town; and he should be glad to extend to them the privilege of the franchise. But he could not think it desirable that the energies of Reformers should be wasted, now that they were thrown on their individual responsibility, by bringing forward Motions which did not contain the germ of a possibility of success. Let them decide some one point of paramount importance to the country and they would then have a better chance of carrying it. For his own part he infinitely preferred the Motion of which notice had been given by his hon. Friend the Member for Leeds (Mr. Baines), and he should very cordially give his vote in its favour. The proposition of his hon. Friend the Member for East Surrey had one great fault, perhaps the greatest of all faults, the fault of misfortune. The hon. Member himself had taken some pains to explain to the House the disappointments he had suffered in connection with it. It had already acquired a conspicuous place in Parliamentary history; it had done everything a Bill could do, except pass. It had disturbed the country; it had impeded legislation; it had led to one or two dissolutions and some half-a-dozen changes of Ministry; and, further than that, it had been the parent of a large family of Reform Bills, which had all died young. It was ten years since his hon. Friend achieved a great and unexpected success,—but, as far as the people of England were concerned, nothing came of it. Then in due succession there followed no less than four Reform Bills—grand, comprehensive, Government Bills, but nothing came of them. And what was remarkable was this, that most of those Bills, if not all, embodied the principle of his hon. Friend's measure. The noble Lord the Foreign Secretary introduced it into two or three of his Bills; and then the great Reformers, Messrs. Baxter, Rose, and Company, very respectable solicitors, appropriated it in theirs. And, he said it in all seriousness, the reason why those measures failed was, he believed, chiefly because they adopted the principle of his hon. Friend. For, if there was one truth more than another which the discussions of past years had brought prominently to light, it was this, that the chief obstacle to an extension of the franchise was the dead uniform level of our qualification. The work of Reformers should be to break up that level, rather than to extend and unite those hard lines which at present existed, one for the towns and the other for the counties. He considered it an honour to be classed as one of the remnant of that great party who still maintained its unshaken faith in the possibility and the need of Reform; but he could not disguise from himself that they were placed in great difficulty, and that they ought to act discreetly as well as energetically. He agreed with much that had been said by his hon. Friend (Mr. Locke King) in favour of his Motion, and in much of the blame which he rather implied than charged against the noble Lord the Secretary for Foreign Affairs. He did not think that the course which the noble Lord indicated on the first night of the Session, or, still more, the language in which he expressed his intentions, would be satisfactory to the country or advantageous to the Government. In one thing, however, he believed the noble Lord was unjustly blamed; for he was of opinion that he had exercised a wise discretion in not attempting to introduce in the present Session anything resembling the unfortunate measure which came last year to an untimely and unhonoured end. When that Bill was dropped its fall did not seem to affect the country; but the noble Lord himself clung to it long after it had been abandoned by the people and their representatives. Hon. Members would recollect what he might call, for convenience of reference, "Northampton Manifesto." The hon. Member for Northampton (Mr. Gilpin) having occasion to visit his constituents, was permitted to state to them that the noble Lord (Lord John Russell) was conditionally prepared to bring in a Bill which, in the main, would be similar to the Bill of last Session; but, added the hon. Member for Northampton, "You must agitate the question; the country must support the Government by public meetings and numerous petitions," What had been the result? There had not been one public meeting held in favour of a Bill which should be similar in the main to the last. They all knew how easy it was to get up petitions; yet not one petition had been presented—not one man of the six unenfranchised millions had thought the noble Lord's Bill worth asking for. He must do the noble Lord justice, and could not blame him for not renewing the experiment of last Session; but there were other courses open to him. He might have proceeded by Resolution; he might have moved for a Select Committee, or he might have framed a measure more in accordance with the wants of the year 1861 than in strict conformity with the principles of the Bill of 1832. The noble Lord might have taken one of those courses; but, instead, he threw up the whole subject into the hands of independent Members. But the question for independent Members now was, not what the noble Lord ought to have done, but what they ought to do themselves. He thought there might be a little more consultation and arrangement among the Liberal Members before they introduced isolated measures to the House. They ought to measure their own strength before they brought in Bills. They must remember that they were but the remnant of a great party. Two years ago there was a great Liberal party in that House—a great exulting party—which spurned Lord Derby's Reform Bill, and which followed the noble Lord the Member for the City of London into the lobby on that memorable night when, it would now appear, he saved his country in vain. When they measured their own strength, knew what they were able to accomplish, and saw what particular sort of Reform the country demanded, and what were the objections that would be taken to it, then they would be able to effect something. He could not agree with his hon. Friend that what he proposed was the measure most desired by the country. Within the last week he himself had presented thirteen petitions, all from Norwich, and all from working men, claiming the franchise for their class; but he had yet to learn that the Bill of his hon. Friend (Mr. L. King) would introduce any large number of working men into the constituencies. He should prefer the Bill of his hon. Friend the Member for Leeds (Mr. Baines), which would do something in that direction. Whatever difference of opinion might prevail on the subject of Reform, the country seemed to be agreed in this—that an electoral body comprising only about one in seven of the adult male population was a wholly inadequate foundation for popular institutions; and that the class which most wanted to be included was the working class; because it was in no sense properly represented in that House at present, while every other class was. At the same time the country was equally determined not to submit to any revolutionary scheme. He was not opposed to a wide extension of the suffrage, but was against any system of franchise which would rest on a uniform rating level, and he believed that it would be impossible to carry any Reform Bill so long as such a level remained. Another difficulty in the way of extending the franchise arose from the great, wise, and beneficent changes which of late years we had made in our financial policy. It was perfectly clear that with free trade we must have a system of direct taxation. Our direct taxation, which was now only in its infancy, rested on a broad basis of exemptions, embracing a large part of the population; and it had been argued with some appearance of fairness that if the franchise, on its present system, was extended in any considerable degree, the exemptions from taxation remaining as now, we should soon arrive at the point where the right of making the laws would be practically severed from the obligation of paying the taxes. But supposing that Parliament should dispense with the rate book as a test altogether, and go back to the more ancient and complete principle of household suffrage, accompanied with that most reasonable and constitutional condition that exemption from taxation should disqualify to vote, could any one imagine that the character of the constituencies would be injured. He believed their quality would be greatly improved. Those who were most afraid of the extension of popular rights might be reassured from the knowledge that all who voted shared a proportionate responsibility. They would establish a better qualification on a self-acting basis, and its future extension might be left to the ingenuity and the necessities of Chancellors of the Exchequer. From various reasons he had been induced to think that some of the difficulties of this question were not to be dealt with summarily in that House, but that inquiry before a Select Committee was necessary, in order to see how these difficulties could be best smoothed over, and a Reform Bill introduced that would be satisfactory to the country. The hon. and learned Member for Marylebone (Mr. Edwin James), he understood, took occasion the other night, after comparing independent Members in that House to the successors of Alexander, to raise a laugh at the idea of referring the Constitution of England, as he said, to a Select Committee. He would like to ask the hon. and learned Gentleman, who was so well acquainted with ancient history, whether he had never heard of Constitutions of free States that were submitted with eminent success to the consideration, not of Select Committees, but of individual Legislators? The hon. and learned Gentleman, he understood, ridiculed all Motions by independent Members on the subject of Reform, and contended that the introduction of such measures should be left to the Government; but he (Mr. Warner) hoped the hon. and learned Member would enlighten the House as to how he proposed to awaken the dormant sense of responsibility in the Ministers of the Crown. Before concluding, he wished to give expression to one word of earnest but respectful remonstrance to the noble Lord the Secretary for Foreign Affairs. The noble Lord had said that one of his reasons for doing nothing this Session was, that there was no popular cry in the country for Reform—no strong gale of popular favour to carry a Bill over the bar of the House of Lords. In his opinion, that was the strongest possible reason why he should set earnestly to work immediately to arrange for the earliest possible passing of a satisfactory Reform Bill. If the subject was to have a calm, temperate, and dispassionate consideration, it would receive it in present circumstances, and not when the strong wind of which the noble Lord spoke would be blowing over the land. He gave the noble Lord all honour for the skill and the boldness with which he steered through the surf in the great storm of thirty years ago; but let him recollect how narrow was the escape then made from a disastrous shipwreck, not of his party only, but of constitutional Government and of the Monarchy itself. He still believed that the question of reform would be best dealt with by a Select Committee, but he had consulted with those whose opinion he valued, and he understood there was a general feeling in the House that the Bill of his hon. Friend (Mr. L. King) should be judged upon its own merits. He would postpone his Amendment for the present, and bring it forward as a substantive Motion on a future day. He would vote for the Motion of his hon. Friend, not believing that it would have any practical result, but because he thought that discussion on Reform was of all things needed, and that, whatever tended to discussion might indirectly lead to good.

MR. DARBY GRIFFITH, in rising to move an Amendment to the effect that it is inexpedient to equalize the country or borough franchise, or to reduce the county franchise below £20, said, that unlike the hon. Gentleman who had just sat down, it was his fixed intention to proceed to a division. He did not think it at all necessary that questions of Reform should be left exclusively in the hands of the Government, and he thought it safer, if they were so particularly anxious for Reform, to adopt "bit by bit Reform," rather than wait for a great measure like that of 1832, which was no longer practical. The hon. Gentleman who brought forward this Motion was in precisely the same position as he was ten years ago. Practically, his Bill was the same as the one he then introduced. He admitted that he had long been of opinion that the £50 franchise in counties was susceptible of modification, but not to the extent proposed by the hon. Member. To the statement that the House had ever sanctioned the £10 franchise for counties he felt it his duty to give a flat denial, for at the time the hon. Member succeeded in getting his Bill read a second time—it was by a mere juggle—there were only about 150 Members present, and those who sat on the Conservative side were nearly all absent; whereas on the next stage the House rejected the Bill by a majority of 200. The sudden passing of the second reading, therefore, could not be called an expression of the opinion of the House. In 1852 a Reform Bill was brought in by the Government; but that Bill did not in any way sanction uniformity of franchise, and, indeed, no Bill introduced by the noble Lord had ever recognized the principle of uniformity of the county and borough franchise. In 1857 the hon. Gentleman brought forward a Motion for the equalization of the franchise in counties and boroughs; but that Bill was negatived by a large majority, and on that occasion the noble Lord at the head of the Government spoke very strongly against it—it was impossible that any man could speak in a spirit of more determined opposition than did the noble Lord. After the Derby Government came into power the Member for East Surrey introduced a Bill for a large extension of the franchise, having very much the same effect as the present. In the year 1859, while sitting on the opposite benches, and presumably a supporter of Lord Derby's Government, he (Mr. Griffith) dissented from an equalization of the franchise, and he thought it his duty to put a trying question to the right hon. Member for Buckinghamshire. On the 28th March he asked the then Chancellor of the Exchequer whether the principle of uniformity of franchise in boroughs and counties was one on which the fate of their Bill hung? What was the answer of the right hon. Gentleman? After some humorous allusions as to the wholesale and retail manner in which the question had been debated, the right hon. Gentleman said, in most reasonable language, that if the Bill went into Committee he should, on the part of the Government, listen to any proposition that might be made with respect to any of the clauses, from whatever quarter it might come, in that spirit of candour that became a Government. It could not, therefore, be alleged that that Government was obstinately wedded to any particular view. He (Mr. Griffith) had given notice of a Motion in Committee to fix the county franchise at £20; but owing to the Bill not reaching the Committee he had not been able to state his reasons in favour of that proposition. The truth was, that the country did not support the Liberal party in their endeavours after Reform; and hon. Gentlemen opposite were perfectly aware of that, and the fact was hinted at in the letter which the right hon. Member for Portsmouth (Sir Francis Baring) had addressed to his constituents, in which he recommended them to take what they could get, and fall back upon "bit by bit" Reform. It was for the interest of the Conservative Members to close this matter, and not to give the noble Lord the Member for London the opportunity of jerking the matter forward at any time he might think expedient. The House knew that many Members of the Liberal party were disappointed at not obtaining office, as they expected, when the present Government came into power. He said to one of them, "Why, you do not expect Lord John Russell to be Prime Minister, do you?" "Yes, to be sure," was the reply, "and if we had known what the result would be we would never have put you out." The noble Lord had maintained such close relations with so many of the advanced Members of the Liberal party when he sat below the gangway, that there was no Liberal who sat behind the noble Lord who would deny that his party expected to come into office on the shoulders of Reform. Why, look at the right hon. Gentleman the Member for Horsman. [*Laughter.*] He (Mr. Griffith) was sure the right hon. Gentleman would agree with him in that view. Every one must admire the pluck and gallantry with which—whether right or wrong—the right hon. Gentleman had faced his constituents the other day. The right hon. Gentleman deserved great credit for it; and it was a noble characteristic of independent Members of that House, that, whether right or wrong, they were ready to do that. The right hon. Gentleman told his constituents they would have got a better Bill from the Derby Government than from the present Ministry. From the Derby Government they got a Bill which might have been amended in Committee; but from the present Government they got no Bill at all. He would tell the Conservative party that this was the time to finish a matter of this kind. Do not let them wait for another revolution like that of 1832; but let them make reasonable concessions while they could, before the waves rose and the wind howled. The hon. Member concluded by moving his Amendment.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'considering that the object of the proposed Bill involves the practical adoption of a principle which has generally been considered as opposed to the spirit of our Parliamentary constitution—namely, the uniformity of the county and borough franchise—it is not expedient to reduce the county franchise below £20."

CAPTAIN JERVIS seconded the Amendment.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. NEWDEGATE: I must say that I have heard with regret that the hon. Member for Norwich (Mr. Warner) intends to withdraw his Amendment, for it happens that the propriety of the proposal made by the hon. Member for East Surrey, namely the reduction of the franchise in counties to £10, is one of those propositions which have, for a length of time, been taken for granted with no sufficient ground for that assumption—it has been assumed that this House has consented to it, and very diverse conclusions have been drawn from that supposed fact. I have been looking this day at the evidence taken before the House of Lords' Committee on this subject. Their inquiry went fully into the effect of the reduction proposed by the noble Lord the Member for London in his Bill of last year upon the borough franchise, but scarcely any inquiry was instituted into the effect of the proposed reduction of the county franchise to £10. There was some evidence, however, to which I may refer, and most important evidence it was; it was the evidence given by Mr. Baxter, a gentleman very well known, of high reputation in these matters, whose experience of the constituency of the West Riding, the largest county constituency in England and Wales, is of such a nature as to enable him to test satisfactorily the effect of the lowering of the county franchise to £10 in other counties. Now the right hon. Gentleman, the Secretary of State for the Home Department, had stated to the House that his estimate of the effect of the reduction of the county franchise to £10 would be an addition of 157,000 working electors to the county constituencies in England and Wales—but Mr. Baxter, after having gone through a number of documents, arrived at the conclusion, which he stated before the House of Lords, that that estimate was short of the actual number of electors likely to be admitted by 200,000. I have the greatest respect for the powers of investigation and research possessed by the Home Secretary, and generally for the right hon. Baronet's knowledge of these subjects; but what conclusion are we to draw when we find such an enormous discrepancy—a discrepancy between 157,000 and 357,000—in the calculations of those two persons, each of whom is competent to judge of the character of such a measure? Last year I was led into calculations on this subject, and I felt bound to state that some of these were erroneous, because I was misled by the imperfect information before the House. The general result of my enquiries led me to believe that the probable increase would be more than double of the estimate of the Home Secretary; this was also the opinion of the right hon. Member for the University of Cambridge, and I find this opinion entirely supported by the evidence of Mr. Baxter, in whose judgment I have the greatest possible confidence. It would be little satisfactory to the country if an isolated measure like the present were adopted; and of all electoral changes which this House could make this is the change upon which the House is least informed; if, therefore, any isolated measure is to be adopted by the House this is the last which should receive its assent. I am not one of those opposed to all Reform. On the contrary, I think that at a proper time, when the Legislature has duly informed itself, and when public opinion shall have ripened on the subject, it may be advisable to adopt a measure of Reform. I am by no means the advocate of absolute finality; but I hope the House will not lend itself to the encouragement of agitation, and will not reduce its own dignity and waste its own time, by adopting, or seeming to adopt proposals of this kind, when the public are perfectly aware that we are not furnished with sufficient information as to the probable effects of the measure we are called upon to approve. But if the information upon which I rely is correct, by adopting this proposal you will aggravate the acknowledged anomalies of our present electoral system. What is the complaint that we constantly hear? That the working classes are not sufficiently represented in this House. In the constituency which I have the honour to represent the number of freeholders is greater in proportion than in almost any constituency that can be named; and when their interests have been threatened by such measures as were adopted last Session, I did not remain silent, and I hope the House will do me the justice to believe that when, in the course of those discussions, I set forth the probability of great distress ensuing among my constituents, I did not mislead them; for it is now a notorious fact that 20,000 persons in that district having been living upon alms contributed in mitigation of their suffering. While representing these men I object distinctly to a reduction of the county franchise to £10, because this will be the effect of it—In the boroughs generally the working classes are not represented, nor is property fairly represented. In the larger boroughs the operative classes have votes, but in small boroughs the working classes do not possess the franchise unless they happen to be freemen. Where, then, are they represented? They are represented in the counties. I am one of their representatives, and I endeavour to defend their interests when assailed. But what is it proposed that the House should now do? Why, I believe that if the proposition of the hon. Member for East Surrey be adopted you will completely neutralize the votes of the 40*s.* freeholders in counties, great part of whom are of the operative classes. The whole present county constituency includes 512,988 registered electors, of whom about 100,000, or one-fifth, are qualified by occupation of £50 or upwards, leaving about 412,900 qualified by property of 40*s.* per annum and upwards under the various tenures of property. The whole county constituency of England and Wales amounts to 512,000 active electors. If the calculation on which I rely more than upon any other be correct, 350,000 electors, qualified by occupation, will be added to those 512,000 by the present proposition; so that the county constituency would be, in round numbers, 860,000 electors. At present the occupation franchise of £50 gives about 100,000 electors, or one-fifth of tho whole county constituency; but if 350,000 electors be added to the 100,000, there will then be in the county constituency 450,000 electors qualified by occupation; a number equal to more than one-half, instead of one-fifth, of what will then be the county constituency. The effect will be, that whereas property and labour are directly represented by the electors of counties to the extent of four-fifths of that electoral body as it exists at present, the change now proposed will make half the county constituencies consist of electors qualified by occupation; and in that proportion will diminish the influence of the operative classes and of property in the return of county Members to this House. The effect in another direction should also be considered. The boroughs of England and Wales have 337 representatives in this House, and the counties only 159; and yet the population of the latter is in round numbers, according to the last census, 10,500,000, while the population of the boroughs is only 7,400,000. The effect of the change now proposed will thus be that labour in the counties, now represented only by one Member or two, will be represented by no more than one Member to three in this House. In large boroughs the operative classes are represented, but not in the middle-sized or small boroughs; but the greater portion of the 337 borough Members are returned by the middle-sized and small boroughs. I have shown, therefore, that by adopting the proposal of the hon. Member for East Surrey (Mr. Locke King), instead of removing anomalies which hon. Members opposite complain of, and instead of increasing the representation of the operative classes, you will relatively diminish their representation by increasing the preponderance of those who already send the largest number of Members to this House. This proposition will be clear to any one who will study the subject—that real property and labour are not adequately represented already, and that this change would still further diminish relatively their present influence. What is the great social difficulty with which we have at present to deal? The growing alienation between the middle and the operative classes. We hear constantly of strikes and trades unions, upon which every man who values the welfare of his countryman must look with regret. Is it then either just or prudent to go on increasing the influence of the mercantile and manufacturing classes in this House, while you are relatively decreasing the representation of property and labour? I have had the honour of being a Member of this House for eighteen years and I am prepared to say, that if ten years ago the House of Lords had taken the step which they did last Session, in refusing their assent to a Bill touching taxation, there would have been an outcry from end to end of the country. But it is beginning to be felt that the influence of the manufacturing and commercial classes in this House has gained too great a predominance, and, consequently, the people of this country supported a step taken by the House of Lords which would have been dangerous under other circumstances. I applaud the courage of that Assembly, though I lament the necessity for their intervention. No man values the privileges of this House more than I do; but I cannot help feeling that if it is to command confidence in its absolute control of taxation, the anomalous proportions in which the interests of different classes are represented should not be increased by such a measure as this. If the hon. Member who proposed the last Amendment divides the House, I shall divide with him, and shall take every opportunity of protesting against this piecemeal legislation on so important a subject. [*Cries of* "Divide! Divide!"]

MR. BENTINCK said, he was extremely sorry to continue a discussion in which hon. Members on the other side of the House appeared disinclined to take part. It struck him as a remarkable circumstance, when they had heard so much said within the last few days on the subject of Reform, and of the necessity of bringing forward promptly some measure on the subject, that when a Motion connected with Reform was actually made, no hon. Member on the Ministerial side of the House appeared to think it necessary to rise in his place for the purpose of saying one word on the question. He would not go at any length into the subject at this stage of the business; but he could not refrain from taking this opportunity of asking the attention of the House to one view of the subject which had not been adverted to in the excellent speech of his hon. Friend the Member for North Warwickshire (Mr. Newdegate)—but it was a view which appeared to him to be one which ought to claim a principal share of their attention. He must say he fully concurred in what seemed to be the general feeling of the House, that the hon. Gentleman who introduced this measure had to deal with a difficult subject, and had treated it, as he had always done every such subject which he handled, in a spirit of courtesy and fair play, demanding the fullest attention and forbearance from his opponents. He (Mr. Bentinck) could not, however, concur in the somewhat remarkable arguments which the hon. Gentleman had brought forward in support of his views; and it appeared to him (Mr. Bentinck) that the hon. Gentleman had attempted to do justice to his views on this question in the same way as the hon. Member for Norwich had done justice to the noble Lord the Secretary for Foreign Affairs—by attacking everything that he did. The hon. Gentleman told the House that the principal reason of his bringing forward this question was because the Government had declined to introduce any measure this Session on the subject of Reform. Now it appeared to him (Mr. Bentinck) that that reason was the strongest argument that could be urged even from the other side of the House against such a proposal as that under consideration. He should have thought, after the opinions so strongly expressed on the part of the Government as to the inexpediency this year of dealing with the question of Reform, that it was most unwise to inundate the House with little Reform Bills dealing only with details of the question, which could only be properly treated in one great comprehensive measure which proposed to balance fairly all existing interests. He was of opinion that any attempt of the kind was only calculated to lead to the perpetuation of injustice. The measure proposed by the hon. Gentleman appeared to him to be one —he meant no discourtesy to the hon. Member—which, under the pretence of extending the county franchise, would have a somewhat contrary effect—that, however ostensibly such might be its object, it would not be the practical effect of it. The practical effect of the Bill would be this—and it was to this particular point he wished to call the attention of hon. Members—the practical effect of it, to express it in two words, would be this—not to extend the rural constituencies, but to inundate the rural districts with urban voters, and to render the whole country one great borough from beginning to end. Now, in order to prove his statement, he would ask the hon. Gentleman who moved for leave to bring in this Bill, whether he fairly sat in that House as the representative of a rural district. He had no doubt that the well-earned popularity of the hon. Gentleman was deserving of the great constituency which he represented; but, having looked carefully over the list of voters, he should maintain that the hon. Gentleman was virtually a metropolitan, and not a rural Member. ["Hear!"] Some hon. Members appeared disposed to treat that observation with laughter; but he had the facts before him upon which he founded his assertion, and, if necessary, he was prepared to produce them. There was only one other point to which he wished to advert, which was, perhaps, of still more consequence than that which he had just submitted to the House. As he had said, the effect of this measure would be to inundate the rural districts with an urban constituency. The consequence of that inundation would be to engraft upon the rural districts those habits of bribery and corruption which for some years past, happily for the character of the counties, has been confined to the towns. Hon. Members might not be aware of those remarkable facts respecting bribery and corruption which had been disclosed before the Committees of that House. It appeared that the last fifty-seven cases of bribery established before Committees were all confined to boroughs. Not one of them had occurred in a county. Well, now, what would be the effect of this Bill? The effect would be to flood the rural districts with an enormous mass of the borough voters, many of whom were in the habit of indulging in those corrupt practices, and to change the character of the rural districts, by making them as susceptible to the temptation of money in the cases of elections as many of the borough voters had been proved to be. He would not detain the House further, but would only say that if this measure ever reached the stage of Committee, it was his intention to move an instruction to the Committee to deal with the question of bribery so as, as far as possible by legislation, to prevent the introduction of that system into the counties from the practice of which they had hitherto been exempt.

VISCOUNT PALMERSTON: Sir, there are two things which I do not mean to do

—The first is, to oppose this Motion of my hon. Friend for leave to bring in his Bill; and the next is, to argue the subject of which the Bill treats. I say I do not mean to oppose the introduction of the Bill, because, in the first place, such a step would be discourteous; and in the next place, because it might expose me to the imputation of a change of opinion on the general subject, which I cannot admit. I will not enter into a discussion of the subject to which the Bill relates, for the same reason as that which led her Majesty's Government to decline in the present Session to propose any measure of Reform to the House. That is to say, if I were to discuss the question, I should only be renewing those debates which occupied so much the time of the House last year, and which we did not think it expedient to re-enter upon in the present Session. Now for these reasons I shall not be able to vote for the Amendment of the hon. Member for Devizes, because the immediate effect of the success of that Amendment would be to negative the Motion of my hon. Friend; and further, because the adoption of the Amendment would be only to anticipate a discussion which properly belongs to a Committee on this Bill, and which ought to be reserved for the expression of the opinion of the House, when the Bill reaches that stage. The hon. Member for Norwich (Mr. Warner) lamented that he belonged to a small remnant of the Liberal party, and much grief, it appeared to me, that feeling had inspired in the mind of my hon. Friend. Now I shall endeavour to console my hon. Friend upon that point by telling him what I think further reflection will lead him to see—that so far from his being a deserted friend of the Liberal party, he and those who agree with him in his views upon this question ought rather to congratulate themselves upon being the centre of a large Liberal party. On all sides of the House we see hon. Members coming round, more or less, to the support of Liberal opinions. Now no one could expect to see such a general unanimity of opinion at former periods. When we see both of the great parties in the country alternately bringing in a Bill, the main principle of which is to enlarge the constituencies of the kingdom, and compare such a state of things with that period when, as all must recollect, the leaders of the Government declared that there should be no Reform—surely, when my hon. Friend reflects upon that fact, and that liberal measures meet with the common concurrence of all parties, the hon. Gentleman and his Friends must feel that, instead of being deserted, they have every reason to congratulate themselves upon the progress they have made in bringing round to their opinions all those persons and parties who have hitherto been opposed to them. I must, however, regret that my hon. Friend who has made this Motion, and the hon. Member for Leeds (Mr. Baines), who has given notice of another Motion of the same kind, should have thought it their duty to propose such measures in the present Session of Parliament. I regret it for the same reasons as those expressed by Her Majesty's Government. If my hon. Friends thought it necessary to make those Motions for the purpose of showing the House that they have not altered their opinions upon this subject, that they still preserve those opinions and sentiments which they formerly expressed, that might be a natural motive for their action on the present occasion. But surely such evidence as to their opinions and sincerity was wholly unnecessary, because nobody could suspect them, or any other of those hon. Members who are likely to vote with them, of having altered or changed their opinions. But if they expected that those questions should be fully discussed in this House, and that they should come to a final and successful issue upon them now, I think that the experience of the last Session has in some degree been thrown away upon them. They are proposing to introduce by piecemeal the very measure which was discussed in its entirety last Session, *minus*, indeed, the proposal for the transfer of seats—but I have no doubt that a Motion will be made to supply that little omission, at no distant period, thus completing the third portion of the Government Bill of last year. Now, the Government Bill of last year failed, as it appears to me, from two causes—first, from a cause connected with time; secondly, from a cause connected with substance. The Government felt it their duty, in accordance with former opinions and pledges given, to propose at the earliest moment possible a considerable enlargement of the suffrage. They redeemed the pledge they had given, and it remained with the House to determine whether their measure should or should not be accepted. But hon. Members must remember that the House at that period had been recently elected, and it was imposible but that their recollection must have been fresh as to the inconveniences attending a general election. It was not likely that their respective constituencies should not have had also in their recollection all the disturbance of mercantile and other transactions which necessarily accompanies a general election. Therefore, it was not to be supposed that either the House or the constituencies should for their own sakes wish for a recurrence of a general election. And yet it was obvious that a measure of such a comprehensive character as was then proposed must at a short period from its passing have rendered necessary an appeal to the country. Now, I do not mean to say that that reason would be paramount, and would have prevented the House accepting a measure which was in itself agreeable to their political opinions. It was, however, manifest, from the lengthened discussions which took place on the subject, that that particular measure was not altogether to the taste of the majority of the House. Some hon. Members thought that it went too far. Others contended that it did not go far enough. But, whether the measure was too great or too little, still it is quite clear that it was not destined to receive the acceptance of the House in the course of that Session. Well, has time much altered those opinions? But a few months have passed by since that Bill was withdrawn; and I do not think it is reasonable to believe that the objections in point of time could have altered very much in the interval. Well, then, does the objection in point of substance vary very much? My hon. Friends take care that it shall not, because they bring in identically in detail the measure which was last year proposed, and which the House was not prepared to accept. We see in a public document, which we have doubtless all read this morning, remarks not wholly inapplicable to those views. Sir, there is a time for action and a time for waiting. Now, with all deference to my hon. Friend, I would venture to say that in regard to a question involving an organic change in the representation, I think that the present Session is a time rather for waiting than for action. That is the opinion which the Government entertain on the subject, and it is one which I think is also entertained by my hon. Friends themselves, notwithstanding that they think it right to move for the introduction of the measures. As I have already said, I am not going to oppose the introduction of either of them. At the same time, as Her Majesty's Government have not thought it their duty to ask the House to entertain the question of Reform in the present Session—differing most strongly from the views of the hon. Member for Norwich, inasmuch as I do not think this plan for altering the practical working of the constitution of this House is one which ought to be referred to a Select Committee, believing that those measures which are, no doubt, of great importance—an importance admitted as much by those who generally oppose the Government as by those who support them, believing that measures of such importance as a change in the representation of this House ought to originate with a responsible Government, and not to be left in the hands of a private Member to take their chance—I must say I regret to find that my hon. Friends have taken on themselves in the present Session the duty which properly belongs to the responsible Ministers of the Crown. But that being the case, although I will not certainly be guilty of the discourtesy of asking the House, even if I believed I should succeed in doing so, to refuse permission to my hon. Friend to introduce his Bill, I am, nevertheless, bound to say that my hon. Friends must not expect from Her Majesty's Government those facilities which Government is often asked to afford to Members who have charge of Bills. "Give us," they often say, "a day; time is passing by, and difficulties arise to prevent us proceeding with our Bills. You have only a Bankruptcy Bill, and some few other measures of public importance. Give us a day for the discussion of our measures." I am constrained to say I shall object to make such concessions to these Bills; and, therefore, when my hon. Friends have brought in their Bills—which I trust they will be allowed to do—I must candidly intimate to them that they must take all the responsibility of the future progress of their measures, and they must allow Her Majesty's Government full leave to deal with these Bills as they may think it their duty to do—to deal with them as we may from time to time think fitting. The only thing as to which I can pronounce a decided intention is, that we cannot afford any assistance to my hon. Friends in furthering the progress of their measures by giving up Government days.

MR. DISRAELI: Sir, under the circumstances under which this Bill is introduced to our notice, and after the temperate and sensible remarks of the noble

Lord, especially with respect to the future conduct of the Government, considering that the leader of the House does not feel himself justified in opposing the Motion for leave to bring it in, I am not prepared to oppose its introduction, more especially as leave is asked by one who is so well entitled to our courtesy as the hon. Member for East Surrey. Nor should I have risen had not that hon. Gentleman fallen into a great error as to the nature of the measure which I introduced into this House, when he claimed me as a supporter of the principle of his Bill. The hon. Gentleman is under a mistake. He himself was one of the Liberal party who would not allow the Reform Bill of Lord Derby's Government to be read a second time, and I have no doubt that it is in consequence of his precipitate action upon that occasion that he is so ill-acquainted with the details of that measure. The Bill which I introduced did not adopt the principle for which he contends in the present measure. It certainly proposed a £10 occupation as a qualification for the suffrage in counties; but the primary qualification was an occupation of land of that annual value — a suffrage very different from that proposed by the hon. Gentleman, and one which, had I been permitted to go into Committee upon that Bill, I should have been able to show would have produced consequences quite different from those which my hon. Friend the Member for West Norfolk (Mr. Bentinck) anticipates will flow from the Bill of the hon. Gentleman. That Bill also embraced, as a secondary suffrage, a £10 occupation of houses, but the primary suffrage was derived from a £10 occupation of land. But was that all? Besides these occupation franchises there were, I think, ten other very important county franchises created by that Bill, of all of which the tendency would have been—I do not use the epithet in a party, but in a political and social sense—of a highly Conservative nature. There was introduced into the counties that lodger franchise to which I attributed very great importance; there was also a franchise arising from the possession of funded and personal property; and a variety of county franchises founded upon intelligence and education; there were also other important regulations with respect to artificial votes, and the boundaries of boroughs. Therefore, the hon. Gentleman is not at all justified in his statement that Gentlemen on this side of the House have adopted the principle which he has so long and consistently advocated, the discussion of which has, however, occupied much valuable public time, and the adoption of which would be prejudicial to the public weal. After all the criticism which we have at various times heard in this House, I am myself every day more strongly of opinion that measures for the reconstruction of Parliament ought to be large and comprehensive measures. If you cannot pass large and comprehensive measures, the only conclusion which I can draw is that there is no necessity for them; but, when you are dealing with a subject so vast as the reconstruction of Parliament, you require all the responsibility of a Ministry, and all the information and all the regard to various interests which can be secured by it, but which cannot be expected from Gentlemen who arrogate to themselves the title of "independent Members" —a title to which I trust that we all, even when in office, have a fair claim. A Gentleman takes up a fragment of a great subject; he becomes enamoured with the results of his own meditations; he thinks that the conclusions at which he has arrived from the force of his own thought are the only ones which can save the State; and he is too eager to force those conclusions upon the acceptance of Parliament, without reference to the interests which their adoption may injure, but which ought to be duly considered in any scheme which attempts to do justice to the whole country. I have a strong objection to the measure which is introduced to-night by the hon. Gentleman. I think that it would have a very injurious effect upon the country. I think that it would in many counties give power to those who are not fairly connected with the predominant property and the predominant industry of the county; and I also entertain the objections which have been urged with remarkable ability by my hon. Friend the Member for North Warwickshire (Mr. Newdegate), which are well deserving the attention of the House, and which I am sure will command the attention of the public. But this is not the occasion on which to debate the merits of the measure, because, even with the rigid programme for the conduct of the Government business which has been announced by the noble leader of the House, we shall probably have another opportunity of discussing them; nor should I have touched upon any portion of the scheme had it not been for the misapprehension of the hon. Gentleman with reference to the conduct of the late Government upon this subject. Totally irrespective of my objection to an isolated measure—totally irrespective of my conviction that you ought not to deal with the subject unless you are prepared to deal with it in a comprehensive manner—totally independent of the objection that it is impossible, in the present temper of the country, to deal with the subject in a comprehensive manner, and giving credit to the Government for being actuated in the course they are taking—not by the mean motives which have been imputed to them by their particular friends, but by that sense of duty which I trust will always influence Gentlemen in their position—I should oppose the measure of the hon. Gentleman. I deeply regret that there appears to be a prospect of the waste of valuable time—of that limited portion of the Session which is accorded to private Members not connected with the Government for their attempts at legislation. I cannot myself conceive at this moment—I am unable to form any clear idea—as to what can be the object of hon. Gentlemen opposite and their supporters in attempting this Reform of the House of Commons by measures of retail. The great wholesale firm have announced that it is a transaction beyond their powers of capital and enterprise. What probability of success, then, can attend these hucksterers, who come forward to satisfy the wants of the nation when the great association has announced that it is impossible for them to accomplish the feat? Their object cannot be to obtain popularity in the country. I believe, myself, that, on the whole, there is no subject so unpopular in England at present as Parliamentary Reform. Is it to obtain popularity in this House? I will say nothing of my Friends around me, who, I think, during the campaign of Reform last year, behaved with great temper and forbearance, and gave every fair opportunity to the Government to carry their Bill if they could. But I can say something of the feelings of hon. Gentlemen opposite, because, month after month, I watched their countenances, and saw men representing capital cities and large constituencies whose teeth were chattering in their heads when the Order of the Day was read. Their pallid visages could not be concealed from the commonest observers; you found them in the lobbies shaking in their shoes at the threatening invasion of a £6 constituency. Why, Sir, these are traits which convince me that the hon. Gentleman and his friends will obtain no popularity among their co-mates and colleagues in this House by the course they propose to pursue. Well, then, what can be their motive? Is it the honourable object of proving that, though they are taking an unpopular course as far as the country is concerned—though they are taking an odious course as far as their intimate friends are concerned—that they are still consistent, they have not changed their minds, and that, though changes may have occurred in other quarters, they are the same as when they presented themselves upon the hustings? If that be the result which they desire, then I say it is one which they can obtain without wasting the time of Parliament, and without still further injuring that cause of Parliamentary Reform to which they are devoted. They can have a public meeting; Willis's rooms may be once more engaged; and, though no compact may be entered into, still they may make a demonstration which will prove to the country that their opinions are perfectly unchanged, and that whenever an opportunity offers itself they will carry them into effect. I really wish they would consider the feasibility of such a scheme, because it is only on Wednesdays the noble Lord intends that they shall have an opportunity of bringing forward these measures, and on Wednesdays we have a prospect of some important and interesting legislation. I confess I look forward with dread to a repetition of the scenes of last year. In the House of Commons, especially when you have sat here a good many years, there is a genial feeling, on both sides, of reciprocal respect and regard. Gentlemen on this side are, therefore, averse from a repetition of the sufferings of hon. Gentlemen opposite. Why this unnecessary torture? Why is this alarming prospect—such, for example, as that which agitated the Member for the capital of Scotland—again to be held out, to the annoyance of hon. Members and to the waste of public time? I wish, after having performed an act of courtesy to both these Gentlemen, in allowing them to bring in their Bills, some private arrangement could be entered into by which we should hear nothing more of the subject. We ought always, they say, to act in the spirit of the age, and, as the spirit of the age is to offer testimonials to Gentlemen who perform public services, I shall be most ready, if they will adopt this course—and in this I am sure I speak the feeling of my friends

—to join with the majority opposite in offering to those Gentlemen some mark of our respect and gratitude.

Mr. DARBY GRIFFITH said, he would withdraw his Amendment with the intention of proposing it in Committee.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill ordered to be brought in by Mr. Locke King and Mr. Hastings Russell.

Bill *presented* and read 1°.

PROBATE DUTY ON REAL AND PERSONAL PROPERTY.

MOTION FOR RESOLUTION.

Mr. W. WILLIAMS rose to move a Resolution that real property should be made to pay the same probate duty as that now payable on personal property. The hon. Member said, that for sixty-five years since 1796, personal property, which consisted of all descriptions of property except land, had been subject to the payment of probate duty; and during the whole of that period landed property had been exempt from it. Now there was a manifest anomaly that property which had been accumulated by savings should be made to pay a duty, while landed property, which descended from generation to generation, should escape the infliction altogether. Again, probate duty commenced on sums as low in amount as £20, and was levied on sums up to £1,000,000. And one most extraordinary thing was that, while £20 saved by the industry and the economy of the hardworking man paid a probate duty of 2½ per cent, and a duty at that rate was levied on all sums up to £8,000; from £8,000 up to £1,000,000 the rate was only 1½ per cent. Now, would any man contend for the justice of this? He thought not. The proposal to levy probate duty was brought forward in 1796 by Mr. Pitt. But it was allowed to make very little progress in the House before Mr. Pitt was obliged to divide the measure into two parts: one of which proposed to levy the tax upon personal property, and the other to levy it upon real property. Well, in obedience to the dictates of the great landed aristocracy of that day, the measure affecting personal property was first brought forward and pushed on, and upon a division only sixteen Members opposed the imposition of the tax. It was sent to the other House, passed without objection, and received the Royal Assent. After it had been secured the Bill as to real property was brought in. It was allowed to go on to the third reading, when, on a division, there was a majority of two against it. Mr. Pitt then proposed that the Bill be read a third time the next day, when the House divided equally, and the Speaker gave the casting vote in favour of the Bill passing. Upon that, the all-powerful landed aristocracy of the day went, it was stated, to Mr. Pitt, and told him that if he proceeded with the Bill, he should exist as Prime Minister but for a very short time. The consequence was, he withdrew the Bill altogether, and so left the tax in the position in which it has remained ever since. Now the provisions of the latter Bill were entirely embraced in the Motion now before the House. One half of the Members present in 1796 thought the tax should be imposed on landed property as well as on personal property. They formed part of the unreformed Parliament, of whom it was said most of them were sent into the House by Peers and great borough proprietors. He thought, therefore, it was but a very moderate expectation to anticipate that the reformed Parliament of to-day would not hesitate in correcting an injustice which had been condemned by one-half of an unreformed Parliament present at division. The legacy duty had been collected under precisely the same conditions as the probate duty. But in 1853 the right hon. Gentleman (the Chancellor of the Exchequer) had the manliness—and no small degree of manliness it was—and the honesty to bring forward a Bill to apply the legacy duty to real as well as to personal property. But notwithstanding all the ability and energy displayed by the right hon. Gentleman, he only succeeded in imposing the legacy duty on landed property to the amount of about one-half of that which was imposed on personal property. The measure failed to produce the amount of £2,000,000, which it was estimated to produce; but that arose from the fact that the tax was in amount only one-half of that levied on personal property. He was aware that the right hon. Gentleman would meet with considerable opposition if he were to attempt to do away with the inequality; but he would be able to overcome it, and by so doing he would confer a great benefit on the community at large. In the Bill of 1853, there were certain very objectionable exemptions—such, for instance, as those in favour of corporations and of trading companies, which were in reality corporations. In 1854 he (Mr. Williams) called attention to the fact; and Mr. Wilson, who then held the office of Secretary to the Treasury, stated to the House that a Bill was in preparation by the Government to impose probate duty on the property of corporations. That Bill, although it would have produced a large amount, had never yet been brought forward, and he (Mr. Williams) hoped the right hon. Gentleman the Chancellor of the Exchequer would give it his consideration. It was calculated that if the probate tax should be extended to landed property at the same rate as was now levied on real property, if it were equalized at 2½ per cent on all sums up to £1,000,000, if all the loopholes by which the tax was at present evaded were closed (and no man was better able to effect that than the right hon. Gentleman the Chancellor of the Exchequer), and if all the exemptions now existing in reference to large properties were abolished, the tax would produce £2,500,000 annually. He (Mr. Williams) had not the least doubt it would produce that. Some of the exemptions and loopholes by which payment of the tax could be evaded were of the most extraordinary kind. He would not detain the House with a long list, but he would give a few instances. The late Lord Stowell, a lawyer of great eminence, Judge of the Admiralty Court, and who, during his life, filled many offices, had a large property in the funds. Well, he got the whole of that property transferred to his son, taking very good care to get his son to grant him a power of attorney to receive the dividends. It happened very remarkable, however, that the son died before the father, and it became a question between the representatives of the son and the father as to whom the property belonged. The matter was brought into the Court of Chancery to be settled, and that Court decided that the property belonged to the son. By that means the probate duty and the legacy duty were altogether avoided. Again, another mode of evasion was by having the property held in joint names,—for instance, the names of a father and his son. Then, when the father died, the son came into possession of the property without paying any probate duty. Again, with reference to legacies; it was a common thing for the richer classes to evade the tax by leaving legacies chargeable on land; and although now the right hon. Gentleman the Chancellor of the Exchequer had made legacies of this kind pay up to a certain point, he had not been able to raise the tax to the same rate as that levied on personal property; but no probate duty is paid on such leagacies. Then, with reference to leases on land. Persons building houses commonly took leases of sixty or ninety-nine years. Now, when a person died in possession of houses so built his representatives were obliged to pay probate duty on the full value of the houses, while the freehold landlord did not pay a single farthing. And what was more remarkable, when the lease expired and the houses fell into the hands of the freehold landlord, he ceased to be liable to pay the probate duty altogether, because they then became as much part of the freehold as the land upon which they were built. In Scotland, houses built upon building leases land paid no probate duty. In the large towns in this country, houses were, to a great extent, built upon freehold land, escaped the duty. There was, also, among the richer classes a vast amount of property left by settlement, deeds of trust, and deeds of gift after death, and all of these descriptions of property were exempt from paying probate duty. The late Mr. Porter, in his work called, *The Progress of the Nation*, stated that three-tenths of the property left by heads of families was thus entirely exempt from the payment of this tax. This was an anomaly which ought not to exist, and one which had been, at various times, condemned by some of the most eminent men the country had produced. Mr. Pitt had spoken energetically in favour of the application of probate duty to landed property, and Mr. Fox and other eminent men of his day had urged the application of the same tax. The present Chancellor of the Exchequer, indeed, upon a former occasion, when he (Mr. Williams) brought the subject under the notice of the House, admitted that the present law was objectionable and absurd—an opinion in which he was borne out, to some extent, by the right hon. Gentleman the Member for Bucks, when he, in turn, was Chancellor of the Exchequer, who had stated that the existence of a species of property exempt from taxation had been found to lead to the disturbance of nations and the overthrow of thrones. The present Chancellor of the Exchequer had, however, veered round from the principles he had once expressed, and upon the last occasion when this question was before the House used arguments against it, and stated that the expenses of the conveyance of land were enormous when compared with other property; but at present the cost of conveyance of land is precisely the same as the cost of conveyance of railway shares or any other kind of praperty of joint stock companies. He asked the House whether it was just that the present distinction between real and personal property in relation to this tax ought to continue, and he appealed to the Chancellor of the Exchequer's sense of justice whether he would not engage his great powers in doing away with an anomaly so gross. He hoped the right hon. Gentleman would take the question into his serious consideration, as he believed he was almost the only man who, at the present moment, could carry through successfully so important a reform. The hon. Gentleman concluded, by moving, "That, in the opinion of this House, Real Property should be made to pay the same Probate Duty as that now payable on Personal Property."

MR. HADFIELD seconded the Motion, and observed that this was one of the few remaining distinctions between what might be called aristocratic property and the property of the community at large that still remained. He hoped both classes of property would be placed upon exactly the same footing with regard to the probate and every other description of tax. He believed that by giving way in cases of this kind the landed interest gained, not only in character, but also in a money sense. To his knowledge there were cases in which personal property had paid probate duty four or five times over in the course of five or six years. Sooner or later the alteration now sought would be made; and then, he believed, all parties would agree in admitting its justice.

Motion made, and Question proposed.

THE CHANCELLOR OF THE EXCHEQUER: I regret that I occupy the position in which my hon. Friend the Member for Lambeth has placed me to-night; for on former occasions, and occasions of great importance, when it has been my duty to make large and important proposals to this House I have had to make them with the acknowledgment that he was the Member of this House who had taken the most prominent part in bringing those proposals under our notice. With regard to the succession duties, for example, and the importance of bringing the whole revenue of the country under the control of Parliament, I have paid public tribute to his exertions, because my hon. Friend made proposals with regard to both of these matters that, being in themselves just, have proved both practicable and beneficial. But on this occasion, I am sorry to say, whether from the infirmity of my own mind, or from some other cause, my views are entirely opposed to his. I cannot admit the proposals he makes to be just, nor, if just, that they can be described as practicable. My hon. Friend proposes that the House should resolve "that real property should be made to pay the same probate duty as is now payable on personal property." Any one reading that Motion would suppose that a distinction now exists in law by which property is divided into two categories, the one real, and the other personal; and that of these two categories, one, namely, personal property, is subject to probate duty; while the other, real property, is not. But my hon. Friend omits the most important fact, that the adoption of his Motion would lead to a greater anomaly than he proposes to rectify. A very large proportion of personal property that passes by death from one man to another pays no probate duty at all, but, passing under settlement, is exempted from payment of the probate duty. [MR. WILLIAMS: It should not be exempted.] My hon. Friend says it ought not to be exempted. Then let him join with me in the objection I am making to this Motion; for in asking us to rectify an anomaly he omits the most glaring part of that anomaly. Whatever might be said in regard to landed property, and with respect to moveable property in regard to the fact that it was burdened in a peculiar form with heavy taxation, that did not apply to money in the funds or other money passing by settlement; and, therefore, the Motion of his hon. Friend, if it were adopted as it stood, would, in consequence of the exemption of settled personalty from probate, create a much greater anomaly than the one he professed to remove. The subject was one which involved a great deal of complicated matter. I think my hon. Friend did not distinguish between the separate parts of this subject. My hon. Friend spoke of the succession duty of Mr. Pitt and the exemption of landed property from the succession duty; but neither of these subjects has any bearing on the present discussion. He says that when the Succession Duty Act was passed it was intended to bring within the scope of that Act the property of corporations, and that this has never been done. That is perfectly true, and I admit that I should like to give to that subject more consideration than I have been able to bestow upon it since I have been in office. Still, after all, that is a very small question. My right hon. Friend the Secretary of State for the Home Department, when Chancellor of the Exchequer, made a statement to the effect that the proceeds of such a duty would not exceed £5,000 a year. That may or may not be an understatement, I hope it is. But it is but a small matter, and it has also nothing to do with the present discussion. If the law in regard to the succession duty is imperfect let us amend that Act, and let us make the succession duty perfectly efficient for its purpose. But that Succession Duty Act is analogous to the Legacy Duty Act. The probate duty is entirely different in its character. It is a stamp duty charged on proving the will, and, without proving the will, no executor can proceed to give effect to the disposition of the will. You, therefore, have an absolute certainty that the parties interested must proceed to do the Act that insures our getting the tax. In the case of unsettled personalty passing by will this is the easiest possible operation, and the duty is efficient for its purpose. But if you adopt the Resolution of my hon. Friend, how will you make it effectual for the purpose he has in view? Land does not require to be made the subject of a will at all. There is no necessary intervention between the predecessor and the successor for the purpose of passing it over from the one to the other. There is no executor who is to enable you to lay hold upon that land and secure the means of getting at the payment of the tax. Suppose it were otherwise. In dealing with taxes you must look not only at the mere theoretical equality, but also to the mode in which different taxes operate on different subject matters. It would be, in the first instance, necessary to ascertain the value of the land. On coming into the possession of his land it would be necessary for the owner in order to pay you the 1 per cent on its value that you might probably impose, to go to the cost of 1, 2, or 3 per cent in order to have the valuation of it made. Would not that be a most inconvenient and unjust mode of proceeding? Your great object in levying taxes is to take care that nothing more shall be taken from the tax-payer than comes into the coffers of the State; but here you take two or three times as much from the taxpayer as you secure from the coffers of the State. If you take the personalty that passes by probate you may say that, almost without exception, the will contains money, or something that may easily be converted into money, or be brought to sale promptly, wherewith to pay the probate duty. But the proposal of my hon. Friend would not only compel a valuation, but would likewise entail the necessity of selling a portion of the land to pay the duty. Suppose land going to three or four co-heiresses, and that they had no other property, there must be a valuation of the land; they must divide the shares, and each separate portion must be brought into the market by a forced sale in order to pay the cost of the valuation and the duty. In short, the difficulty of the machinery would be such, and the aggravation of a tax of this kind in operation would be such, that even if justice brought you to the conclusion that the scale was at present unequal between land and unsettled personal property, still, you would not, as prudent men, take the mode which my hon. Friend proposes of rectifying and adjusting the balance; but you would seek some other mode of taxing land in order to bring about a substantial equality. Then, with regard to a probate duty on land. Suppose my hon. Friend got a law such as he asks for. The probate duty that he proposes to apply to land takes no cognizance of settled property under any conditions—neither settled personalty nor land. But, according to the best estimates that have been made, four-fifths of the land of this country is under settlement and entail. That being so, the proposal of my hon. Friend would allow to escape from his grasp by far the greater portion of this property. To give effect to the principle of my hon. Friend would, therefore, be attended with every kind of inconvenience and disadvantage, even if it were practicable. But, as Chancellor of the Exchequer, I am not able to say that my hon. Friend's proposal is practicable. To carry it into effect, I must call in the aid of the law reformers. My hon. and learned Friend, the Attorney General, must first reconstruct the whole law of the land relating to real property, and get it into a shape that would enable me to lay my fingers on it in passing from one owner to another. That is a task which I should shrink from undertaking except on the clearest demonstration of justice, and an imperative necessity. But, supposing it practicable, is it true that justice requires us to make this change, or that justice either warrants or would permit us to make this change? With regard to the Bill of 1853, so far as I was able to form a judgment, it was the intention of the Government and Parliament of that day that the Succession Duty Act of that year should be regarded as a settlement of the question. My hon. Friend the Member for Sheffield (Mr. Hadfield), no doubt, says that the principle was then introduced, and that it was intended to be carried further; yet, neither he nor the hon. Member for Lambeth has cited any declarations or warrant for the doctrine that this was but a commencement of Legislation which it was the intention of Parliament further to develope and extend. I think that to adopt continual changes in a matter involving the interests of classes would be most unwise, and would tend to keep up a jealousy and distrust most injurious to the interests of all classes, and to the character of this House. The course that common sense required, and which Parliament adopted, was by one and the same law to supply whatever was wanting to establish a just equilibrium in taxation, as between personal and landed property settled and unsettled. My hon. Friend, arguing this question, with his usual honesty, referred to the great fact characteristic of our local taxation, that it is levied almost exclusively on unmoveable property. He says that does not affect the case. But, if not, I do not know what does or can affect this question. He says the towns pay their share of local taxation. No doubt they do. But will he contend that a banker who makes £50,000 pays as much taxation in the transaction of his business by one-half, by one-fifth, or even by one-tenth as much as is paid by the landed proprietor? The truth is that the bulk of our local taxation is borne by the proprietors of land and houses, and not as between land and that which is not land, because freehold house property is under the same circumstances as freehold landed property in this matter. I think that, on the whole, our system of taxation is in this respect a very wise one. It taxes personalty heavily in the act of passing from one proprietor to another on death. It taxes land with comparative lightness at that juncture. But, on the other hand, the incidence of annual direct taxation—I take imperial and local taxation together—is light on personal property employed in trade, and heavy on land and real property. It is obvious common sense to make such an adjustment of the law, because you have no difficulty in getting at the annual income of real property, but great difficulty in taxing it on the capital; real property being extremely difficult to convert at a moment's notice. If you lay any tax upon it to be fixed upon the capital at the juncture of death you put the taxpayer to suffering and almost to torture in order to bring his property into a state to make it the subject of taxation, and you would not only run the perpetual risk of forcing sales, but you would inflict upon the landowner a loss infinitely greater than any benefit the State would derive. Upon these grounds, neither at this nor at any other time can I hold out the prospect of acceding to the wish of my hon. Friend. Though he would be the last to make the proposal unless he believed it to be just, yet I think it not warranted or sustained by justice; and even if it were, I conceive that the objections and difficulties necessary to be encountered to give it a practical form, and the incidental hardships which would be inflicted in order to obtain a fiscal advantage comparatively small, are such that even then it would not be advisable to proceed in the path marked out by my hon. Friend; but it would be better to adopt some other course, if necessary, whereby a just balance of taxation should be established.

Mr. W. WILLIAMS replied. He readily admitted that the right hon. Gentleman had made the most ingenious and able defence that could be made of this gross injustice. But the right hon. Gentleman had never touched the point—that if they imposed a tax at all upon landed property they could surely have made that tax a fairer one.

Question put,—

The House *divided;*—Ayes 51; Noes 167: Majority 116.

INCOME AND PROPERTY TAX.

SELECT COMMITTEE MOVED FOR.

Mr. HUBBARD, in rising pursuant to notice to move for a Select Committee to inquire into the present mode of assessing and collecting the income tax, said he did not feel called upon to offer any apology to the House for attempting to remedy, as far as lay in his power, the injustice and inequality by which the incidence of the tax was accompanied. That injustice which had been denounced by Minister after Minister, and by statesman after statesman, but the excuse which had been advanced to justify the continued use of this unequal imposts being the stereotyped phrase that it was meant to be merely of a temporary nature, that it was required for some great fiscal reform, or that it was necessary for the purpose of making provision for a most unhappy war. It was to last but six years, but three years, but one; and effectively the present income tax will expire with the fiscal year on the 5th of next April. At the present moment, however, there appeared to be every prospect that it would be continued for some time; and, if it were to be renewed, the question of the shape which it ought to assume was one which commended itself to the serious attention of Parliament. The House must consider what proportion the income tax bore to the aggregate revenue of the country. In the first years of its existence, the amount of the tax had borne to the aggregate revenue the proportion of £5,500,000 to £58,000,000; the proportion was at the present day £12,500,000 to a total revenue of £70,000,000, and he must be a very sanguine man indeed who anticipated that the revenue for the next financial year could be brought up to the necessary amount without the renewal of the burden which, under the head of which he was speaking, was levied on the people. It seemed absolutely indispensable to secure the revenue which the exigencies of the country demanded. But it was not simply because the income tax seemed to be inevitable that he desired to see the mode in which it was raised undergo revision. He did not mean to question the justice of the statement that it was an admirable weapon to which to have recourse in time of war, or that it produced great results; but he must contend that if it were to be laid up in the fiscal armoury, care should be taken that it should be laid up in such a state as to produce all the advantages that were required; that its edge be keen and bright; so that its use would not inflict wide and blistering wounds, and leave behind lasting and rankling resentment. Now what, he would ask, were the features of the tax which caused to be attached to it the odium in which it was generally held? It was, in the first place, said to be inquisitorial; but the complaints made against it upon that score were, he must admit, in his opinion, somewhat exaggerated, because, after all, the statement of a man's income, which was rendered necessary in the process of its collection, need be made only to a very few persons, who were bound to be secret and discreet in the performance of their official functions. Apart, however, from that admission, he could not help regarding the tax as extremely unjust and unequal in its incidence, and as tending consequently to foster and sustain an immense amount of immorality. Into the history of its operation it was unnecessary that he should enter at any length. He might, nevertheless, state that Mr. Hume had, in 1851, obtained a Committee to inquire into the subject, and had submitted to their consideration a scheme, supported by the recommendations of eminent actuaries, for removing the inequalities by which the imposition of the tax was surrounded. That scheme the Committee had regarded as impractical; but he should beg hon. Members not to run away with the idea that, because an impracticable scheme had been rejected, no means of providing for the more equitable incidence of the tax could therefore be devised. For his own part, he had endeavoured to discover some such scheme, and he thought that if a Select Committee were appointed he could submit a scheme, not only feasible in its mode of action, but which would be entitled on its merits to a full consideration. That scheme he had submitted to the same eminent actuaries, and it had been approved of by them, as a simple and feasible scheme, which would render the tax equitable so far as it could possibly be rendered equitable. In explaining his views upon the subject, he should take the word "equitable" to imply the levying of the tax upon everybody according to his means. Taken in that light, no species of taxation, he might add, could be more equitable than indirect; to which, however, there was the strong objection that its adoption to an unlimited extent was calculated to press heavily upon the labouring classes—an objection of which Sir Robert Peel, with far-sighted sagacity and laudable courage, showed he understood the force, when he undertook the Herculean task of making England the emporium of free trade and abolishing those burdens which bore upon the subsistence of the people. Following the history of the income tax from the period of its imposition by that great statesman up to the present day, he found that it had been placed before the House of Commons in the light of a compensation tax, which, if levied justly, ought to be levied upon the same principle as the indirect taxation which it superseded. In dealing with that view of the case, he might be allowed to quote the opinion of the late Mr. Wilson on the subject, who, in the summary of his scheme for the equalization of the income tax, which he had been fortunate enough, a few days ago, to find in the pages of the *Economist*, said :—

> "The broad principles upon which I have proceeded may be thus plainly stated :—I have attempted to regard income, not at its nominal amount, but in proportion as it is, from its character, actually available for immediate expenditure; because it is exactly in that relation that it would have contributed to revenue under the system of Customs and Excise duties, which the income tax has replaced to a certain extent."

Such was the language of Mr. Wilson, and he felt assured the House would receive with deference the expression of the views on the subject of taxation of a gentleman whose great financial research and energy of mind had enabled him to acquire a position in this country which caused him to be selected for the discharge of those high and important duties in the performance of which his life had been sacrificed. He would now proceed to the consideration of the matter to which they had to apply these rules. All incomes must come under one of three heads. They were either the interest, rent, or usufruct of capital; or they were the product of capital utilized by the application of skill and labour; or, lastly, they were the product of unskilled labour itself. With the last category they had now no concern. They could not beneficially levy a tax from the earnings of pure labour. In the first place, the cost of collection would be enormous compared with the amount received; secondly, the impost would largely fall, as a matter of course, on the capital which employed that labour; and thirdly, it would wholly neutralize the happy results of the great change made by Sir Robert Peel. Their attention must, therefore, be confined to the two first categories he had named. With respect to the first category—namely, incomes arising from investments either in visible property or money lent on any public or private security—these comprise all that class which some persons had described as "the lazy incomes," but which he preferred to term "spontaneous incomes," because they were produced independently of any personal labour or exertion of the individual owners. All those incomes, when they had been brought to their relative equality of bearing, and had had allowances made for burdens of various kinds which ought to be, but which were not, deducted from the present tax, should, in his opinion, be treated as incomes of the highest character, and subjected to the largest amount of taxation which Parliament in its wisdom should think it necessary to impose. In the next category he placed all trading and professional incomes, all salaries, offices, and employments to which personal labour attached. Into this class he should be obliged to bring not only some of the income included in Schedule D, but also some in Schedule E—namely, income derived from employment in the public service. The great distinctive mark belonging to these was that they were all industrial incomes, of which labour was an indispensable element—if the labour ceased the income ceased also. Being naturally precarious in their nature, they required large abatements to be made from them on account of the future provision which the individual was obliged to make, either for himself or for others dependent on him; otherwise, if no abatement were made before it was submitted to taxation, it was impossible that the tax could press fairly upon all classes of the tax-paying population. And here, he must say, he hoped the House would be content to deal with classes of income, and not with the cases of individual owners. He, therefore, deprecated all those invidious arguments which had the effect of confusing things totally distinct in their nature. He deprecated all *ad captandum* arguments and appeals *ad misericordiam* in favour of interesting and defenceless women, orphaned daughters, and widowed mothers, struggling on a pittance derived from the public funds; as also all contrast between such deserving persons and the selfish bachelor who, revelling in the enjoyment of a large income derived from personal exertion, would, therefore, receive the benefit of any allowances granted to industrial incomes. They must act upon large principles in this matter, and deal with the question in a large and statesmanlike spirit, and without any revival of bygone party struggles which had nothing to do with the merits of the case. Turning, then, to the first class of incomes to which he had alluded, he would quote the following opinion given by Mr. Wilson, to whom he had before referred. Mr. Wilson said :

> "With respect to all incomes, I consider that

the tax should be regarded in relation to the essence of the property from which the income is derived, and not to the accident of the tenure under which it is held at any particular moment, so that all incomes are treated in relation to their source only, without regard to the tenure of their owner — excepting terminable annuities, which stand on special and distinctive ground."

He asked the House to accompany him through the schedules as they stood in the present Income Tax Act. In Schedule A the first item mentioned was "land." It was acknowledged that land was taxed at a rack-rent, and yet everybody knew that rack-rent was subject to payments for insurance, repairs, and agency before the landowner could be said to have the net income available for his expenditure. He proposed, therefore, that a deduction should be made equivalent to these necessary outgoings—in point of fact to tax the net and not the gross income. On houses, to which the same argument applied, he thought there ought to be a still larger abatement, because the expense of repairs was greater than on mere farm buildings. He next came to mines and quarries, which were now rated to the income tax on the gross income without regard to the fact that such property might be in a state of rapid exhaustion. A rational man having an income of that description would ascertain the probable duration of such property, and lay by a compensation fund to keep its amount intact. The House ought, on the same principle, to allow a deduction from the income tax in order to compensate the outgoings on mines and quarries. There was nothing more in Schedule A to which it was now necessary to allude more particularly; nor was there anything to complain of in Schedule B. In Schedule B stood farms, but he did not propose to touch them, because he did not know that their occupiers at least, had anything to complain of. In respect to Schedule C, the public creditor was subject to this serious grievance, that when he happened to hold his claim on the Government in the shape of a terminable annuity, the Government took the liberty of taxing, not only the interest which he received, but the capital that was repaid to him. He wished to see that injustice terminated. Schedule D dealt with industrial or precarious incomes. In regard to these, such great grievances existed that he thought he was not asking too much if he said that an abatement of one-third of their gross amount should be allowed before they fell under the incidence of this tax. He suggested that the same indulgence should be extended to all offices and employments included under Schedule E. In these schedules were included professional receipts, profits on trade, salaries, employments, offices, and all employments generally to which labour attached, and all of which were industrial incomes which ceased when labour ceased. He was not without authority in making these recommendations, because in the Succession Duty Act, introduced in 1853 by his right hon. Friend, it was provided that, in estimating the annual value of lands used for agricultural purposes, houses, buildings, tithes, rent-charges, and other descriptions of property, yielding a fluctuating income, allowance should be made for all necessary outgoings. That was what he asked—all necessary outgoings. He asked that those who had to pay a tax year by year should have the same measure of justice awarded to them in the tax on incomes as the law awarded to them as owners of property when they came to be taxed on succession. As a corroborative circumstance, it might be mentioned that in the Income Tax Act recently promulgated in India an allowance was made on houses, but it was limited to one sixth part of the rental if the owner could show he had spent that in outgoings during the term for which he had been assessed; and when so many concessions had been made in drawing up the Act for India, it was surely not unreasonable to ask modification of a tax which pressed so heavily and so unequally at home. Again, with reference to mines and manors, the 26th section of the Succession Duty Act, provided with some degree of justice, that the yearly value of the mine or manor should be estimated on the average profits derived therefrom, after deducting all necessary outgoings during such a number of years as should be agreed on, let the same consideration qualify the tax on income derived from the same property. These were his precedents for the allowance of all necessary outgoings. He now came to terminable annuities; and here the right hon. Gentleman the Chancellor of the Exchequer had himself supplied a remedy for the evil in the 31st clause of the Act, which recited that the value of any annuity should be estimated according to the tables in the schedules annexed. He simply proposed to introduce the modicum of justice provided by those tables. He now came to the question of industrial or precarious in comes. Perhaps there was no one question which now more engaged the attention of the community, and upon which opinions were more in agreement, although the modes of expressing those opinions were infinitely diversified. The universal feeling was that a considerabe abatement should be made from industrial incomes before they are taxed. Mr. John Stuart Mill upon this point said, "I would tax temporary or precarious incomes at a lower scale than permanent or certain incomes (not because of their lower selling value), but because their possessors are liable to be called upon to save something to provide for their own future years or for those dependent on them." Thus, while rejecting the scheme proposed by Mr. Joseph Hume, Mr. Mill gave a definition of his own which led to the same result. Still, though people differed in their mode of arguing upon these questions, they all had that common-sense view of justice which should be applied in practice. Then, again, as to the measure of justice to be applied, one man proposed to tax one-half of such incomes, while another suggested the taxing of only three-fourths. Seeing how very great was the accumulation of property through saving, and that economy was exercised in a much larger proportion by the industrial part of the community than by those who occupied positions of affluence, and had nothing to do but to spend their money, he came to the conclusion that if of spontaneous incomes one-tenth was saved, of industrial incomes four-tenths were saved. He proposed, therefore, a concession of one-third upon the incomes of the industrious classes before they were rated in harmony with the more certain incomes. He had been led by a series of calculations founded on what was stated by Mr. Porter, in his *Progress of the Nation*, to adopt this proportion. In 1852 the question of a revision of the income tax was mooted in that House, and in the following year a new Income Tax Act was passed under the auspices of his right hon. Friend. In the 54th clause a concession was introduced for the first time—that a saving of one-sixth out of any income, if invested in the purchase of a life or deferred annuity, should be deducted from the income before it was brought under the incidence of the income tax. This was his precedent—this was his justification. Parliament had no right to treat the whole industrious classes as children, saying to them that if they were economical and saved their money, and invested it in a policy of life insurance, or a deferred annuity, a special indulgence would be given to them. The industrial community had a right to exercise their economy in any particular channel they selected — whether they invested in life assurance, or in any annuity, or in the funds, it amounted to the same thing; though, perhaps, the man who invested in the funds might by the operation of compound interest make a rather larger sum than he who invested in a Life Assurance. Having once admitted the principle of a deduction, Parliament had no right to tie them down as to the way in which they should exercise their economy for the purpose of receiving the amount of deduction conceded. There was but one thing he found fault with in this clause. Instead of one-sixth he would make it two-sixths, and nothing could be better than its effectual application. The same indulgence he found was given in the Indian Income Tax; so that the principle had been adopted by the Members of Her Majesty's Government in several successive stages; and it would be very agreeable to the House to apply it in a still more expansive manner at home. Now, as to the mode of assessing industrial income, when the House considered that subject some years since, Mr. Hume proposed to charge interest—say, at 3 per cent—upon the capital, or assumed capital, engaged in industrial professions, to capitalize according to the age, or (in ignorance of the age at sixteen two-thirds years' purchase) the residue of profits, after deduction of interest, and then to charge the income tax. A trader having £10,000 capital, and making £900 a year, would be treated thus by Mr. Hume's process, the income tax being 3 per cent:—Profits, £900; charge interest, £300 on capital of £10,000; capitalize £600, at sixteen two-thirds years' purchase, £10,000; total, £20,000; interest at 3 per cent, £600; income tax at 3 per cent on interest, £18. Mr. Hume's plan was founded on correct principles, but it was too intricate for working well in practice, but the same result might be better attained by more simple machinery. The plan for a limited assessment on industrial incomes which he had ventured to advance was founded on the assumption that comparatively with incomes of a higher class two-thirds only were expended, and the assessment he recommended was therefore limited to two-thirds; thus, in the above case, of the £900 returned as profits £600 would be assessed at 3 per cent, or £18 without requiring either the capital or the age of the trader to be communicated. Another grievous feature of the operation of the tax in its existing shape was the immense amount of fraud which attended its collection. He was sure that the Chancellor of the Exchequer, who had so lively a sense of what was just and honourable, could not fail to regard with intense pain what he believed to be the necessary continuance of a tax which involved the perpetuation of such a mass of immorality among the trading classes. The amount of delinquency which came to light was immense, and it might well be supposed that the amount which did not come to light was still more extensive. It was obvious that Schedule D did not return anything like what it ought to do. The fact was that people felt they were being robbed, and when a man was smarting under injustice, whether that injustice came from a private individual or from a Government, he would endeavour to do justice to himself in his own way. The only remedy was so to alter the tax as to make it, as far as possible, fall with equal weight upon all classes of the community. It was a consummation devoutly to be wished that a consciousness of being wronged should be removed from men's minds; and he believed that if Parliament dealt fairly they would find integrity in return. He wished to call the attention of Parliament to another clause, and to its curious and paradoxical effect. It was a curious fact that, as the Act now stood, two men earning the same amount of income might pay the tax in very different proportions, without a violation of the law on one side or the other. For example:—Two men might, in ten years, each make £100,000, but one might pay twice as much to the Exchequer as the other, one might make an income of £10,000 in each of three successive years, and, of course, he would pay income tax upon that amount. The other might make £5,000 the first year, nothing the second, and £25,000 the third. His aggregate income would be £30,000, and the average, as in the other case, £10,000; but in the first year he would pay upon £5,000, in the second he would pay nothing at all, while in the third the Act would not require him to pay upon more than £10,000, or his average income for three years. A more absurd piece of legislation in the way of taxation was surely never enacted; and this portion of the Act, the 133 s. of 5 & 6 *Vict.* c. 35, at all events, ought not to be left in its present shape. But that did not touch the immense amount of guilt to be found in the income tax returns. One of the witnesses examined before Mr. Hume's Committee, who had been himself a merchant, made the following statement:—

> "The merchant makes his own return. The greatest indulgence is in that respect shown him by the State. Merchants and professional men make their own returns at their discretion, and whatever the return is it is hardly possible to find out whether it be true or not."

The witness, therefore, expressed the opinion that, in consideration of the opportunity thus afforded to merchants and professional men to cheat the Exchequer, they ought to be satisfied with the income tax in its present shape. The mercantile community looked upon such evidence with extreme disgust, and the last thing which a man possessed of any notion of morality or integrity would do would be to avail himself of the subterfuge suggested to him by the witness in question. There was an objection raised to the adjustment he proposed in an assumed "special contract with the fundholder," he had looked carefully into that question, and was satisfied of its irrelevancy. The clause alluded to (41 *Geo.* III. c. 3. s. 15) enacts, "That the said Annuities shall be free from all taxes, charges, and impositions whatever." In its letter this enactment has been repeatedly violated, but its spirit was expressed by Mr. Pitt thus,—

> "We do not tax the funds, we lay no charge upon that property, which alters or varies its relation to any other description of property in this country."

The proposition he now made had for its object to bring all properties to their just value with reference to taxation, and that was just the principle which Mr. Pitt laid down in 1798. The House would see that the main conclusions at which he wished to arrive were—First, that spontaneous incomes should be assessed upon the net instead of the gross rental; and, secondly, that upon industrial incomes an abatement should be made of one-third. He believed that the amount of abatement which he proposed might be stated as follows:—upon land, one-twelfth; upon houses, one-sixth; and upon industrial incomes, one-third. An important question was the amount of loss which the revenue might sustain from the adoption of such a measure of reform. There would undoubtedly be a diminished revenue arising from land and houses—although the new modes of assessment which had been recently mooted might go a considerable way in supplying the deficiency so created; but, with respect to schedule D, upon which he proposed to make the largest abatement, he was persuaded that the amount of loss would be little or nothing at all. He had that confidence in the innate integrity and justice of Englishmen that he believed they would, when fairly treated, act fairly in return, and that the Government would get as much out of two-thirds of the assessment, under such a system as he had suggested, as from the whole assessment at present. The Income Tax Act, it might be said, was a very large measure, and its reconstruction would be a work of great magnitude. He admitted that; but, still, he thought that the measure of reform he had invited them to consider might be given effect to by very brief and simple provisions. It would only require the following enactments:—1. That an allowance from the rack or valuation rent of lands be made of one-twelfth for necessary outgoings. 2. That an allowance from the rack or valuation rent of houses be made of one-sixth for necessary outgoings. 3. That an allowance be made upon the rents or royalties of mines, quarries, and ironworks, for diminished value, and for the replacement of capital. 4. That upon tithe rent charge, besides the parochial rates, an allowance shall be made of 5 per cent for repairs, insurance, and agency, and when care of souls is annexed a sum of £100, as curate's stipend. 5. That upon profits of trades, professions, and salaries, and offices and employments having duties discharged by the holder in person, an allowance be made of one-third prior to assessment. 6. That section 133, 5 & 6 *Vict.*, cap. 35, be repealed. 7. That all trade returns shall state the amount of interest paid on borrowed capital, the same to be assessed on the full amount thereof. 8. That for the purpose of assessment to the income tax the interest of the capitalized value of all annuities terminable with years or life shall be calculated according to the Tables 1 and 3, appended to the Succession Duty Act. It was with some anxiety, but not without confidence, that he submitted the Resolution to the decision of the House. He said "with some anxiety," because he was deeply impressed with the magnitude of the interests at stake, and well aware how vitally important it was to the finances of the country that the mode of taxation by which they were supplied should be regulated by equity and common sense; and should carry with it the sympathies of the people. And he could not but feel a deep solicitude for that which he valued above the wealth and material prosperity of the country—he meant the honour and the integrity of the mercantile class to which he himself belonged.

Motion made, and Question proposed,—

"That a Select Committee be appointed to inquire into the present mode of assessing and collecting the Income and Property Tax, and whether any mode of levying the same, so as to render the tax more equitable, can be adopted."

THE CHANCELLOR OF THE EXCHEQUER: Sir, the task which I have to perform has at any rate an agreeable commencement, because it is my duty to acknowledge in the face of the House, that there is no one better entitled than my hon. Friend to submit this most important and most intricate question to the notice of the House, inasmuch as he is a man qualified for the work equally by his position, by his character, and by the high reputation which he has acquired in the discussion of questions of political economy. Having said so much of the person who makes the proposition I wish that I could continue in a similar strain; but I must confess that both the proposal of my hon. Friend for a Committee of Inquiry, and more especially that which it is not possible to separate from his proposal of a Committee—namely, the particular nature of the plan which he has submitted to the House, and which is to be the text and guide of the inquiry sought for — compel me to pursue a different course. I shall not enter into any general statement of opinions about the income tax. My own opinions upon it—as far as they are general opinions — have been declared long ago, when I formerly held the office which I have now the honour to fill; and I am not aware that I have in any respect departed from them. I should also say of my hon. Friend's Motion that I shall not look so much at its terms and its technical character as to what is its avowed object. No doubt many questions arise in connection with the assessment and levying of the income tax, which may be inquired into by a Committee with more or less of utility, but at any rate without any peculiar difficulty or danger. If, for example, we were to take the question of the arbitrary standard, so to call it, which has been fixed for levying the income tax under Schedule D—a system which the Legislature has established according to the best of its information and belief, but which of course involves many points open to discussion; if we were to refer to the question whether the income tax should be collected half-yearly or quarterly; these and many other matters might be the subjects of inquiry by a Committee without raising any difficult or dangerous questions. But these are not the subjects to which my hon. Friend wishes to direct our attention; and I must say that I think he has done wisely in confining himself in his speech to the exposition of his main purpose, because either he or his Committee would be distracted from that purpose by mixing with a question so grave and so deep as that upon which he has just now dilated those other matters which refer, in comparison, to the merely technical details of administration. My hon. Friend's proposal is that different rates of tax should be laid upon the different schedules. He has stated that in a manner which gives a colour to his proposal for a Committee: nor can the House vote in favour of his Motion without attaching at least a provisional sanction to the plan he has sketched for reconstructing the income tax. My hon. Friend has himself stated this point in a most candid and ingenous manner; for he said that he could not ask for a Committee from this House if he was not prepared to preface that demand with the submission of a plan which should be apparently unexceptionable in its main outlines and general principles. The demand for a Committee of Inquiry is a very grave demand—at least it is a very grave one for those who take the view that is taken by Her Majesty's Government with respect to any plan which shall alter the main structure of the income tax by imposing different rates of tax upon the different schedules. To a Committee of General Inquiry, particularly if generally desired by the House, they might not have seen—I ventured upon a former occasion to intimate that I did not think they would see—any vital objection; but, at present, the issue which we are to join must in the main be not whether we are prepared to adopt the precise details of my hon. Friend's plan, but whether we are prepared to give encouragement to the principles which are at the bottom of those details and which formed the substance and data of his speech. I do not think that Her Majesty's Government would be justified in assenting to the proposal of an inquiry so prefaced, avowedly and without disguise holding up the banner which my hon. Friend has lifted upon this occasion, unless they were prepared at least to say that they saw no difficulty of a character approaching to danger in any countenance of a plan founded upon such a basis. I do not wish to ruffle the sensibility of an author, but I think that my hon. Friend is entitled to less credit for originality than he seems to think. It is my fate almost daily to receive financial suggestions identical in their purport from scores of gentlemen, each of whom believes himself to be the original and sole parent of the idea he puts forward. That is not quite my hon. Friend's case; but I see opposite me two right hon. Gentlemen who may substantially claim some of the credit which is to be given to his plan. The right hon. Gentleman the Member for Wilts (Mr. Sotheron Estcourt) proposed in the Committee of 1852 that the tax under Schedule D should be three-fourths of the tax under Schedule A. My hon. Friend proposes that it shall be two-thirds. The difference between them is not great; but such as it is it was very nearly split by the right hon. Gentleman the Member for Bucks, who, on the part of the Government, proposed in 1852 that the tax under Schedule D should be *5d.*, and that on Schedule A *7d.* in the pound. The authority of the right hon. Gentleman, lent at that period for a moment to a plan substantially like that of my hon. Friend was, I think, subsequently—I must say to my great satisfaction—withdrawn. But my hon. Friend substantially reproduces this proposal, that we should proceed to adjust by deduction—for he does include another feature in his plan—that we should proceed to adjust by deduction the several payments of income tax in most, at least, of the different schedules, and to establish a great difference by a very great deduction in the case of Schedule D. That, I think, is a very fair description of the general character of the plan of my hon. Friend. I will not enter at large upon the financial portion of the speech of my hon. Friend; but I must say that I was struck with the sanguine temperament which appeared to have dictated it. For how did he treat the case of Schedule D? He says that there are enormous evasions in Schedule D, because persons engaged in trades and professions feel that by this law they are robbed. My hon. Friend feels deeply the immorality attending the collection of the income tax; he knows that that immorality is concentrated in Schedule D, and he proposes to reward Schedule D by a reduction of one-third of the tax. But what a sanguine view my hon. Friend takes of the morality of the English people! He says,—

> "They commit this peccadillo because they feel that they are robbed by the law; but if you will only deduct one-third from the tax, which they are liable to pay, it will set it all right again."

You will recover and recoup, he says, the one-third of the tax leviable under Schedule D, surrendered by law, in consequence of the honesty of the taxpayer, moved by this appeal to his feelings. The offer must be of precisely 33 per cent—that is the standard, that is the temperature, which is necessary to bring him up to par in morality. I must confess that I entirely differ from my hon. Friend with regard to his opinion as to results. As I have spoken of the immorality under Schedule D, I must not omit to state my conviction that a large portion of those who pay under it pay every farthing that they ought, and in many cases of doubt rule the doubt against themselves; but there is no doubt that all the roguery in the country lurks in the folds of that schedule. In the year 1853 I produced before the House the undoubted case of the residents of a particular street in London, who had returned their profits for the income tax, and had also returned them for compensation; and who had, in the latter case, returned them at ten times the amount which they had returned for their former purpose. I ask my hon. Friend, does he think that these worthies who were unfortunately not individuals, for they were inhabitants of a street taken together—does he think that the magical and soothing effect of his 33 per cent would have been such that they would have raised their statement of profits ten times, or does he think that perhaps the truth was between the one-tenth which they sent in for income tax and the ten-fold sum which they demanded for compensation? If so, it is clear that these gentlemen would have been sad losers by my hon. Friend's proposal, because to come up to the true standard of their profits they would have had to add infinitely more than one-third to their assessments. I must say I think parts of the speech of my hon. Friend were calculated to exercise influence over the minds of the tax-payers under Schedule D. It is certainly a strong expression to say that they cheat the Exchequer because they feel that the Legislature is robbing them; and I felt sorry to hear that expression used, for it is not impossible that one of these wavering consciences, when in doubt as to the return which he should make on the next issue of assessments, may recollect that a gentleman of my hon. Friend's high character declared in his place in Parliament that he was robbed by the Legislature, and may find some comfort and encouragement in the operation of reducing his profits from the sanction which he may think he derives from that statement. But when my hon. Friend went on to comment upon the inefficiency of Schedule D in making every man tax himself—omitting to state that no man is taxed higher than his income in any one year, and that the benefit of averaging is given to him whenever the average is in his favour—instead of telling us that the Legislature robbed the taxpayer under Schedule D, he ought, I think, to have drawn a more just and generous inference, and to have stated the length to which the Legislature has gone to diminish, in some degree, the severity and inquisitorial nature of the tax, exposing itself to criticism, violating uniformity, and introducing a positive anomaly into the enactment in order to mitigate the incidence of the tax on the traders of this country. That, however, was not the use he made of his argument.

Let us now look at the proposals of my hon. Friend. He proposed to proceed in the most agreeable manner by a method of deduction. He goes first to one man and says, "I deduct so much from you;" he next goes to another and says the same, and from the last, under Schedule D, he makes an enormous abatement. It would be a most pleasant process to go about deducting all day—to give to every man his relief. The landlord under Schedule A might think that you were not sufficiently liberal to him in deducting only one-twelfth; but it is impossible to criticise too closely the plan of my hon. Friend—it was conceived in a spirit of such unbounded generosity. Lands were to have one-twelfth, houses a sixth, mines something which none of us sitting here exactly understood, and Schedule D was to have a third. But who is to pay for these deductions? I want my hon. Friend, when he makes these captivating speeches, to write on the frontlet of the financial edifice which he constructs this grand and true doctrine—"The abatement of one man is the taxation of another." If you take away 1*d.* to relieve somebody under Schedule D, you must put 1*d.* on somebody else. It is not enough to say, in general terms, "Such is my confidence in the morality of the English people that they will pay up, and set the account nearly right;" that I can assure you is not the way in which we must deal with the hard and rigid figures of finance, that are necessary to square the income of the country with its expenditure. But my hon. Friend says he will deal with classes. I suppose he will not deny that by his scheme Schedule A is to be more highly taxed in proportion than any other. If you make deductions of one-twelfth and one-sixth on the two great elements, lands and houses in Schedule A, and if from Schedule D you deduct one-third, or twice the amount, it follows that you raise the taxation on Schedule A relatively to Schedule D. I should be very sorry to commend my hon. Friend to the purgatory of reading Parliamentary speeches, especially such as have been delivered by myself; but in a responsible position, and endeavouring to convey the results of the best inquiry which the Government of the day could make, I did state to the House that, at that moment, with a 7*d.* income tax, while Schedule D paid 7*d.* on the net income, Schedule A paid not less than 9*d.* Has my hon. Friend examined into the question, or why does he think it would be just to impose further burdens on Schedule A? He says you ought to take one-twelfth, or about 8 per cent, off lands. A deduction to that extent would in some cases be insufficient, while, in others, it would be exorbitant and wholly unnecessary. In Scotland, for instance, where most of the charges are borne by the tenants, why should the landlord have one-twelfth deducted? As to the article of agency I cannot at all admit that it forms a legitimate deduction. If a man does not choose to take the trouble of collecting the proceeds of his own property he is not to expect that the charge which he thus incurs will be allowed him. In cases, moreover, where the landlord does not pay for repairs, 8 per cent would be an extravagant and needless boon; while, in many cases, if he be liable to them, the allowance would be inadequate. My hon. Friend's calculations with regard to houses break down utterly. It is totally impossible to make anything like an average of repairs. They may depend on twenty things—on the building materials, on the nature of the particular climate, whether wet or dry; on the rentals of the houses, and the classes of occupiers. In many instances 5 per cent would be an ample allowance for repairs; in others 25 per cent would not be sufficient to cover the reduction in value. What then becomes of my hon. Friend's promise to remove injustice and inequalities? Nobody denies the inequalities of the present tax; I cannot pretend to deny them—I do not seek to disguise them; but my hon. Friend, by coming in and giving a positive boon to some taxpayers, where it is not required, would aggravate the sense of injustice which would be felt in cases where the incidence of the tax is at present regarded as unfair. It has always been a popular notion that different classes of income should be subjected to different rates of tax; and it is possible that this House may some day be drawn into a Resolution in favour of such a plan—and, indeed, it would have been more convenient if my hon. Friend had adopted that course instead of moving for a Committee of Inquiry—a Bill based on such a Resolution may even be brought in; but I tell my hon. Friend that never will such a plan as he has proposed stand the scrutiny to which it would be exposed before it could possibly receive the sanction of the House. My hon. Friend proposed, with regard to mines—the property, of all others, which is most intricate and difficult to comprehend, except under the most favourable circumstances — that every mine in the United Kingdom should be valued with a view to the imposition of income tax, and that the valuation should be renewed from year to year. Why, to attempt to obtain anything like trustworthy accounts of the value of the different interests in particular mines would, in the first place, lead to such an amount of fraud as would flood Schedule A as well as Schedule D with immorality; and, assuming the valuation to be made in the best and most satisfactory manner, it would double, treble, or quadruple the incidence of the tax by the expenses necessary for arriving even at a proximate conclusion. My hon. Friend finds an *argumentum ad hominem* in the Succession Duty Act, which provides, with respect to certain branches of real property, that valuations should be made with allowances for outgoings. But under the Succession Duty Act we were dealing with property which was not to pay small amounts every year, but which was to pay a large amount on the average once in thirty-five or forty years; and it is perfectly intelligible how, in the one case, it might be well worth while for the tax-payer to incur the heavy expenditure inseparable from a valuation, while in the other, such an outlay would be unwarranted and unnecessary. There is a provision for valuation in certain cases. There is a provision for entering into an examination of outgoings in order to fix the amount. And, by-the-by, I must remind my hon. Friend that when Parliament passed that Act we did not say that outgoings should be estimated at one-sixth or one-twelfth, but we said that there should be an examination of what the outgoings were. What was a perfectly good plan in the case of the succession duty would, from the nature of the case, be a totally impracticable one in the case of the income tax. In Schedule D my hon. Friend says there must be a deduction of 33 per cent—a deduction on everything in that schedule; but there is to be no deduction in Schedule A. I say no deduction, because the compensations which my hon. Friend proposes would be much more than balanced by the additional burden which Schedule A should bear in consequence of the relief to Schedule D. But in Schedule D there is to be a uniform deduction of 33 per cent; and in this way my hon. Friend proposes to cure an injustice and get rid of an anomaly. Now, let me see how my hon. Friend cures the injustice and gets rid of the anomaly. There are many businesses under Schedule D worth twenty-five years' purchase. ["No, no!"] I do not pretend to say that they are all of so fixed a character that each is worth twenty-five years' purchase. ["No, no!"] I do not mean to say that this is the average value of trades and businesses. I speak now of businesses of the highest class, and I say you may find some under Schedule D which are worth twenty-five years' purchase. The profits of a banking business are in many cases worth twenty-five years' purchase. From that downwards you come to what are worth fifteen, what are worth ten, what are worth five, and what are worth less than five. My hon. Friend proposes to apply a uniform deduction of one-third to the whole. If hon. Gentlemen who hear me think twenty-five years' purchase too high for any business, let them take any figure they like. It is not necessary for me to state what figure I consider to be the correct one. It is enough for me to say that there is an enormous difference in the values; and that, if I take the best business under Schedule D, it is worth five or six times as much as the worst business; but my hon. Friend proposes to make a reduction of 33 per cent on the best and to put the worst on only the same footing. If you can make a deduction which is compensated for without any unjust burden being placed in another direction, that is very fair; but if everything which my hon. Friend takes off of anybody must be put on somebody else, then I say his plan only aggravates the evil which it professes to cure. And what persons are to bear the brunt of my hon. Friend's plan? They are the funholders. He has invented a deduction for the landlord, he has invented a deduction for the owners of mines, he has invented a deduction for the holders of houses, and he has invented a deduction for persons in business; but he admits that he has no deduction for the fundholder. And who is the fundholder? The fundholders are a body of £300,000, and the great mass of these are persons holding £20, £30, £40, or £50 a year. The great bulk of them are people holding life interests—poor annuitants. My hon. Friend declines to deal with individuals; he says he deals with classes. Take as a class the persons with small incomes—persons whose incomes may be £100 a year, and whose interests are but for a short term, whose lives may not be worth five years' purchase; and my hon. Friend proposes to aggravate on these people the burden and percentage of the tax in order that he may deduct 33 per cent from the income tax payable by the wealthiest London banker. If the object of the House be to cure an injustice and get rid of an anomaly, I do not know what arguments may hereafter be in vogue, but the arguments used by my hon. Friend are not those by which the financial proceedings of this House have hitherto been directed. I wish to treat with the utmost respect the feelings of those who I know entertain—and honestly entertain—the idea that an equal rate of income tax is unjust. I have always felt that that sentiment is not supported by reason, and such has been the opinion of much greater men who have had to deal with this tax. But the opinion, though it is not supported by reason, is deeply rooted in the popular mind; and it has always appeared to me that the only legitimate conclusion to be drawn from the fact is, that it amounts to a very strong objection to the use of the income tax as a permanent impost. Necessity drove us to the income tax in 1842, and necessity has attached us to the use of it. ["No, no!"] When I used the word "attached" I meant not as a bridegroom is attached to his bride, but as a captive is attached to the car of his conqueror. Many other Gentlemen, however, hold a very different opinion; they think that on the whole the income tax is a convenient instrument for raising a revenue. Upon that question I will not at present enter; but I assure my hon. Friend and those who think with him that I think great respect is due to the feelings of those who are undoubtedly impressed with the belief that the general arrangement of the tax is unjust, while I am of opinion that it is incapable of improvement. My hon. Friend has stated that this question is one between Schedule A and Schedule D. I do not regard this as a mere Motion for inquiry, because after his speech it is impossible to separate the inquiry he asks for from this proposal itself. The case, I say, lies between Schedules A and D, because Schedule C can scarcely be taken into account when we consider its numbers. I think my hon. Friend was not successful in dealing with the case of the fundholders when he reminded us of the Act which provides that no tax should be levied on dividends paid on money lent for the public convenience. It may be that in form you have not kept faith with the public creditor, but in everything else you have; because laying the tax on the individual is mere machinery. You have merely required him to pay the same proportion of his income as any other person pays, and no more; but when my hon. Friend proposes that the fundholder with £500 a year shall pay the income tax on the full amount, while he makes a deduction from the landowner of one-twelfth, of one-sixth from the owner of houses, and one-third to the rich banker, he will find some difficulty in reconciling such a state of things with either the letter or the spirit of the law. He is sailing very near the wind. The main question, however, is between schedules A and D. Before the House comes to the conclusion that the arrangement of the income tax ought to be altered in the manner proposed by my hon. Friend, I would entreat them to consider what we did in 1853. The Government of Lord Aberdeen was then in office. It was then shown, by an argument which was never disputed, that Schedule A already paid *2d.* in the pound more than Schedule D. The Government then said that if they removed from those incomes which were the product of exertion a portion of their burden, it must be placed on those which were not the product of exertion. Of course if it were not for that, there would be no disposition to criticise the matter very strictly. An exemption was, however, in favour of a certain portion of incomes (within a limit of a sixth), applied to life assurance. His hon. Friend said there were fifty objections on the ground of free trade to that exemption; and he hoped that his hon. Friend (Mr. Hubbard) would profit by his own objections, and not attempt to meddle with the income tax. His hon. Friend would recollect, and he hoped the House would recollect, that it was in reference to this precise subject—not the question between land and personalty, but the question between fixed property and those incomes which did not proceed from fixed property—it was for the purpose of redressing that balance that the Succession Duty Act was introduced. There was an opinion, which had received countenance from the proceedings of former Governments, and which prevailed widely both in the House and in the country, that the bearing of our taxation, taken as a whole, not only admitted but called for some increase of the relative burden to be laid on fixed property, and it was for the purpose of meeting that feeling that the Succession Duty Act was introduced. We said, "We know not how to reconstruct the income tax, but we can apply means for increasing the relative burden on fixed property." I think the passing of the Succession Duty Act may be taken as fairly setting at rest any question of this nature. I hope my hon. Friend will also bear in mind that we were in hopes we had got rid of what are called questions of class legislation. He knows very well that no plan of this kind has ever obtained authoritative support. It was pressed upon Mr. Pitt, and rejected by him as entirely impossible; it was also pressed upon Sir Robert Peel, and rejected by him. This House appointed a Committee to examine into the subject. The Committee sat for two years and made no report, and the only plan submitted to the Committee has been condemned to-night by my hon. Friend himself. Gentlemen of the highest intelligence, who were thoroughly conversant with the subject, went into that Committee predisposed to some alteration, but they came out of it thoroughly convinced that the thing was impracticable in itself; and, if practicable, would be mischievous. My hon. Friend ought to bear in mind that this is, after all, a question which sets class immediately in conflict with class. It is a question, "You shall pay more—I shall pay less;" and the mode in which he would give effect to the principle is most objectionable, and the principle itself is fraught with danger to the country. The House of Commons has been at all times ready to adopt every practicable method of lightening the operation of the income tax in those cases where it bears most hardly. To such cases as I have mentioned—those of the poorest payers of the tax—the attention of the House may be directed with advantage, without the slightest apprehension of introducing a dangerous principle in operation, or giving rise to unreasonable expectations in the country. But I do hope that while the House retains the anxiety to apply practical remedies in cases of hardship, they will remember the great social dangers which arise from agitation and the excitement of expectations which cannot be fulfilled, and likewise the enormous importance of the fiscal instrument with which they are undertaking to meddle. These objections appear to me to apply in the fullest force to the plan of my hon. Friend. That plan, as I say, is stamped on the Motion which he has made for a Committee of Inquiry, and the Government, believing that no good could arise from a Committee of Inquiry so undertaken, but that it must result either in evil or in disappointment, cannot do otherwise than recommend the House to put a negative on the Motion of my hon. Friend.

Mr. WHALLEY regretted that he had not risen after the right hon. Gentleman the Member for Buckinghamshire, that he might have had an opportunity of submitting his views, humble as they were—but still the result of conscientious feeling and earnest inquiry and consideration of the subject—to the House, before the right hon. Gentleman the Chancellor of the Exchequer had spoken, that he might have had an opportunity of replying to his (Mr. Whalley's) views and plans. Those views and plans entirely superseded all the objections which had been stated by the right hon. Gentleman. The plan he would submit in a very few words to the House was simply that such portions of the revenue as required to be raised by the property and income tax, over and above what can be raised by the indirect system of taxation, should be raised in the same mode and upon the same principle as the poor rate; thus entirely relieving schedules A and B. The vestries, which for this purpose were somewhat analogous to Committees of the House of Commons, had power, by the statute of Elizabeth, for raising the money required for local burdens from the income of land or the profits of tradesmen; but they always levied it on the land, knowing that wherever they placed it, it must ultimately fall on the land itself. This plan might be extended; and when he proposed that it should be adopted in place of the present mode of levying the income tax, he would point to the evident justice, expediency, and prudence on the part of landowners for such a course. In answer to what the right hon. Gentleman had said as to the succession duty being a settlement of this question, he would observe that from the earliest period the land was the sole source from which the burdens of the State were to be defrayed. In Charles the Second's reign, however, the land was relieved from a portion of its burdens, and in William the Third's it was relieved of a still further; and then, by an Act of Parliament, the valuation was fixed so that the land tax yielded an invariable sum of only about a million a year, instead of a much larger sum which it would have yielded if the assessment varied with the increased value.

Mr. HUBBARD said, the Chancellor of the Exchequer charged him with want of originality in the scheme he had proposed: but neither was the right hon. Gentleman himself original; he had heard him deliver the same speech before, and, although it was so long as 1853, it had never since been absent from his thoughts. The Chancellor of the Exchequer had not treated the question before them on its merits, but had endeavoured to meet the force of the arguments which he had used by a mere reference to the effect which might be produced on particular classes. He (Mr. Hubbard) had deprecated invidious references to extreme cases, but the Chancellor of the Exchequer, he was sorry to say, had not thought proper to take the same course. The right hon. Gentleman endeavoured to get up a feeling of sympathy for the fundholders, as persons in the position of women and children and small annuitants; but it was not statesmanlike to single out individuals and claim on their behalf the rejection of a measure like the present, as if it were calculated to benefit the rich alone. He had himself stated what he thought was the true fiscal policy, and whether it were adopted now or not, he was satisfied the country would sooner or later make its voice heard, and would not consent to an income tax framed as the present income tax was. He wished the House to understand that he did not desire to confine the Committee to his own plan. He thought he had sufficiently guarded himself from any such imputation; but the truth was that his right hon. Friend would not have been satisfied whatever course he might have taken. If he had simply asked for a Committee his right hon. Friend would have referred to Mr. Hume's Committee, and pointed out how little it was able to do after sitting for two years, and would have charged him with having no plan. He had brought forward a scheme that was plain and feasible, and he was told that to grant a Committee would be to identify it with his scheme, and that the House ought not to commit itself in that way. The House knew the terms of the Motion which he had submitted, and it was on the terms of that Motion alone that he asked them to decide.

SIR STAFFORD NORTHCOTE said, he wished to explain to his hon. Friend who had just spoken the course which he should feel it his duty to pursue if he pressed his Motion to a division, and to express the hope that after the speech of the Chancellor of the Exchequer, and the expression of feeling on the part of the House, he would not ask them to divide. The nature of the proposal his hon. Friend had made was one that it would be quite impossible to carry out to a satisfactory result. They could not separate the appointment of the Committee from a favourable reception of his plan, and he could not shut his eyes to the fact that there were many objections to the adoption of that plan. The inequalities to which it would give rise were sufficiently obvious. Take the case of Schedule D, in which his hon. Friend proposed a reduction of 33 per cent. Schedule D included incomes not only from trades but professions; but a great income derived from a trade in which a large capital was employed would be put on the same footing with that received by a lawyer, who, by a day's ill-health might be deprived of his income altogether. His hon. Friend had discharged his conscience by bringing forward this subject, and had given the House an opportunity of considering his scheme. He hoped he would be satisfied with having done so, and not put his friends to the pain of voting against him.

Question put,

The House *divided*:—Ayes 131; Noes 127: Majority 4.

BURIAL OF DISSENTERS.

LEAVE. FIRST READING.

SIR MORTON PETO:* Sir, the object of the Bill of which I have given notice, and which I now ask the House to permit me to introduce, and to be read the first time, is to remove a grievance under which all classes of Nonconformists at the present moment suffer, and which they deem to be a serious disability; and I assure the House that in its introduction I am actuated by no feeling of hostility to the Church of England: on the contrary, I believe that were the measure I ask to introduce to become the law of the land, one of the causes of offence now existing would be removed. And if the Church of England is to prosper, I am sure it can only be by the exercise of a large-minded, large-hearted charity; by the adaptation of itself to the spirit of the times; and by its seeking the good of the community at large—not by an exclusive action, but by an earnest co-operation in works of faith and labours of love, with all those denominations of Christians who, while differing in forms of worship and views of ecclesiastical polity, are yet united in the belief that the Bible is the only rule of faith, and the revealed will of God the only guide to fallible man. In the reign of Charles II., in the year 1661, the rubric of the Church of England, founded on an Act of Parliament, became law; and in that rubric there are three classes excluded from Christian burial—the suicide, the excommunicated, and the unbaptized. Now there is a large class of Her Majesty's subjects holding the New Testament as their sole guide in matters of Church discipline, and as their only rule of faith, who baptize only those persons who, by credible evidence, show sincere repentance towards God, and faith in our Lord Jesus Christ; and thus their children who are unbaptized suffer the disability of the loss of Christian burial, and they themselves the indignity of being classed with the excommunicate and the suicide. There is another class of Her Majesty's subjects, of whom we have some four or five hon. Members of this House, (I refer to the Society of Friends,) who hold that the ordinance of baptism is not binding on their conscience, and therefore do not practise it in their communion. Now I would at once ask the House to refer but to one instance in that communion, the late Mrs. Fry, whether there is one hon. Member of this House who would for a moment—having reference to her holy life, her unceasing benevolence, her thorough devotion to all that is good—feel that that could be just which would refuse to her Christian burial, and class her with the self-murderer and the excommunicate? I must now ask the kindness of the House in permitting me to show them that this is no mere sentimental grievance. I must first refer to an event which occurred in the county of Norfolk during the past year. The child of some Primitive Methodists died, nine months old. On applying to the clergyman of the parish, he permitted the child to be buried but no service to be held. Outside the churchyard an address was given, and prayer offered to Almighty God. After the child had been interred, two verses of a beautiful hymn were sung on retiring from the grave, by the mourning family and friends. A prosecution was instituted by the clergyman for this offence; and under what Act does the House suppose the prosecution was granted? The one passed last year to remedy the disturbances which have so disgracefully characterized the services at St. George's-in-the-East, and which provides for the punishment of persons, "guilty of rioting, violent, indecent conduct and behaviour in any cathedral, church, parochial church, district church, or burial-ground; or molest, vex, disquiet, or misuse any preacher." The magistrates trying the case were two clergymen of the Church of England, the patron of the living, and the lay impropriator of the tithes of the parish, who fined these poor peasants the sum of fourteen shillings. Now does the House, for a moment, conceive that such an act as this could be beneficial to the Church itself, could be conducive to Christian union, or be likely either to increase the power or extend the communion of the Church?

I must now ask the kind attention of the House to another case. The Rev. Mr. Long, of Newton Flotman, in Norfolk, has for several years been in the habit of carting soil from the north side of his churchyard for the manuring of his glebe. This last autumn he took away about fifty cart-loads. This caused much discomfort in his parish, and excited much observation in the entire district. On the matter being taken serious notice of, what does the House suppose Mr. Long's excuse to be? Why, that the portion of the churchyard from which he had carted the soil was the part which had been used for the burial of Methodists, Nonconformists, and the unbaptized. A gentleman in Norwich went to Newton Flotman to inquire into the truth of this case, and on going on to the rectory glebe found the evidence over the entire soil; and in the offices of the Mayor of Norwich may be seen by any hon. Member who may visit that city a skull taken from the glebe itself. Now, does the House imagine that that class of Her Majesty's subjects which, according to the last census, comprises a majority, can view the fact of the very bones of the deceased being used by a clergyman of the Church of England for the purposes of manure, and yet retain any feeling of union or desire for any co-operation with an Establishment which contains within its pale men who can so demean and disgrace themselves? Happily, I believe their number is but few; and my twelve years' experience of this House leads me to know how strong a feeling of reprobation such conduct would meet with here. I could adduce almost numberless cases of absolute refusal to bury, and their attendant evil consequences. Amongst many I select the case of Hopton, in Norfolk, where the peasantry have to take their children which are unbaptized a distance of six miles to a churchyard where the clergyman is more liberal. My position, as Treasurer of the Baptist Missionary Society, occasions my often being appealed to in cases of this kind; and sometimes these refusals are attended with that which can only be deemed insulting, such as permission to bury in the middle of the night, the sexton himself not being permitted to dig the grave. I believe, Sir, this Act, if passed by the House, would be held generally by the clergy of the Church of England as a measure of relief to themselves. At least, the opinion of the Archbishop of Canterbury given for their conduct would lead me to that conclusion. Some time since, on his being applied to for his view as to what should be done in such cases, the answer of his Grace was, "that he would suggest that no curious inquiries should be made in instances where burial was required for children."

Now, Sir, I can easily conceive that where the conduct of the clergyman is determined by religious principle, and not by maxims of mere policy — where he has given his "assent and consent" to all that the rubric contains — that such advice would not remove the difficulty felt; and I, therefore, trust I shall have the support of his Grace and the whole body of the clergy in this matter. With regard to the case of the suicide or self-murderer, my Bill in no way interferes: it has been the custom, I believe, of all civilized nations, to refuse Christian burial in such cases; and Sir John Nicholl says, "Self-murderers or suicides are supposed to die in the commission of mortal sin, and in the contempt of the Saviour and his precepts, and to have renounced Christianity."

Now, Sir, with regard to the excommunicate, the canons of the Church place all Nonconformists in the realm in this position of disability, whether they be ministers or laymen. Nay more, Sir, I believe a very large body of hon. Members in this House are at the present moment *ipso facto* excommunicate; for if these canons are enforced, the representatives of no person could claim Christian burial, unless they could shew "that they had received the holy sacrament, at least, at the previous Easter." Now, my Bill will have the merit of removing hon. Members of this House from this disability; and I trust they will see with me that if canon law is good for one it is good for all; for that law cannot be entitled to the respect of the community which is only partially administered. Now, Sir, with the permission of the House, I will proceed shortly to describe the clauses in the Bill and their effect. Clause 2 provides for the burial of all unbaptised persons and all Nonconformists without the use of the burial service in the Prayer Book. Clause 3 legalizes the appointment of "any person not being a clergyman" to conduct a burial service; this phrase being used because it permits Quakers to hold a service in consonance with their views, though none of their recognized ministers be present, and because it includes all Nonconformist ministers. Clause 4 is based upon the terms of the rubric, which requires "convenient" notice to be given to the minister of the parish, and provides against any clashing with the services of the Church by requiring him to appoint a reasonable time for the burial. The difficulty lies in giving him the notice; some clergymen do not reside in their parishes, several live at distances of from four to ten miles. Others are occasionally absent during the week, and although their functions may be discharged by neighbouring clergymen during such absence, it is evident that those gentlemen could not make the necessary appointment. To provide for all such cases, therefore, it is proposed to use the Post-office; and in case no appointment is made within twenty-four hours, the burial may be arranged for by the parties conducting the funeral. The proviso reads, "After the expiration of twenty-four hours, either from the delivery of such notice, or from the leaving of the same at the Post-office, to be forwarded as aforesaid." The time being limited to twenty-four hours, to provide for contagious epidemics. Clause 5 secures payment of all fees legally due and payable. The necessity of dealing with the variable customs of the different parishes is thereby obviated.

Now, Sir, having described the clauses of the Bill, and having shown the House its necessity, it is my duty to adduce a still stronger argument in its favour than any which I have yet used; and the class of argument which has more weight with the House than any which can be used, namely, that of precedent. By 5 *Geo.* 4, cap. 25, applicable to Ireland, the law is as follows: — That it is not necessary that any officiating minister of the Church of Ireland shall celebrate the service, unless by particular desire; and, further, that ministers of other congregations or churches may do so. Now, the object of my Bill is, simply to assimilate the law of England to that of Ireland. I have made inquiries of those best informed, and I learn the consequences of this act to be everything that can be desired. Where heartburning and discontent previously existed, arising from the disability to which I have referred, a feeling of satisfaction and content has taken place. The Church of Ireland itself has not been injured, its privileges have not been curtailed, and yet these good results have been realized; and why, Sir, should we object to copy from the sister-country, when only good can be anticipated as the result? I can assure the House that all that Nonconformists desire is to be left to carry out their convictions of truth and duty. They claim only that which they are justly entitled to have, and short of which, nothing will content them: namely equal rights and privileges with their brethren of the Church of England. I gratefully acknowledge in this House that its course of legislation within the last few years has tended to this good end; and the perfecting of this work will do more for strengthening the Church of England than any other course which could be pursued. The abolition of the Test Act, and other measures, have done much to create a better feeling; and I beseech the House not to hesitate in its onward course. What is the first book which you place in the hands of your children — which most interests them? Is it not the *Pilgrim's Progress* of John Bunyan? And yet the spirit which dictated this rubric imprisoned John Bunyan himself for twelve years in Bedford Gaol. And Nonconformists have their martyrology as extensive in its character as any Fox ever wrote. But I rejoice that in the present day a better feeling exists. You do not value Milton's immortal works the less because they were written by a Baptist; and I beseech you to join with me in an effort to prevent our differences being exhibited at the grave, where, at least, we might hope the differences of life would be forgotten, and the mourners be permitted to resign to their last resting-place the precious remains of their friends in that way which would be most in consonance with their own feelings and those of the deceased. I beg, Sir, to move the introduction of the Bill.

Mr. SOTHERON ESTCOURT asked if the Bill imposed upon the minister the obligation of performing the burial service according to the forms of the Church.

Sir MORTON PETO replied in the negative. The Bill simply gave the clergyman the power to grant permission for the funeral service being performed by a minister of another denomination, at the time when the clergyman himself shall have named.

Motion *agreed to.*

"Bill to make further provision with respect to the Burial of persons not being Members of the Church of England as by Law established, *ordered* to be brought in by Sir Morton Peto, Mr. Frank Crossley, and Mr. Kinnaird."

BOROUGH FRANCHISE.

LEAVE. FIRST READING.

Mr. BAINES, in rising to move for leave to bring in a Bill to extend the Parliamentary franchise in the boroughs of England and Wales said, that the object of the Bill was single and simple—namely, to extend the franchise which was fixed by the Reform Act of 1832 at £10 to £6, according to the Bill proposed by the Government last year. His belief was that such a measure might be discussed by this House with greater advantage than in the form of those great and comprehensive measures hitherto introduced. He had not intended saying anything on the merits of his Bill, for he had reason to hope its introduction would not be resisted. But, after the observations of the noble Lord at the head of the Government at an early period of the evening, the tendency of which was to discredit and impede Motions such as the present, and after the observations of the right hon. Gentleman opposite (Mr. Disraeli), the House would, he trusted, in fairness allow him to offer a few observations on the remarks of those distinguished persons. He must express his great regret at the tone which the noble Lord (Viscount Palmerston) had adopted on the question of Reform, upon which the noble Lord had come into office.

Mr. HARDY rose to order. He wished to know whether the hon. Gentleman was in order in referring to a speech made in a debate on another subject?

Mr. SPEAKER: The hon. Member will bear in mind that the noble Lord in his speech referred to two measures, only one of which was then before the House.

Mr. BAINES said, the hon. Gentleman could not have been in the House at the time when the noble Lord spoke, or he must have known that observations by anticipation were made by the noble Lord with regard to the Motion which stood in his (Mr. Baines's) name. Though the noble Lord did not deem it wise or expedient to bring forward a measure of Reform himself, yet they had a right to expect that he would not try to throw any obstacle in the way of those private Members who, in conformity with those principles which they had held all their lives, had thought proper to bring forward a question of this nature for the consideration of the House. The noble Lord's first objection was, that the measure would interfere with the other business of Parliament. He stood in the midst of Members who had much more experience than himself, but he thought he might venture to challenge the noble Lord, out of the half century during which he had been a Member of that House, to point out one Session in which a measure of this nature might have been more conveniently introduced and discussed than in the present Session. What were the great and absorbing questions of public interest that were likely to demand the attention of the House of Commons this Session? What measure had the noble Lord or his Government brought forward? A Bankruptcy Bill had been introduced, but fifty clauses of that Bill had been agreed to the previous night, and the Attorney General expected to carry it through before Easter. What other important measure was there? He wished to know what great question of foreign danger, what domestic crisis, or what great and complicated measure of legislation was there, that pressed upon the attention of that House which would prevent the discussion of a measure of that simple form which he now asked for leave to introduce? The noble Lord also objected that it was not expedient for private Members to introduce questions of Reform. But he thought he might fairly ask the noble Lord whether almost every Gentleman by whom he was then surrounded on the Treasury bench had not, when a private Member of that House, introduced measures of Reform which he afterwards, as a Minister, carried to a successful issue? Did not the noble Lord the Member for the City of London begin in the year 1819, eleven years before he took office, by a Motion on this very subject of Reform, a Motion which had reference to the borough with which he (Mr. Baines) was connected? Did not the same noble Lord bring forward the question of the Repeal of the Test and Corporation Acts when he was still out of office; and were not many of the questions which involved the greatest triumphs of Constitutional principles, of justice, liberality, and freedom introduced and advocated in that House by independent Members? He was aware they had been introduced by men of very distinguished station and talents, and that his hon. Friend (Mr. Locke King) and himself must be very humble in the positions which they took, but that did not affect the principle. Did not Lord Grey himself bring forward a measure of Reform forty years before he carried it as a Minister? Did not Mr. Wilberforce, also out of office, for twenty years struggle for the abolition of the slave trade? Did not Mr. Pitt and the Duke of Richmond bring forward measures on this very question? Did not Mr. Plunkett, when he was out of office, bring forward his Bill for Catholic Emancipation? And did not his hon. Friends the Members for Rochdale and Birmingham contend for the Abolition of the Corn Laws before any official man took up that question? And he asserted that the greatest measures which had ever been introduced into that House had been introduced by men not in office, and forced upon those who were in office. Another objection of the noble Lord was, that changes in the Constitution of Parliament should be carried out by great and comprehensive measures. He (Mr. Baines) appealed to the House whether, after the experience of the last few years, the question could be successfully treated by a great and comprehensive measure? The measure had been so treated, and perhaps for that very reason it had failed. Such a measure attacked many interests, many prejudices, and combined many in hostility to it, and he very much doubted whether the time had not come when they must see an end of great and comprehensive measures of Reform. The noble Lord had said that neither his hon. Friend (Mr. Locke King) nor himself had taken up the questions of the disfranchisement of boroughs and the re-distribution of seats. But did not every one see that these very points had been impediments to the carrying of the large and comprehensive measures which had been introduced? What Constitutional means had they in that House to overcome the opposition raised by the patrons of those boroughs, or the hon. Gentlemen who represented them? Again he appealed to the judgment of the House whether Reform had not many distinct parts, whether those parts might not be treated distinctly—whether, indeed, the House was not more likely to arrive at a cool, dispassionate, and safe conclusion by taking them separately rather than all together. There was the borough franchise separate from the county franchise, and both were separate from the mode of voting, either secretly or openly. Then there was the disfranchisement of those boroughs which were thought unworthy to retain two representatives, and many other questions bearing on Reform might be treated with advantage by separating them from each other, and by giving each a distinct consideration. It appeared to him, looking to the state of parties, that they had gone beyond the time when great and comprehensive measures were likely to be carried, and if there was to be a practical Reform in this country, it must be presented, examined, discussed, and decided point by point. The noble Lord the

Member for London had made use of a very expressive figure, which had been much repeated since. The noble Lord had said that a great wave of public favour was required to carry a measure of Reform over the bar of the House of Lords. Well, that might be the case if it was to be one of those great comprehensive measures — a first-rate ship of the line, or Queen's ship—but a small bark might find water enough to float it over the bar, and might afterwards obtain a safe anchorage in the haven of the Constitution. The right hon. Gentleman opposite (Mr. Disraeli) had been pleased to make himself merry with those private and independent Members who were so arrogant as to presume to offer to the House a measure of this kind, and the term he applied to them was that of "hucksters." He really wondered that the right hon. Gentleman, who had himself for all but two years of his public life been a "huckster," should have cast that imputation on private and independent Members; and when the right hon. Gentleman entered on a vast Governmental branch of trade, he did not carry it on with so much advantage as to be entitled to assume so high a tone with private Members, for in a very short period his Governmental business terminated in the Court of Bankruptcy. The right hon. Gentleman seemed quite at a loss to understand the motives which influenced him and the Member for East Surrey to persevere with measures of this nature; but the answer was so simple that he was almost ashamed to trouble the House with it. He earnestly believed in the truth of the principles of Reform. It was because he was a Reformer—because there were rights that ought to be granted, and wrongs which ought to be redressed, that he, having special information bearing on the subject, and seeing that it was the determination of the Government not to bring forward any measure of Reform, felt it a duty to introduce the Bill which he now offered to the House. His opinions were the same this year as they were last year. The question of Reform and of the rights of the people, and the wrongs of those excluded from the franchise by a degrading proscription were the same this year as last year. Therefore, if others failed in their duty, or, being differently circumstanced, thought it no longer their duty to bring forward measures of this kind, he did not see why private and independent Members should be prevented from doing so. That they were founded on good principles would not be denied in that House, inasmuch as the two points embraced in his Bill and the Bill of the hon. Member for East Surrey were taken from the measure introduced by the Government last year. To the objection urged by the noble Lord at the head of the Government, and also by the noble Lord the Member for London, that the country did not want Reform, he answered that nothing was more certain than that the deliberate opinion of the people of England was in favour of Reform, and nothing was more certain than that that opinion would sooner or later find expression, and carry a measure of Reform to a triumphant issue. Could this be doubted, when, during the last nine years, Reform had been brought forward by four successive Governments, and when the extension of the rights of the people had been recommended five or six different times by the Queen from the throne? Could it be doubted, above all, after the last general election, which took place on the issue of Reform or no Reform, or, at any rate, on the issue of Lord Derby's Reform or Lord John Russell's Reform? It was well known that Lord John Russell sketched out his plan of Reform before the election, and the very point on which it differed most from the plan of the right hon. Gentleman opposite was in regard to the borough franchise, which the present Bill sought to extend. Gentlemen opposite lost office in consequence of the disapprobation of the country with the measure they proposed on this particular point, and the present Government obtained office on the promise that they would introduce a more extended borough franchise. He might, then, say that the Government of the day stood on the basis of an extended borough franchise. It was not consistent, and he did not know that it was right, in the Government to give up this question; but it was their duty, after what had taken place in respect to the manner in which they were put into office, to give every facility to independent Members in bringing forward, point by point, those great principles which they had themselves been compelled to abandon. He believed that there was an amount of dissatisfaction arising in the country in consequence of the declaration made by the noble Lord the Member for London at the opening of the Session. He neither blamed nor praised the course taken by the noble Lord on that occasion, but he had heard from several quarters that great dissatisfaction had been caused by it. He knew that a great many of his constituents were greatly grieved by the tone then adopted, and he believed that still more dissatisfaction would be created by the tone adopted that night by the noble Lord at the head of the Government. The assurances which he received, both in and out of the House, convinced him that it was the sincere and earnest desire of a vast number of honest men to have questions of Parliamentary Reform brought forward in the shape in which he and the hon. Member for East Surrey now ventured to place them before the House. It was undoubtedly his intention to persevere in asking the assent of the House to the measure which he moved for leave to introduce, because for several years he, not taking an extreme position in politics, or in this question of Reform, had been convinced that the extension of the borough franchise was a measure of justice, safety, and true statesmanlike wisdom. He believed that he should be able to prove such an advancement on the part of the people of this country, especially among those dwelling in boroughs, in education, intelligence, and political knowledge—such an improvement in religion, in temperance, in providence, and, in fact, in everything which constituted men fit to exercise the elective franchise—that it was no longer wise, and he did not know that it would be any longer safe, to delay the admission of the great class which his Bill embraced to the full privileges of the Constitution. That class comprised much of the pith and marrow of the nation; he had laboured long to promote their intellectual, moral, and social improvement, and he had seen that improvement realised; and he had the most perfect and intimate conviction that they were entitled to the franchise. He would appeal, then, to the calm and deliberate opinion of the House, and, if it were Parliamentary to do so, to the country also, to decide between the noble Lord and the humble individual who addressed them, and to say whether he was not justified in pressing this upon the House. The hon. Member concluded by *moving* for leave to bring in a Bill to extend the Parliamentary Franchise in Cities and Boroughs in England and Wales.

MR. HADFIELD seconded the Motion. Half the revenue of the country was paid in taxation by the classes who were not represented. That was a state of things that could not be allowed to continue much longer. With what hilarity, wit, and playfulness the noble Lord had treated the subject the House would, no doubt, remember; and the country would remember it also. The industrious classes of society could no longer be treated with indifference, and they would persevere in demanding their rights till they were conceded.

VISCOUNT PALMERSTON: Sir, any one who had just come into the House, and who had only heard the observations of my hon. Friend who has proposed this Motion, would really imagine that I had opposed the Motion of the hon. Member for East Surrey, and that I had announced an intention of opposing that before the House. But, so far from it, I distinctly stated I should not oppose either the one or the other. As to the remarks of my hon. Friend on the tone of the observations I made at an earlier period of the evening, his criticism—if I may use the term—is totally misapplied. I am not conscious of anything in my tone open to the objections he has made. I am not conscious of the hilarity and levity he describes. I certainly did state plainly that the House last Session indicated in the most conclusive manner its indisposition to pass the measure of Reform we proposed, which measure combined in itself both the proposals of my hon. Friends *plus* another measure that I thought very likely to be proposed by some other independent Member; and I stated that the decision of the House given by that indisposition—for I may call it a decision, since it led to the withdrawal of the Bill—at any rate that indisposition of the House was not followed by any strong indication in the nation at large of displeasure with the course the House pursued. I stated that my objections to reintroduce the measure of last year were two—one as to the point of time, the other in point of substance. In point of time I think that a sufficient interval of time has not elapsed to lead us to suppose that the opinion of the House is much altered; and, in substance, that the two proposals now made approached so nearly the provisions of the measure the House did not approve, that I do not think either measure is likely to be more successful than the Bill we introduced. I stated that the Government had not thought it their duty to bring in this Session the measure of last year. My hon. Friend, in the first place, condemned the Government for not having brought in a comprehensive measure; but, in the further progress of his reasoning, his mind appeared to come to a clearer conception of the nature of things, for he then told us it was more particularly the function of private Members to introduce reforms of this sort. But I do not think he held out a very brilliant prospect of success in the instances he quoted of private Members who laboured for a great number of years before they accomplished the ends they had in view. I can only say I do not think his observations apply to the course the Government has adopted. I offered no objection to bringing in this Bill; but I simply said we shall not think it our duty to make way for Bills like this and that of the hon. Member for East Surrey by giving up for them days that may be appropriated to the public business.

Motion *agreed to*.

Bill to extend the Parliamentary Franchise in Cities and Boroughs in England and Wales ordered to be *brought in* by Mr. BAINES, Mr. BAZLEY, Mr. SCHOLEFIELD, and Mr. DIGBY SEYMOUR.

House adjourned at a Quarter before Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, February 20, 1861.

MINUTES.] PUBLIC BILLS.—1° Church Rates Commutation.

2° Qualification for Offices; Trustees of Charities.

QUALIFICATION FOR OFFICES BILL.

SECOND READING.

Order for Second Reading read.

MR. HADFIELD said, in moving the second reading of this Bill, that it had already been twice before the House, and had twice received its sanction. The system it proposed to abolish was a relic of the barbarism of former times. In 1662 the Act was passed which enacted that the sacramental test should be administered and required upon every accession to office. In consequence of the passing of that Act, a number of clergymen surrendered their livings rather than submit to the operation of the law. In 1828 that test was repealed by a great majority of the Members of the House. But Sir Robert Peel, who took charge of the Bill, and which he succeeded in carrying through both Houses of Parliament, introduced into it the qualification clause which he (Mr. Hadfield) by his Bill sought to abolish. With certain exceptions as to rank, every person who took office, or obtained employment, whether civil or military, was required by that Bill to make the declaration which he should read to the House:—

> "I do solemnly and sincerely, in the presence of God, profess, testify, and declare, upon the true faith of a Christian, that I will never exercise any power, authority, or influence, which I may possess by virtue of the office of [ ], to injure or weaken the Protestant Church as it is by law established in England, or to disturb the said Church, or the Bishops or Clergy of said Church, in the possession of any rights to which such Church or the said Bishops and Clergy are or may be by law entitled."

There was some difference subsequently enacted, he believed, between that declaration and that which was taken by Quakers and Jews. The object of the declaration was incomprehensible. It went beyond the law, because it required that which the law could not enforce. On a previous occasion, when he brought forward a measure on the subject of this declaration, the hon. Baronet the Member for Somersetshire (Sir William Miles) had told him that corporations were required to make this declaration, because they were sometimes possessed of Church patronage which they might abuse. But he (Mr. Hadfield) referred the hon. Baronet to the 5 & 6 *Will.* IV. c. 76, s. 139, by which corporations having Church patronage were obliged to sell it; or, if they did not sell it, in case of a vacancy the appointment was vested in the bishop of the diocese. That satisfied the hon. Baronet, and he did him (Mr. Hadfield) the honour to go into the lobby in favour of the Bill as it now stood. Now, the declaration had to be taken by two classes of persons. First, by magistrates and corporate officers, who were required to take it at the time of taking office or within one month previous thereto; or, if they did not, they were disqualified for the office to which they had been appointed. The other class was the Ministers of State, the Commander-in-Chief of Her Majesty's troops, the First Lord of the Admiralty, the Lord Chancellor, and in fact all the *employés* of the Government. They must make the declaration either at the time of taking office or within six months afterwards. But corporation officers and magistrates were obliged to make the declaration at once. That was practically a grievance. A petition had been presented from Bradford, complaining of it as a grievance, because, said the memorialists, in consequence of the declaration they were deprived of the service of some of their most worthy citizens, who refused to make it. A most intimate friend of his (Mr. Hadfield's) own, Mr. Edward Smith, of Sheffield, a gentleman widely known and universally respected, was appointed to the town council of Sheffield without his knowledge or consent. But when he went to take his seat he was met with the declaration, and as those were the only terms upon which he could take office, he declined. He said, "This declaration I conscientiously object to make; and as the penalty of not subscribing thereto I am adjudged by the law unfit to be entrusted with office, and accordingly I am disqualified from serving in the council." Nor was that a solitary case. He (Mr. Hadfield) could mention many. But there was another most singular thing connected with this declaration. How happened it that no other persons than corporate officers and magistrates were required to take it, or rather why was it that no one else took it? Would the right hon. Member for Wiltshire (Mr. Sotheron Estcourt) say whether, when he took office in the late Government (which everybody agreed was well placed in his hands), that he took this qualification oath? Did the right hon. Gentleman make that declaration? Did the Commander-in-Chief of Her Majesty's Forces make it? Did the First Lord of the Admiralty make it? Did the Earl of Derby himself make it? Did the noble Lord who held the great seals make it? If he (Mr. Hadfield) were correctly informed—and he appealed to the right hon. Gentleman to correct him if he stated that which was incorrect—not one of those gentlemen, who were so well known to be in favour of the maintenance of connection between Church and State, in the Government of the Earl of Derby, took that declaration. The consequence was that they were obliged to pass yearly indemnity Bills to get over the difficulty. Nor was it the Government of the Earl of Derby alone who had not made the declaration. He believed not one of the present Government had made it, neither did the predecessors of the Earl of Derby. In fact, he believed that since the passing of the Act requiring the declaration to be made, now thirty-two years ago, no officer in Her Majesty's service had ever made or subscribed it. By the Act, if Members of Her Majesty's Government and others did not make the declaration within six months of taking office, their election to the office they held was void, and it was not lawful for them to do any act in such office. That was the penalty of the Act, and it was got over in this way. Ministers brought in an Indemnity Bill. The Acts of this kind brought in by the Earl of Derby's Government were two in number, and these Bills recited that they (the defaulters) having, through ignorance of the law, or some unavoidable accident, been prevented from making this declaration, they were indemnified from the penalties. A proviso, was, however, inserted, which requires them to make it, within a certain time, but this they never did. So that the noble Lord who lately held the office of Lord Chancellor had pleaded ignorance of the law, and took the benefit of the Act of Indemnity. Practically, then, he found one law for the humbler classes and another for the great and mighty of the land. Some few years ago he was asked by a friend of his, the then Mayor of Manchester, to sit with him as an assessor in the discharge of some judicial functions. Although the business was not to last more than a day, he had, amid the jokes and jibes of the meeting, who knew his views on the matter, to subscribe this declaration. Thus, though the Members of the Earl of Derby's Government did not make this declaration, he, an humble assessor, was obliged to do so. In Manchester, he believed, upwards of 100 persons, including the ward assessors, had to make the declaration; indeed, such were the sweeping words of the Act, that he believed every policeman, watchman, or servant, employed by the corporation, ought to make it. But they were so numerous that they could not be got to sign the declaration; and that, no doubt, was a reason why the officers in the civil and military services of the country did not subscribe it. It was not just that the great dignitaries of the State should be excused from taking this declaration, as required by the Act, and that the humblest officer of a corporation should be obliged to take it. It might by some be considered an unimportant question; but, in his opinion, and in that of many other earnest and sincere men, it was no light matter to appeal on trifling or pretended occasions to the name of the Most High. A Bill similar to that he proposed passed the House of Commons last Session, but it was opposed in the House of Lords by Lord Chelmsford, on the ground that it was intended to obtain from the Dissenter on his acceptance of office, and to place on record, his acknowledgment of the dominance of the Established Church. To that he entirely demurred. He did not and would not acknowledge the superiority of the Establishment, and therefore, on grounds of civil and religious liberty, he asked the House to assent to the principle of this measure.

Mr. BAZLEY seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. NEWDEGATE: Sir, it has been stated by the hon. Member for Sheffield that his Bill passed through the House with scarcely any observation last Session. Now, it so happened that the measure was then brought forward on a day on which there was but a very small attendance of hon. Members; and, although I entertained the strongest objections to it, I thought it was not worth while to discuss its provisions in so thinly attended a House. It afterwards reached the House of Lords, and there it met with the fate I had anticipated. It was rejected in that House after a full discussion by a majority of two to one. The hon. Gentleman founds his case for the Bill upon two grievances. He says, in the first place, that the Test and Corporation Act—a measure for which the noble Lord the Secretary for Foreign Affairs claims, and justly claims, so much credit — operates oppressively, and that the declaration it requires is felt as a grievous injustice by a certain limited number of persons holding dissenting opinions, inasmuch as they are thereby debarred from accepting corporate offices. The other argument of the hon. Gentleman in favour of his measure is, that it is a very great grievance that the chief officers of the State and other important functionaries should be excused from making that declaration. The hon. Gentleman contends that a declaration which is of sufficient importance to be required from a common councilman must be so important that a high functionary of the State ought not to be excused from making it. Those functionaries are thus exempted by the Indemnity Act, which is introduced every year; but there is nothing unreasonable in that, because all those great officers of State are obliged, on their acceptance of office, to take oaths which contain the substance of that declaration. But let us examine the grievance, or the supposed grievance, which the Bill is intended to remove. It is this—That no person shall be entitled to exercise the functions of any corporate office unless he declares that he will not use the power and influence accruing to him by that office to the detriment of the Church of England. Now, is not that a reasonable enactment? The State admits to corporate offices persons who differ from the Church of England, whatever may be their creed, whether Roman Catholics, Jews, or Dissenters, upon the single condition that they will not use the powers vested in them by the office to the detriment of the State by employing them as an instrument of attack against one of the institutions of the country—that is to say, the Church of England. Surely that is a reasonable demand on the part of the State —the demand that the power bestowed by one branch of the Constitution should not be used for the destruction of another branch of the Constitution. That is a very important point. The truth is, that although some hon. Members regard that as an unimportant subject, this declaration is the foundation on which the whole legislation of this country for the last thirty-two years has proceeded with respect to the admission of our citizens to places of trust and power. It was the great principle involved in the repeal of the Test and Corporation Act, it is a principle of the amplest toleration and of the truest liberality. The principle is this, that the Legislature, as the exponent of the will of the country, declares that the Constitution embodies certain institutions which are deemed essential to the freedom of the people and to the order of society. It admits, with out reference to any religious opinions, all persons to exercise, in their proper spheres, the powers of the State, provided only they declare that they will not use the power of the Constitution against the Constitution itself. Now, I say that is a principle of true liberality, for the law proceeds on the assumption that the Constitution has some concession to make, inasmuch as no person and no State can be liberal which has nothing to grant. The State has, however, at the same time, to guard the great elements of the Constitution which form the basis of our freedom; and it will entrust powers under the Constitution upon the condition only that those to whom these powers are committed will not use them to the detriment of the Constitution itself. This declaration was enacted in the year 1828, and it was incorporated in the oath to be taken by Roman Catholic Members under the Relief Act of

1829. If you follow the whole course of our modern legislation upon this subject, you will find this principle, throughout the whole of it, has been distinctly adopted. It is the principle on which Jews have been admitted to seats in this House. It is a principle, I repeat, of the wisest liberality; and, I trust, we shall not now abandon it for the principle of equality. Equality is a farce. It never existed. Take any twelve men you choose, shut them up in a room for an hour; and you will find there will be a marked difference between them before the expiration of that period. Equality has been tried in France; and the result is that the people of that country have been unable to establish any form of free Government. Equality is the principle adopted in the United States, and surely at the present time, when we see that great confederation rent asunder, we ought not to adopt the principle through which its destruction has been effected. Let me warn the House against adopting this principle of equality. From what school did that principle come? This is a point to which I invite the attention of the hon. Member for Sheffield, and of the Dissenters generally of this country. The doctrine of the sovereignty of the people was first enunciated, since the foundation of Christianity, by the Jesuit Mariana, who familarised it for the purpose of establishing a despotism in the name of the people. Look at the doctrines now maintained by the Ultramontanists of the Church of Rome, as illustrated in the writings of Count de Montalembert. They proclaim the necessity of religious equality. But can any one be sufficiently ignorant, can any one be sufficiently blind, to believe that the Jesuit order intend that the religion of which they are the most active promoters should obtain nothing more than an equality with other sects. No man of sense can believe that. The fact is, they want to reduce all other sects to an equality from which they intend themselves to emerge. I am convinced, as I have often stated in this House, that without an organized system of religion, such as is established not only in the Church of England, but in the Church of Scotland—and both are equally guarded by this declaration—the Church of Rome would obtain a predominance in this country, unless it were checked by some violent means, such as those enforced during the period of the Commonwealth or at the time of the Revolution of 1688. If we would be free, we must be contented to guard our freedom by law, or we must guard it by force. I believe that any successful attempt calculated to shake the attachment of the people of this country to our fundamental institutions is dangerous to our liberties. Such attempts are in direct opposition to the principle of true toleration and real liberality; and under these circumstances I feel it my duty to move as an Amendment—That this Bill be read a second time on this day six months.

MR. BARROW seconded the Amendment.

Amendment proposed, to leave out the word "now" at the end of the Question, to add the words "upon this day six months."

SIR GEORGE LEWIS said, that he should repeat the Vote which he gave last year in favour of the second reading of this Bill. The declaration, in his opinion, afforded but a merely nugatory, fanciful, and ideal security to the Establishment. It was a mere declaration, not enforced by any secular penalties, and was not regularly but capriciously administered. It was not an oath upon which perjury could be assigned. Although a person who had taken the declaration should do something hostile to the Church of England, and the act should be proved by the clearest possible evidence, he could not be indicted or punished for perjury. It was a simple declaration, and involved no penal consequence; and as, therefore, he believed that, together with many other promissory oaths and declarations which were perfectly useless as a protection to the Church of England, the security of which rested upon wholly different grounds, it might with advantage be abolished, he was contented to give his vote in favour of the second reading of this Bill. At the same time he thought his hon. Friend had rather exaggerated the grievance. He did not think that this declaration acted very oppressively, but he was convinced that it was wholly worthless as a security for the Establishment.

MR. SOTHERON ESTCOURT said, he agreed very much with the right hon. Gentleman the Home Secretary, that the protection supposed to be afforded to the Established Church by the declaration was wholly nugatory, and was in itself not worth contending for. Under these circumstances, if he had found that the present measure was brought forward on the responsibility of the Government, and if they had thus had a security that all the circumstances of the case had been fully considered, he did not know but he might have assented to its being read a second time. But the hon. Gentleman the Member for Sheffield did not conceal his desire to make the Bill a first step in his attempt to get rid, one by one, of the outworks of the grand fortress, so that he might obtain ultimately a total separation of Church and State. For that reason he (Mr. Sotheron Estcourt) would much rather extend the terms of the annual Indemnity Act, so as to embrace the immediate object of the hon. Gentleman, than adopt a Bill of that description brought forward by a private Member of the House. In reply to the appeal which had been addressed to him by the hon. Member for Sheffield, he had to confess that he had himself omitted to subscribe the declaration on taking office. That might be an act of *laches* on his part; but he had to plead as his excuse that he really had never, during his whole tenure of office, found time to go down to the Court of Queen's Bench and pass through the ceremony; but he should certainly take care, if he were ever again to be reinstated in power, not to be guilty of the same neglect. He might observe, however, that another Member of the late Government, who had been present during the discussion, had informed him that he had made and subscribed it according to the requirements of the Act. He was as unwilling as the hon. Gentleman was that the name of the Almighty should be unnecessarily appealed to; and, therefore, he was quite ready to consider the abolition of this declaration if the proposal was made by the Government. If the House refused to read the Bill a second time the matter would not drop. The Government must take it up, and he, for one, should be ready to insist that their attention should be directed to it. Feeling that the position of the question would not be improved by the proposed measure, he should give his vote in favour of the Amendment; but he should be glad to join in any subsequent representation to the Government which might have the effect of inducing them to take the question into consideration, and to bring in a measure for its adjustment based on more satisfactory principles.

Question put "That the word 'now' stand part of the Question,"

The House *divided*:—Ayes 93; Noes 80: Majority 13.

Main Question put and *agreed to.*

Bill read 2°, and *committed* for *Wednesday,* 17th April.

TRUSTEES OF CHARITIES BILL.

SECOND READING.

Order for Second Reading read.

MR. DILLWYN said, the question of the management of endowed schools, and the admission of Dissenters as trustees, had been so much ventilated and so constantly discussed, that he should feel it unnecessary to offer any observations, were it not that he feared the position which it at present occupied had been lost sight of. Considerable uncertainty prevailed as to the actual state of the law with reference to the appointment of trustees of endowed schools, and the controlling power which they exercised in reference to the education of children of Dissenters. During the last Session two Acts of Parliament, bearing more or less on the question, were passed; but neither of these, in his opinion, remedied the unsatisfactory state of things of which Dissenters complained. The first was an Act introduced into the House of Lords by Lord Stanley of Alderley, directing trustees of endowed schools to give greater facilities, and to make better provision for the education of the children of Dissenters. So far, there could be no doubt but that the position of those children in the schools was bettered. But the provisions of that Act in no way affected the administration of the schools, which was practically decided by the appointment of those administering the law. The second Act which was passed had for its object to amend the law relating to the administration of endowed schools, and giving extended powers to the Charity Commissioners. But, by the decision in the Ilminster case, which went to the House of Lords on appeal from the judgment of Lords Justices, it was clear that the law in respect to trustees still remained the same, and Dissenters were rendered ineligible, as regarded Church schools, to act as trustees. He would not renew the arguments which had been fully and repeatedly urged as to the impolicy or the injustice of the law as it stood, which excluded so very large and respectable a body as the Dissenters of this country from any share in the management of the charities of the country; but he would merely call the attention of the House to the fact that it was not only injurious as regarded Dissenters, but it prevented the full operation of the Act which was passed last year for giving increased facilities to provide for the education of the children of Dissenters in endowed schools.

If the Dissenters found that a systematic attempt was made to exclude them from all participation in the management, they would naturally lose all confidance in these establishments, thinking it probable that their children would not have fair play in them. An Act of Parliament might give certain instructions to trustees; but Dissenters could not avoid feeling uneasiness when they saw the Church of England assuming a propagandist attitude. Recent decisions had brought nearly all the educational establishments within the category of Church of England schools; and thus the position of Dissenters on Boards of Management, where the foundation might have been originally conceived in a broad and liberal spirit, was rendered very unpleasant through their liability to expulsion. In the case of a grammar-school, of which he was one of the trustees, the founder was a Bishop of large and liberal mind; and in the deed it was provided that the trustees or "feofees," as they were called, should be appointed by a large proprietor resident in the neighbourhood and his successors; and failing appointment of them, or in case of their being minors, the Bishop of the diocese was to appoint. Now, he firmly believed that the Bishop had intended that as a school for the benefit of the community at large, to be administered by the respectable inhabitants; but by the tenour of legal decisions it was now within the category of Church schools. The present visitor with whom the appointment of feoffees rested was the Lord Lieutenant of the county, and he had invariably picked out, not Churchmen, not Dissenters, but, the most respectable and intelligent of the inhabitants, and those whom he thought best qualified to administer the trust; but, according to the law as it now stands, such of these feoffees as were not Churchmen were liable to be removed from the trust. His present proposal was a very simple one. From the decisions of various Judges the law appeared to be uncertain, and the preamble of the Bill stated that "doubts have arisen." If these words were objected to he had no objection to alter them. In the Ilminster case, however, the Lord Chancellor and Lord Cranworth took one view of the matter, and Lord Wensleydale and Lord Chelmsford another, so that he thought he was justified in saying that doubts existed on the question. What the Bill proposed was, that no person should be deemed ineligible to be a trustee of any charitable endowment because he was not a member of any particular church, sect, or denomination, unless in the will, deed, or other instrument declaring the trusts thereof, it was expressly declared that the trustees should be members of or profess the doctrine of such church, sect, or denomination. Where there was a declaration that the trustees should belong to a particular Church, the Bill would not interfere with that arrangement. He could not conceive how a simple clause, such as that which contained the provisions of his proposed measure, should be open to any objection. He knew it would be said that his introduction of the Bill was inconsistent with what he said when introducing his measure of 1859, respecting endowed schools; but he was not open to that charge. He did not hesitate to admit that this was not so satisfactory a measure as the one which he brought in last Session; but he was told that that was too strong a Bill. The one he now proposed was certainly a moderate one; but his original measure would not have taken Church schools proper from the exclusive trusteeship of Churchmen. Where schools were not expressly declared to be of that character he now proposed to admit Dissenters; and he really did not see that there was any other alternative between that and allowing all the trust schools throughout the country to be classed as Church of England schools. Indeed, he believed that if something were not done, all schools which had been by their founders honestly and *bonâ fide* intended to be open ones would be grasped by the Church. By his last Bill, he did not mean to introduce Dissenters in cases where there was no doubt that the schools were Church schools proper. What he proposed was to limit the definition of what were Church schools. He was defeated. He had attempted in various forms to carry out the same principle, and, with that view, had introduced one Bill after another. He was no lawyer himself, and therefore was unskilled in the legal technicalities with which he had been met. One of his Bills was carried through a second reading; but in Committee it was pulled to pieces, and he had to abandon it. The law had extended the definition of what were to be considered Church of England schools, and he believed it would go on to embrace nearly all schools in that category. This being so there was little left but for the Legislature to say that, since that was the case, since the definition would not be altered, Dissenters must, under certain terms, be admitted to a part in their administration. He did not wish to interfere with any Bishop, or any one else, having the nomination of trustees to schools, as to the particular persons whom he should appoint. He might appoint Churchmen or Dissenters, as to him seemed fit. But he might wish, more particularly in districts where Dissenters were very numerous, to give to those Dissenters confidence in the management of the schools, by appointing some Dissenters as trustees, and this the present Bill would enable him to do. The Charity Commissioners had reported one case where the churchwardens of the parish were the directors of the school; and, as Dissenters were most numerous there, they appointed Dissenters to administer the trust. Well, all he wanted to do by this Bill was to prevent a Dissenter, who might be chosen trustee of an endowed school, from being liable to be ejected by process of law. He was, in fact, desirous of enlarging the field of choice to those who had the appointments. The measure was one of defence, and not of aggression: and he did not think it was for the benefit of the Church itself to insist upon following up the attack which she had commenced, or to resist so moderate a proposal as the present one. The principle of the Bill had already been accepted by both Houses, in "An Act to Amend the Law relating to the Administration of Endowed Charities," passed last Session. The 4th Clause of that Act provided that trustees should not be removed on account of their religious opinions. What Parliament had decided that the Charity Commissioners should not do he wanted, in effect, to provide that the law should not do in the case of schools. He repeated that he was at a loss to see what objection there could be to his Bill; and he now begged to move that it be read a second time.

Motion made, and Question proposed—"That the Bill be now read a second time."

MR. SELWYN said, that the hon. Member for Swansea (Mr. Dillwyn) had applied himself to two very distinct questions—one being before the House in the present Bill, and the other not being before it. One—the eligibility and appointment of trustees—was raised by this Bill; the other, which belonged to the hon. Member's Bill of last Session, and was then rejected by the House, was that of diverting certain endowed schools from the position in which they stood by law—of transferring them from the Church of England to Dissenting communities. He could scarcely imagine that the hon. Member was serious in asking the House to do indirectly, by means of the appointment of trustees, what it had refused to do directly by dealing with the schools themselves. And yet if any meaning could be attached to his speech the Bill was directed to that end. He (Mr. Selwyn) was so satisfied that the House would not entertain such a proposal that he should not occupy its time by entering on a discussion of the measure rejected last Session; but should confine himself to the question now properly before them, namely, that of the eligibility and appointment of trustees. He was unable to understand what were the legal difficulties which the hon. Member had spoken of. The hon. Gentleman had spoken of the question being surrounded by obscurity. He differed from him. Though, in order to ascertain what the existing law was, it might be necessary to refer to decided cases; still he had no hesitation in saying that the question was not involved in any legal obscurity whatever. It was one which any gentleman of education was capable of mastering as well as the most experienced and acute lawyer. And he would remind the House that it was not one—as the hon. Gentleman (Mr. Dillwyn) had put it—simply and solely affecting the Church of England. He had failed in an attempt to carry a measure founded on such a principle. It would be impossible to succeed in any attempt to carry a measure of that kind; and, accordingly, he had extended his plan, and made it apply to all sects; and the present proposal would be found to be as dangerous, and when understood by them would, he believed, be as distasteful to the Dissenting communities as it was to the members of the Church of England. When he (Mr. Selwyn) read the statement in the preamble that "doubts have arisen as to the eligibility of certain persons to be trustees of certain charities," he vainly taxed his memory to trace any such doubts. He then consulted the cases decided in the Law Courts, but without any result. Next, he had recourse to the experience of some of the most able practitioners in the courts, and showed them that statement in the Bill. They were unwilling to believe that the fallacy connected with the Ilminster School case would be revived again, and they were in the same state of ignorance as to any such doubts; and, therefore, when memory, books, and friends had alike failed, it was with no little curiosity that he came down to hear from the hon. Member for Swansea by whom these mysterious doubts had been entertained, and when and how they had arisen; but he had certainly not heard anything to justify the statement in the preamble, nor indeed, anything beyond a repetition of the same mistake respecting the Ilminster case. He felt bound to state, with all courtesy to the hon. Member, but in direct contradiction to the terms of his Bill, that there were not, and never had been, any such doubts as were therein stated to have arisen. But he would go further, and show not only that there were no such doubts, but that there had existed for many years a rule of practice which had been uniformly acted upon, which had been unchanged and unchallenged, and which had its foundation in experience, wisdom, and common sense; and, further, that it had been fairly, impartially, and uniformly acted upon, not only in the case of the Church of England, but in the case of all sects and denominations. He would not go through the list of cases, but would merely refer to two or three, which, from their magnitude and importance had obtained a historic notoriety. The first to which he should refer was the well-known case of Lady Hewley's Charity. That charity was founded in 1704, and the deed of foundation contained no strict definition as to doctrine or discipline. It merely stated that the recipients of the charity were to be godly preachers of Christ's Holy Gospel, and with respect to the trustees that they were to be men of reputation. It was decided that, having regard to the well-known religious opinions of the founder, members of the Church of England on the one hand, and Unitarians on the other, were not proper objects of the charity. When the litigation with respect to that charity first began in 1832 one of the trustees was a member of the Church of England, and the majority were Unitarians. The Unitarians had gradually obtained the upper hand; and, consequently, the intentions of the founder were departed from. The case was decided by a weight of legal authority which it would be difficult to equal. It was first heard by the Vice Chancellor of England, Sir Launcelot Shadwell; then on appeal by Lord Lyndhurst, in conjunction with two of the most eminent Judges that ever adorned the English bench, Mr. Justice Patteson and Mr. Baron Alderson; and their judgment was affirmed by the House of Lords with the advice of Lord Chief Justice Tindal and the other Judges, and upon the motion of Lord Cottenham. The result was a decision removing the trustee who was a member of the Church of England and also the Unitarians; and directing that in future the trustees should be selected from those sects to which the charity was declared to belong, namely, the Presbyterians, Independents, and Baptists. Another case occurred shortly after the passing of the Municipal Corporations Act, and related to charities in the city of Norwich. In that case (Mylne and Craig, 305) Lord Cottenham decided that

> "When the object of a trust was exclusively connected with one religious party the trustees who were to have control of it should be of the same religious party."

The principle of those decisions was that where there was a charitable foundation for the benefit of any church or sect, the persons who were to be managers and trustees of that religious establishment should be of the same church, the same sect, or the same denomination as that to which the charity belonged; but, on the other hand, the rule was equally clear that where there was an open trust, as a trust for the benefit of the inhabitants of a particular town, or for the maintenance of roads or bridges, then no religious qualification was imposed. The same principle was again acted upon when, in consequence of the disruption of the Church of Scotland, dissensions arose in many of the Presbyterian churches in England, and, amongst others, in that of Berwick-on-Tweed. In that case there was nothing special in the original foundation; but, when it appeared from the evidence brought forward that the congregation had always been in connection with what was called the Established Church of Scotland, it was decided that the new trustees should be persons who shared the same views with respect to the particular questions in dispute as those which were entertained by that Church. He had shown, therefore, that the principle acted upon in those cases was not one for the benefit of the Church of England exclusively, but one which had been administered impartially for the benefit of all. The provisions of the Bill of the hon. Gentleman, however, would carry out a contrary principle; for while they professed to respect the intentions of the founders, they would, in many instances, defeat them. He would ask the House to mark the difference between the language of this Bill and that of the hon. Gentleman's Bill of last year. By the Bill of last year it was proposed that trustees should be appointed without any reference to religious opinions, unless it should appear that the contrary was the intention of the founder; but this Bill proposed that they should be appointed without any reference to the religious profession or opinions of the founder, unless it was expressly declared that the trustees should be members of, or profess the doctrine of a particular church, sect, or denomination. That was going a step further than the hon. Member attempted to go last year, In the judgment delivered by those eminent Judges, Mr. Justice Patteson and Mr. Baron Alderson, it was laid down that—"The will of the founder is to be observed." So far the hon. Member professed to go with them. "Then how is the will of the founder to be ascertained?" And here is the point of departure—

> "If it be expressed clearly in the instrument of foundation there can be no difficulty. If it is expressed in doubtful or general words recourse must be had to extrinsic circumstances, such as the known opinions of the founder, the existing state of the law, the contemporaneous usage or the like."

But, according to the Bill of the hon. Member for Swansea, all such circumstances were to be disregarded, and nothing was to have any effect but an express declaration in words. He wondered at the hon. Member pleading ignorance of technicalities when asking the House to sanction a law which would be grounded on technicalities and nothing else. It was not going too far to say that such a law would, in many cases, defeat the intention of the founder. If they could summon from the grave some sturdy Independent of a century or two ago, and ask him was it his intention that the management of his school should at any time be transferred, wholly or in part, to Roman Catholic trustees, they might anticipate his reply. What would a Wesleyan say under such circumstances? If the House required the introduction of express declarations in deeds, it would be taking a backward step; for, at the close of the last Session, Parliament passed a Bill brought in by the hon. and learned Attorney General, and having for its object to declare that if anything was properly to be implied from a deed, it was not essential that it should be expressed in words, but was to be taken as if so expressed. Hitherto the rule of law had been certain and clear, and there was no difficulty in carrying out the real intentions of the founder; but if this Bill passed it would be said, "Here is an Act of Parliament declaring that, however clear the intentions of the founder may be, unless the deed of foundation contains an express declaration of his wishes, all other evidence is to be of no force whatever." That would amount to a virtual repeal of the Act passed last Session, and would increase the length of all future deeds, and would introduce a new technicality in the place of a clear rule of law. The hon. Member, foreseeing the objection as to the intention of the founder, told them it would be found to exist very little, if at all, in practice; that those charged with the appointment of trustees would give the measure a liberal interpretation; and that the proper class of persons would be put in charge of the various trusts. But, assuming such an interpretation, he would ask the hon. Member to consider how many doubts and difficulties would arise as to the precise meaning of "an express declaration." Take the case of a deed giving the power of appointing trustees to the head of the Wesleyan Conference, or the moderator of a synod of the Presbyterian Church. They could scarcely conceive any case in which the intentions of founders could be more clearly defined; but the Bill would make it a very difficult matter indeed to decide, for the question would be raised whether that power amounted to an express declaration or not. The House must at once see the doubts and difficulties, and consequent litigation, that must arise if the definition of the founder's will was to be based exclusively on an "express declaration." They would observe, also, that the Bill was to have a retrospective effect, and consequently doubts would arise as to the validity of any appointment of a trustee which did not rest on the ground of this express declaration. But if the hon. Member argued that very little effect would be produced by the change, then he was condemning his own Bill, and saying, in other words, that it would be inoperative. But he (Mr. Selwyn) was afraid that that view of the measure would not square with the facts of the case; for practical experience had shown that the power to appoint trustees might fall into the hands of a few survivors, or of a majority differing from the religious opinions of the founder, and then in numerous instances followed the perversion of the trust. It was impossible not to see that that would be the inevitable result if this Bill took the effect of law; for if the hon. Member for Swansea thought that the practical effect would be little, he (Mr. Selwyn) took the opposite view, and believed that it would have a very large and extended operation. He concurred with the hon. Member in that part of his speech in which he deprecated disunion in the management of religious charities; but, if religious charities were to be conducted in the manner proposed by the hon. Member, he asked whether union and harmony were likely to be preserved? If dissensions must be he asked the hon. Member to consider whether it was not better that the conflict should be external rather than internal. Was it not better that the trustees should be controlled by a visitor, or by other constituted authorities, rather than that every person and every child connected with the charity should know that there were two or more parties among the trustees themselves, each of them conscientiously entertaining different views as to the manner in which the school should be conducted, and especially with respect to religious instruction? There would be under the Bill a constant struggle between the different parties of trustees, and the same internal controversy would necessarily recur on the appointment of every new trustee; because, if there was to be an infusion of Dissenters—as the hon. Member said—into charities of the Church of England, or an infusion of members of the Church of England into Dissenting trusts, and if these persons were there respectively for the purpose of advocating their particular views, they would deem it their duty to increase their number, if possible, on every vacancy. The hon. Gentleman still relied upon the Ilminster School case, but the House was now in possession of information on the subject which it did not possess before, inasmuch as that case had last year been carried before the final court of appeal. There was, as the hon. Member stated, a difference of opinion between the learned Lords who heard that case; but that difference of opinion related only to the particular facts and circumstances of the case, and to the application of the known rule of law to those facts and circumstances, not to the rule of law itself. The Lord Chancellor, in giving his judgment, completely refuted the fallacy into which so many had fallen, and which had been repeated in so many petitions to that House—that the decision of the Lords Justices in that case had cast a stigma on the Dissenting community; he said—

> "I must protest against the oft-repeated saying, that to hold that Dissenters ought not to be appointed Trustees of a Church of England School is casting a stigma on the whole body of Dissenters. Suppose there were a school endowed in England, the deed of foundation requiring that the religious tenets of the Unitarians shall be taught in the school, surely there would be no stigma cast upon those who approve of the Athanasian creed, if it were held that they ought not to be appointed the trustees of such a school."

The noble and learned Lord stated that there were two charitable purposes involved in the will of the founder—the school is mentioned first; but the second charity—the repair of the roads and bridges—is not ancillary to the first, and is wholly independent and separate from it." Now, if that were so, no doubt the charity would be what was called an open charity, and not exclusively connected with the Church of England. Then came the opinion of Lord Cranworth, who stated that whenever the Court of Chancery was called on to appoint trustees to a charity clearly connected with the Church of England, and supported by funds supplied for the purpose of promoting the objects of the Church of England, the Court would take care that none but members of that Church should be appointed trustees; and that the same principle would guide the Court in the appointment of corresponding trusts established for the benefit of any religious sect or denomination of Dissenters from the Church of England; and, he added, that the only question was, whether the trusts beyond those for the school—namely, the erection of bridges, &c.—were of sufficient magnitude and importance to warrant their being taken into account in the appointment of trustees, and he thought that they were. Lord Wensleydale said the trustees in this particular case had a double duty to perform, but if their duty had been confined to the school only the Master of the Rolls and the Lords Justices would not have differed in opinion: they would have agreed that when the Court had a discretion to appoint trustees of a school, when the intention of the founder was to provide for religious instruction, according to the doctrine of the Church of England, the trustees ought to be members of that Church. Then, Lord Chelmsford said, the whole ground of difference was whether the directions given by the founder for the application of the residue of the profits of the property were such as to warrant the admission of persons of different denominations, and he was of opinion that they were not. That, however, was the only case to which the hon. Member was able to refer as warranting the introduction of the present measure. He could understand such a case being brought forward as an authority for some private Bill, but it afforded no grounds whatever for interfering with the ordinary course of justice. The present Bill was not a Bill relating to the case of mixed charities only, but one affecting all charities; and it was an unwarrantable assertion to say that the law was either doubtful or uncertain on the subject. He hoped never to hear the Ilminster cases cited again; and it was to lay that troublesome ghost, which had come up before them so often, that he had quoted the judgments in the final Court of Appeal. The hon. Member for Swansea had referred to the discussions that had formerly taken place in Parliament on this subject, and especially to the Act passed last Session, relating to the administration of charities; but that Act merely extended the general power of the Charity Commissioners, and carefully abstained from giving them any power of deciding questions of religious controversy. In 1858, a measure, like the present, was introduced into the House of Lords; but, judging from the date, it was reasonable to infer that that Bill was brought in in consequence of an erroneous idea as to the effects of the decision which had then been given in the Ilminster case, and in the absence of the further light that had since been thrown upon the subject. That Bill was rejected on the second reading, and had not been heard of since. Last year a larger measure involving the principle of the present Bill was introduced by the hon. Member, and was rejected by the House by a majority of seventy; and, on an attempt being made to reintroduce a Bill like the present one, it was thrown out in consequence of an adverse opinion from the Chair, on the ground that the same Bill could not be brought in twice during the same Session. These were the Parliamentary antecedents on which the hon. Member relied, and he (Mr. Selwyn) accepted them as auguries of the success of the present measure. The Endowed Schools Act, which came from the House of Lords last Session, and to which the hon. Member had referred, passed both Houses as a measure of conciliation and compromise; but he put it to the hon. Member whether the course he now took was favourable to further conciliation or compromise? If they were called upon, before the ink in which a measure of conciliation was written was dry, to cast it aside, or to consider it merely as a stepping stone for future aggressions, was that encouragement to proceed further in a conciliatory course? He thought that if there was no other objection to the Bill of the hon. Member than that of the time at which it was brought forward, it ought to be sufficient to stop its progress, for they had as yet no sufficient experience of the operation of the Act of last Session. He asked the House to consider this question entirely free from party considerations — not as a question affecting exclusively the Church of England, but as one involving the interests of religious education among all classes of the community. He asked hon. Members opposite to exercise their own judgment in this matter, and to liberate themselves from the dictation of that society whose business it was to perpetuate and embitter religious disputes, and he invited the House to confirm its decision of last year by adopting the Amendment, which he had the honour to move—That the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the question to add the words "this day six months."

MR. MELLOR said, he should support the second reading of the Bill, upon the grounds of common justice and common sense. He did not hesitate to say that if the question were now mooted for the first time, and were unembarrassed by the external and artificial considerations that had been thrown around it, it would not bear discussion. His object in supporting the Bill was to put an end to litigation, and to effect that it was of importance that they should deal decidedly with the question, and that they should shut out from the consideration of the will of a founder all those sources of information that were not to be found in the will itself. It was the very fact of the Court of Chancery having had recourse to those sources of information which lay beyond the bequest of the founder that had led to the present state of things. In the case of Lady Hewley's Charity, as the hon. and learned Gentleman

(Mr. Selwyn) knew no two persons were agreed as to what sources of information they should have recourse to. Lord Cottenham ultimately decided that they must go by the form of the deed, and take evidence in particular cases. Notwithstanding what had been said by the hon. and learned Member opposite, there was the greatest doubt as to the eligibility of Dissenters to act as trustees. When giving judgment on the final appeal to the House of Lords, in the Ilminster case, Lord Campbell gave his assent to the doctrine that there was absolute disqualification of Dissenters; but he said there was a question of discretion to be exercised in each particular case; and that if there was no other objection except that a person was a Dissenter, it did not follow that he should be removed. The Bill was utterly distinct from the Bill of last year, which was not withdrawn in consequence of any decision of the Speaker, but because it was understood it would conflict with the Ilminster School case then under the consideration of the House of Lords. The Bill was withdrawn because a discussion was thought unadvisable at the time; and not from any doubt of its propriety. A rule had been laid down by the Master of the Rolls with reference to the distinction to be made between three classes of charities. In ecclesiastical charities the opinions of the founders were of paramount importance, and the religion taught should be the established religion of the country, in the absence of any other direction. In educational charities the opinion of the founder was only of value where some direction was given by him relative to the religious instruction that should be given. In eleemosynary charities the religious opinion of the founder formed no indication of his intentions, the presumption being that he included all parties, and the adverse proof lay on the other side. In one of the cases referred to the costs amounted to £4,000, payable out of the funds of the charity, and unless steps were taken to put down litigation, in what condition would they be when other questions came to be decided? The existing trustees presented the new trustees to the Charity Commissioners or to an equity Judge, and the best security was afforded that if they should commit a breach of trust or attempt to introduce anything against the Church of England they would be removed for breach of trust. There was sufficient protection, therefore, from any danger resulting from the eligibility of Dissenters. Would any man refuse to make a Dissenter his executor or trustee if he thought him the most eligible person he could select? Surely, then, it was not wise to limit the discretion or to say that the fittest person to be trustee should not be eligible for the office because he was a Dissenter. He wanted to widen the circle of eligibility rather than allow the question to remain in its present uncertain condition. The great object of the present Bill was, in the first place, to proclaim the principle of religious liberty rightly understood, and, in the next, to prevent the waste of the funds of charities by unnecessary litigation. When hon. Gentlemen spoke of excluding Dissenters from the trusteeship of those charities he asked them to define what a Dissenter was. He had taken considerable pains to inquire into this subject, and he confessed he did not know what a Dissenter was. He doubted much whether even the hon. Member for Sheffield (Mr. Hadfield) was a Dissenter in any legal sense. The men who formerly suffered pains and penalties rather than conform were Dissenters, but the Acts imposing those pains and penalties were repealed. When mayors and other officials were compelled to join in the most solemn ordinances of the Church before they could take office, he could understand who were Dissenters and who not; but there were no such distinctions now. The person called a Dissenter had to pay tithes and church rates; he had a right to be buried in the churchyard; he might be made a churchwarden, and he had a right to a seat in the church. It was not refusing to go to church that made a Dissenter. There were, no doubt, hon. Members of that House who did not go to church, and yet who would not like to be called Dissenters. Was it the amount of a man's belief that made him a Dissenter? No, for in the Church of England a man might believe many things declared by the authorities of the Church to be at variance with its doctrines, and yet be no Dissenter. Indeed, unless a man made some open declaration that he was a Dissenter, he (Mr. Mellor) knew nothing in law that entitled any one to call him so. In each individual case that came before it the Court of Chancery might be able to discover whether a man was a Dissenter or not; but, in initiating litigation, how was it to be known whether a man was a Dissenter or not? It was high time to put an end to the doubt and uncertainty that now prevailed, and to consequent litigation, and the House should declare, once for all, that no man should be ineligible for any trusteeship on account of his opinions, provided he is legitimately chosen to act—that, in short, there should be no exclusion except such as rested on the words of the founder.

Sir WILLIAM HEATHCOTE said, that the real question at issue in this debate was, whether the House was prepared to enact that one particular class of deeds was to be construed on principles quite different from those now applied to all deeds by the Courts of Equity. The Courts now gave complete effect to the actual words of every instrument so far as their meaning was clear, and it was only in cases of obscurity, ambiguity, or incompleteness of expression, that they proceeded to supply the defect by implication from the actual words, or by evidence as to the sense in which those words must have been used under the circumstances of the time when the deed was made. It was now for the first time asked by the promoters of this Bill, that in one particular class of deeds—namely, those by which trusts have been created for the maintenance of endowed schools or charities, such defects should not be supplied by implication, however necessary in reason or by evidence, however indisputable in fact, but by an arbitrary construction to be imposed by the Legislature, and that in all cases the Courts should be compelled to hold that, however strictly the purposes of the trust might be defined as being for the promotion of the objects of some particular Church or religious community; and however plain it might be, from historical or other evidence, that the founders could not have contemplated the appointment of any trustees except such as were members of that church or community, still unless in terms all others were excluded, the founders must be taken to have included all of every denomination which might spring up to the end of time. The hon. Member for Swansea (Mr. Dillwyn) had said in former Sessions that he only desired to extend the benefits of endowed schools to children of all denominations, but that in the appointment of trustees he had no wish that any other than members of the Church should be eligible in such trusts as had been specially designed for the benefit of their Church. But now, having obtained the first object by an Act passed in the last Session of Parliament, he now proceeded to urge, as a proper consequence of that Act, the importation of foreign trustees into these charities. The hon. Gentleman had also relied upon another Act of last year, which provided that the Charity Commissioners should not remove trustees on account of their religious opinions. But that enactment did not in the least touch the question whether any particular trustees were or were not disqualified by their religious opinions in any given case, but only provided that the jurisdiction over such a question should still reside where it now is, in the Courts of Equity; and that the Charity Commissioners, though largely empowered to deal with these endowments in other respects, should have no power to enter upon this part of the subject. The hon. and learned Member for Nottingham (Mr. Mellor) had appealed to common sense and to the need of diminishing litigation and expense, in support of this Bill, but with little foundation for his argument. The common sense of the matter was, that there should be one rule of construction and of evidence to govern the Courts in the interpretation of all deeds. To introduce a new principle for one class of deeds alone, as now desired, would let in doubt where none existed before, and would thereby increase instead of diminish litigation and expense; and in all cases of doubt the proposed plan would shut out from the Courts much of the light by which they are now guided in their decisions to the real truth of the case. These new doubts and increased litigation and expense would occur in reference to endowments belonging to all denominations, and not to those of the Church only; and the only reason why the Church would be chiefly affected was the fact that more of the schools and charities, with the endowments and trusts of which it was proposed to deal, belonged to the Church than to any other religious body. He looked on the Bill as dangerous in every aspect, and would support the Amendment of his hon. Friend the Member for the University of Cambridge (Mr. Selwyn).

Mr. LOWE: Sir, I hope I have so much credit with this House as not to be supposed to be actuated by the motives that influence those who send round circulars on this question, and that the House will give me credit for desiring to take that course only which shall, as far as possible, prevent vexatious litigation and promote efficiency in the management of these charities. The first question is, whether the state of the law is such as to prevent the necessity for legislation. Now, upon this point, we have in the Ilminster case the decision of Lord Campbell, that whether every trustee of a Church of England school shall be a member of that Church, is a matter for the discretion of the Court; while Lord Chelmsford laid it down as the rigid and unbending rule of law that every such trustee must be a member of the Church of England. If it were conceded by hon. Gentlemen opposite that the Court of Equity has a discretion, I should be very well content, for my part, to leave the law as it stands; but it is very desirable that any doubt on this point should be put an end to, for I cannot imagine any state of things more calculated to invite litigation and waste the funds of a charity than the present uncertainty on the state of the law. Well, now, let us consider the policy of the present Bill. The hon. and learned Member for the Uiversity of Cambridge (Mr. Selwyn) has told us that it is a rule of the Courts of Equity to exclude persons from being trustees and to remove them from their trusteeship when they are of a different denomination from that of the school of which they are trustees. But that only proves the case on which the Bill rests. The argument only proves what the hon. Member for Swansea (Mr. Dillwyn) assumed, that the rule does exist, and that it is expedient to alter it. We are not now engaged in settling the preamble—if that be incorrect it can easily be altered — but we have to consider whether it is expedient to declare that the single fact of a trustee being of a different creed from that of the founder of a grammar school shall be as absolute a disqualification, in the words of Lord Campbell in the Ilminster case, "as a conviction for felony." I submit that this is not a mere question of the construction of a deed, but a rule of practice and discretion. The Courts of Equity, when the school is founded for teaching a particular creed, have deduced as an inference that it would be improper to appoint trustees of a different religious persuasion. My hon. Friend has, therefore, to deal with the propriety of the rule which the Courts have laid down. Is it expedient that a person of a different religious faith should be, by his faith, absolutely and irrevocably disqualified from being a trustee of that school? Now, in the first place, by the Endowed Schools Act, which I had the honour of carrying through this House, it was enacted that the trustees of Church schools are bound, and may be compelled, by *mandamus* from the Queen's Bench, to open their schools to the children of Dissenters without imposing upon them instruction in the doctrines of the Church of England. Now, if Parliament saw fit to give the children of Dissenters this right, is it not reasonable and fair that there should be some one on the Board of Trustees to protect their interests, if any endeavour should be made to deprive them of the rights that the Legislature intended to confer upon them? That, I think, is only fair; and it is the only way to prevent those quarrels and those beginnings of encroachments which, if not checked at first, lead in time to litigation. It is within my knowledge—for it is part of my duty to know what is going on in these schools—that in many cases the rule laid down by the Courts has been attended with great injury to grammar schools. They are places of general instruction for the youth of this country, and they have property to manage. In a small country neighbourhood it is very desirable to have on the Boards of Trustees men of wealth and intelligence who may be willing to give their time to the business of the school, and whose religious opinions ought not to incapacitate them. I know an instance in which much zeal was shown by a clergyman to get rid of a Roman Catholic trustee to a Church of England Grammar School; but that attempt was resisted by the other trustees on the ground that this gentleman was the life and soul of the whole establishment, and gave more time to the business of the school than all the other trustees together. I think, therefore, that the Judges of the Courts of Equity ought to be allowed a discretion. I do not dispute that religion will be a great element in guiding the Courts, but I think it ought not to be entirely binding on them. If such a rule were rigorously enforced it would cripple the efficiency of the Boards of Trustees and often injure the management of the schools. There is another argument in favour of the Bill, that in such a case as that of Ilminster it would not be competent for one litigious person to disturb arrangements under which for hundreds of years Dissenters had acted as trustees, and to fix on Dissenting trustees a mark of social inferiority. Hon. Gentlemen argue the case somewhat as the exclusion of the Jews from this House used to be argued. We were told that the Jews might obtain a majority in this House, and it is also assumed that the trustees of Church of England schools may in time become all Dissenters; but no fear need be entertained of such a result. It is in the power of the trustees to limit the number of Dissenters, and if any trustee should be troublesome he can be got rid of without spending a penny of the funds in litigation. I do not think it desirable, in order to perpetuate a state of things that is good for no one but speculative attorneys having an eye to bills of costs, to deny the Dissenters some one to look after their interests on these Boards; nor do I think it desirable to cripple the management of these charities by withdrawing those who may be able to promote their interests and increase their efficiency. I should be sorry to see the House force Dissenting trustees upon unwilling Boards; but, on the other hand, I am sure it cannot be for the advantage of these charities to declare that to be a Dissenter is an absolute and irretrievable disqualification.

Sir HUGH CAIRNS: Sir, I should have been glad to leave this question to be decided on the clear and unanswerable speech of my hon. and learned Friend the Member for the University of Cambridge; but the arguments of the right hon. Gentleman who has just sat down were so different from those employed by the author of this Bill, that I cannot help making a few observations upon them. It has been said that this Bill is not founded on any doubt as to the law. Now, I take the Bill, and although the right hon. Gentleman says we are not now considering the preamble, I think that every one who lays a Bill on the table is bound to justify the preamble. Well, what do I find in the preamble of this Bill?—"Whereas doubts have arisen as to the eligibility of certain persons to be trustees of certain charities, and it is expedient to remove such doubts." This must mean that doubts have arisen in courts of justice, and not that two men who may meet in the street differ in opinion as to the law. Now, I affirm, without fear of contradiction, that there is no doubt whatever, that there never has been a doubt, and that no judicial authority has expressed any doubt as to the state of the law. The rule—the invariable rule, as long as there have been any decisions on the subject—is that, given the case of a charity founded for teaching one particular creed, the persons to be appointed trustees are to be persons of that creed. There are doubts, and there always have been doubts, whether upon the construction of the trust deeds a charity is founded for teaching one particular creed, as in the case of Lady Hewley's Charity for "poor and godly preachers of God's Holy Gospel," when it became a question who were intended by this description. But such doubts are not and cannot be touched by this Bill. I call on those who support this Bill to justify this statement of the preamble that any doubt has been entertained. The right hon. Gentleman (Mr. Lowe) refers me to the expressions of Lord Chelmsford and Lord Campbell; the first of whom says the appointment of trustees of the same religion as that taught in the school has been the unvarying and unbending rule of the Courts; while Lord Campbell lays it down that the Courts of Equity have a discretion. But the two propositions are identical. The discretion of which Lord Campbell spoke was a discretion exercised by the Courts upon fixed and well-known principles, and the Court of Chancery has always said, the exercise of our discretion compels us to do this. The two propositions of the two noble and learned Lords were, therefore, only two different ways of stating the same proposition. The first objection to this Bill is, that it proceeds on a false basis, and that if the House should affirm it by a second reading it affirms that which cannot be substantiated by the House. The second proposition of the Bill is, that no one shall be ineligible as trustee on account of his religious opinions, unless the founder in his trust deed expressly says that the trustees shall be members of a particular sect. Now, why do you say that? Why are you afraid of your own principle? Why do you say, "unless it is expressly said in the deed to the contrary?" I can understand an hon. Gentleman, with strong opinions on the subject, coming down to this House and saying, "The whole of this is absurdity," and then that he should propose that no person should be ineligible as a trustee on account of religious belief. That would be intelligible, and would doubtless put an end to litigation. But why are you afraid of your own proposition? You say you do not want to interfere if the author of the charity says the trustees shall be of a particular creed. You say you want to carry out the will of the founder. Now I want to know on what logical principle you obey the will of the founder when it is expressly stated in the trust, and refuse to obey it when he has equally declared his will by a necessary implication. I hope we shall have that question answered before we go to a division. Suppose that a member of the Church of Scotland founds an educational charity, and that the trustees are to choose a master whose religious opinions are to be in accordance with the Westminster Confession of Faith. Do you mean to say that, because there was no express declaration that the trustees should be of the same creed as the founder, there was no implied restriction of that kind? Do you contend that, in such a case, the trustees might be Unitarians, Roman Catholics, and members of the Jewish persuasion? Remember that in such a case the trustees would have to judge whether the doctrines and teaching of the schoolmaster were in accordance with the Westminster Confession of Faith. The right hon. Gentleman says his object is to promote harmony. But whenever new trustees are to be appointed, the question will be raised whether the wording of the deed was express, or whether it only raised an implication. So much for litigation. As to good will, I will ask is it the way to conciliate good will in the administration of a charity where one particular religion is to be taught, to mix different religionists in its superintendence? Let us suppose a charity founded for teaching orthodox Presbyterianism, and that to promote harmony, as the right hon. Gentleman recommends, the trustees consist of three Roman Catholics, three Unitarians, three members of the Church of England, and three orthodox Presbyterians. Is that the mode by which peace and harmony are to be promoted? I can only say, they would be a nice specimen of a "happy family." I say, on the contrary, that peace will be better promoted if it is known that the trustees must be members of the same creed as the founder, and that they will be then more likely to act in harmony on all matters affecting their creed and religious persuasion. The right hon. Gentleman tells us we are bound to pass some such measure in consequence of the Act of last year. That Act was one of great liberality, and it authorised the children of Dissenters to participate in the education given by a charity without being bound to accept the religious education given there. The right hon. Gentleman accordingly argues that there ought to be some Dissenters on the Board to protect the faith of these children. He says he is not afraid that by the operation of the Bill every person on the Board may come to be of a different religious opinion from that of the founder of the charity. The right hon. Gentleman tells us that some persons opposed the Jewish Emancipation Bill on the ground that the Jews might come to be a majority in this House. I did not oppose it on any such ground, but as the right hon. Gentleman says, so I will assume that some persons did. But has that any connection with the appointment of trustees of a charity? We are sent here by an electoral body outside, and ours is a fixed and determinate number, which is always kept up. But in these charities there is not a day on which it is not found that, by the deaths of some trustees, and the carelessness of others, the number is reduced to one, two, three, and four trustees. The surviving trustee has, then, the power of filling up vacancies; but we are not likely in this House to finish with a survivorship, and to be reduced to a single Jew who shall say who is to succeed him. All that the Act of last year said was that the children of persons not of the same persuasion as that taught in the school were not to be obliged to receive religious education in the school. Sufficient protection already exists that this Act will not be contravened. The children and parents would instantly know if such religious instruction were given, and on a complaint to the Charity Commissioners the matter would be immediately set right. There is, therefore, ample and full security that the Act of last year will be complied with. The right hon. Gentleman told us, that unless we passed this Bill we should constantly have litigious men putting the law in motion; but I thought that the power that formerly existed, by which any one member of the public was able to set the law in motion and disturb the arrangements of these charities, had been taken away by this House. The Charitable Trustees Act now prevents that abuse. By that Act, before any one can put the law in motion in respect to these charities, he must go to the Charity Commissioners and get their consent. As to the Ilminster case, the Commissioners thought it one for litigation—one in which the Courts ought to set right things which were not going on properly. No unnecessary litigation, therefore, can take place, nor is the Bill required on this account. For these reasons I shall give my hearty support to the Amendment of my hon. and learned Friend.

Mr. HENLEY said, he wished to enter his protest against the dogma laid down by the right hon. Gentleman opposite with all the authority of the Minister of Education, that because last year Parliament gave permission to children whose parents or themselves held different religious opinions from those of the founders of the schools into which they sought admission to go into those schools and receive secular education without the particular religious instruction required by the founder, therefore, *ex debito justitiæ,* they were now bound to admit trustees of the religion of those children in order to protect what he called the rights of the children. But where was this to stop? They were entering on a new era. Six or seven years ago the highest educational institutions in the country were dealt with—some thought strongly; but, however, that might be, although fair opportunity was given to all persons to participate in the education given in those institutions, yet, after a long and solemn debate, the Legislature refused to admit into the governing body of the Universities persons of a different religious persuasion from that of the State. That was deliberately done, and a great principle was involved in it. So it was at the lower end of the scale. All religious denominations now educated their children with assistance from the State, according to their respective views. Many of them, more or less, would admit children to the benefit of secular education, without insisting on their special religious teaching; but they had all recommended that the governing bodies of those schools should be of the religious denomination of the founders. The right hon. Gentleman opposite, standing in this House as a Minister of Education, argued the question wholly apart from the Bill. He said, because you choose to introduce children of the different persuasions into these schools, you are to alter the governing body. He (Mr. Henley) objected to that doctrine. The argument, if pushed to its fullest extent, would amount to this. If they had children of different persuasions in the school, there must be a trustee to every one of them, and there would be Wesleyan, Roman Catholics, Unitarians, and all the rest, and this would produce such a confusion in the country as the right hon. Gentleman probably little expected. The argument against the Bill had been so admirably urged by the hon. and learned Member for the University of Cambridge, and by the hon. and learned Member for Belfast, that he should not presume to say a word in support of what had been advanced by them, but he had felt it right to enter his protest against the doctrine laid down by the right hon. Gentleman the Vice President of the Board of Education.

Mr. DILLWYN said, that the hon. and learned Member for Cambridge (Mr. Selwyn) had found much fault with some words in the preamble of the Bill, namely, that "doubts had arisen as to the eligibility of certain persons to be trustees of certain schools." A verbal error might be corrected in Committee. But he contended that it was correct. The conflicting opinions of the Judges in deciding the recent case to which he had referred showed that there were doubts. Then the hon. and learned Member for Belfast (Sir Hugh Cairns) had ridiculed the proposal to introduce Dissenters into trusts, on the ground that they would be the means of converting these trusts into anything but "happy families." Well, he (Mr. Dillwyn) might mention the case of Ilminster, where there had been for years a mixed trust without quarrels, till the Church interfered to eject the Dissenters; and further, he might allude to Swansea Grammar School, which was administered by a mixed trust, but in which there never had been the least difficulty or disagreement. The hon. and learned Gentleman (Mr. Selwyn) had drawn a vivid picture of an Independent rising from his grave, and being shocked that the school which he had founded had come into the hands of Catholics. He (Mr. Dillwyn) could not help thinking, while that was said, that the hon. and learned Gentleman was a Member for one of the large seats of learning in the country which owed most of its institutions to the charity of another religion. And the image arose to his mind of a deceased Catholic rising from his grave, and finding his churches and schools administered by those whom he would have deemed "heretics." He (Mr. Dillwyn) thought that the administration of all these endowments by the Church of England was perfectly right, so long as it was for the benefit of the whole community. But he thought that administration should be changed from time to time, according to the changes which were taking place in the religion and opinions of the country. Where the intention of the founder of an endowed school was perfectly clear, even by implication, it should be allowed to have full force; but he denied such an implication as that the words "honest man" were intended to mean a Member of the Church of England to be clear or free from doubt, and disputed the right of any legal tribunal to place an interpretation upon the wishes of a founder where there was the slightest possibility of a mistake being committed, and where it would have the effect of narrowing the benefits of the foundation. He believed if the measure were passed, it would remove the feeling of exclusion which now was felt. It would legalise the *status* of Dissenters, and remove the source of many discords.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 164; Noes 157:—Majority 7.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday*, the 17th April.

AFFIRMATIONS BILL.—LEAVE.

Sir **JOHN TRELAWNY** said, he rose to move for leave to bring in a Bill to allow Affirmations or Declarations, instead of Oaths, in certain cases, in Great Britain and Ireland. The measure was intended to redress a practical grievance of which there would be many examples soon, and there had been one already. He contended that an oath added nothing to the testimony of a witness, for before he took the oath he was asked if he believed in its sanctity, and if he chose to tell a lie and say he did when he really did not, he was then sworn and his testimony was received; whereas, if he spoke the truth and said he did not believe in it, his testimony was rejected. He thought there was no greater test of a man's fitness to give evidence than his consenting to be made an outlaw in society rather than say what he did not believe. He knew an instance of a gentleman of considerable property now in London, who, knowing these questions were liable to be put to him in a court of justice, was obliged to associate with himself in his business a person who could swear for him. His Bill provided that a person should be exempted from taking an oath on his statement that an oath would not in his judgment and to his obligation to speak the truth.

Mr. **DILLWYN** seconded the Motion.

Motion *agreed to.*

Bill *ordered* to be brought in by Sir John Trelawny and Mr. Dillwyn.

House adjourned at a Quarter after Five o'clock.

HOUSE OF LORDS,

Thursday, February 21, 1861.

Minutes.] Public Bills.—3ª Indictable Offences (Metropolitan District); Fictitious Savings Banks; Constructive Notice Amendment.

FICTITIOUS SAVINGS BANKS BILL.

THIRD READING. BILL PASSED.

Order of the Day for the Third Reading read.

Lord **MONTEAGLE**, in moving the third reading of this Bill, said that it had no relation to those excellent institutions the penny savings banks, which had been established with most beneficial effect, they did not within the category of those aimed at by this Bill, because the money was invested, through the medium of the branch banks, in the public securities, as was required by law. Persons interested in them, therefore, need not apprehend any inconvenience from this measure. On the contrary, they should be glad to see it passed, as there were a number of pretended savings banks of a most unsafe character which would be affected by its provisions. One bank he had heard of raised money by shares, engaging to pay 4 per cent to the shareholders, and 3½ per cent to the depositors. Any one in the slightest degree acquainted with these matters must know that it was utterly impossible that these professions could be realized. The Bill proposed to allow these banks a certain time to wind up their affairs; but if, after that period, such banks persevered in acting in a manner so injurious to the ordinary savings banks, they would under this Bill be liable to punishment for a criminal act; and it was to be hoped that they would take warning, and not by their obstinacy expose themselves to such punishment.

Bill *passed*, and sent to the Commons.

FORTY SHILLING FREEHOLDERS.

RETURN MOVED FOR.

Lord **STRATHEDEN**:* My Lords, the notice I have given is to call attention to the Report of the Committee of last year on the Reduction of the Franchise, and to move for a Return of the Forty Shilling Freeholders, by which I mean the freeholders above and at that value, in every county of England and Wales. If the notice only furnishes to those who took an active part on the Committee an opportunity of stating the impression they derived from it, I shall not repent of having put it on the paper. Those noble Lords will, doubtless, recollect that this is the very moment when such impressions may be brought before the public with advantage. Situated as we are, on the question of Reform, the attitude of the country, of Opposition, and of Government, is neutral and deliberative. All three may very soon be forced into a different one, which those noble Lords would seek in vain to influence or modify. Beyond this, it should not be forgotten that the immediate purpose of the Committee vanished, because the Bill it was intended to throw light upon expired before its labours were concluded. Considering that fifty-four witnesses were called, that three thousand seven hundred and seventy questions were put, and that the inquiry stretched into a period of above two months, those labours ought not to pass too soon into oblivion. I meant, at first, to touch upon the evidence of the revising barristers who were summoned; but, on reflection, I will leave that point to those by whom they were examined. My further observations will be directed to support the Return for which I move; and here perhaps, the noble Lord the President of the Council will grant me an indulgence, which it would be too sanguine to expect from many of your Lordships. The ground on which I ask for the Return is one which will enable me to go into the present aspect of the question. The ground is, that as we cannot stand still for any time after the four schemes which different Governments have offered, occasional Reform and comprehensive legislation are the only lines open to the country, while it is clear the country drifts towards the former; that some reduction of the franchise will be necessary; that changes of the borough franchise are beset by difficulties almost insurmountable, and on this point the evidence before your Lordships is instructive; that the county franchise is a safer field on which to move at first, but that it cannot be approached until you have a document to show the number of the freeholders compared with the number of the occupying voters which a twenty pound or ten pound limit would occasion. As regards the borough franchise, it is clear to all who are conversant with it, that you must either keep it as it is, advance it to a point by which the power of the middle classes would be neutralized, or introduce the inequality between those above a certain rental, and those beneath it, which great reasoners have pointed to, but which the public has not yet considered with attention. It would probably be granted that the country franchise is entitled to precedence in the question. It would probably be granted, too, that to stand still altogether beyond the present Session is impossible, after the hopes which Governments have raised and the engagements which they have entered into. But men may differ still whether occasional Reform or comprehensive legislation is the system to be followed, although they clearly see that there is no escape from these alternatives, inasmuch as a Government could only withhold the one by giving or by promising the other. Occasional Reform, as far as I can judge, means that course of dealing separately with the features of the subject according to the exigencies of the time and the opinions of the country, which Lord Palmerston declared to be his policy just before the general election of 1857, from which, last year, his Government departed; but from which nothing tends to sever him at present. In favour of that policy there is one well-known presumption, although too much weight ought not to be attached to it. It has been already sanctioned by the Legislature. On this principle the Irish franchise was extended in 1850 by the influence of one Government; the qualification of Members was, in 1858, abolished with the sanction of another. The country has already, therefore, entered on the line I have adverted to, in the only changes it has yet thought right to make in the Reform Act. A more grave presumption by far in favour of that policy is, that a new and comprehensive, or, as it is sometimes termed, a reconstructive settlement, has been attempted four times with uniform reproach to all the Governments who ventured upon it. It is needless to remind you that the Government of 1852, after finding its scheme an object of severe animadversion from every quarter of the press and of the public, in ten days renounced the desperate position it was placed in; that the Government of 1854 was forced by a concurrence of all parties to withdraw their measure of Reform, on the eve of the Russian war, and never regained the credit which they lost by this unfortunate and ill-timed proposition; or that the Government of 1859 was outvoted on the second reading of their measure, and in vain appealed to a general election to reverse the judgment of the House of Commons. It is still necessary to remind you of what occurred in 1860 on this subject. The reception by which these new settlements of Reform were strangled in their cradles, cannot be ascribed to want of talent in the Cabinets which framed them. It cannot be ascribed to any temporary causes. The more their failure is examined, the more it will be traced to causes which survive, and of which, whenever such attempts are made, the operation may be confidently reckoned on. At any time they must array against them the hostility of Parliament, because they threaten dissolution. At any time they must excite the Opposition of the day into activity, because on projects so ambitious and so vulnerable, far more than on any other, the Government advancing them may be successfully attacked. They must, also, to some extent, create disunion in the Cabinet which forms them; because, unless there is an object to pursue, and a principle to go upon, as there was in 1831, but does not seem to be at present, no twelve statesmen can entirely agree on what ought to be the nature of the settlement. They must excite some degree of popular resentment out of doors when they affect stability and permanence, and when certain changes are excluded from them which interest electors more than any other changes, but which the leaders of our day are not disposed to sanction. But when the line of occasional Reform is contrasted with that of a new settlement, it suggests another observation. It was the line of policy conceived to be established, as far as their opinions are on record, by all enlightened statesmen, as well as the community in general, from 1832 to 1851. Except among the school who openly avowed that their object was to concentrate the power of the State in the working-classes by means of suffrage, equal on the one hand, universal on the other, no one ever heard of a new settlement till the Minister of the day in 1851 engaged himself to offer one. The shock which all Europe received from the fall of the French throne in 1848, extended its vibrations to this country. It roused into activity passions which had slept, and forced upon the Legislature topics which for many years had been forgotten. But there its power ended. The fever which it led to had subsided, the agitation it encouraged had passed by, before the Minister, in 1851, explained to a resenting House of Commons that a new settlement would soon impend on the Reform Act. From that time and under that authority, no doubt the prospect was indulged in. But now, such language is renounced and such a part has been abandoned, it is not unnatural that the public should relapse into the mode of thinking which nothing else had interrupted; that they should hold a new settlement of representative arrangements as uncalled for, and believe that separate reforms will do all their interest requires, and all their interest admits of. The convulsions of 1831 and 1832 were the price advanced for many caculated benefits. But among those calculated benefits there certainly appeared to be, if you examine the opinions of the period, immunity in all time to come, not from the existence—not from the discussion—but at least from the supremacy above all other matters, of that inflammatory topic which had brought society to the verge of civil war, and placed the country in the feeblest position it could hold towards European Powers. From 1833 to 1851 the intention of the country seemed to be not to resist organic change when prudence sanctioned its adoption, but never to allow itself to be again engrossed in a general and overruling agitation of the question upon what ground to form its representative assembly. Whether or not the intention was a wise one—if it was only clouded for a time by unfortunate events, and by untoward pledges—if the events have passed, and if the pledges are exploded, there is nothing to prevent it from again recovering the firmness and distinctness which originally marked it. When it has twice led to practical results without the medium of disturbance, while four times a tentative departure from it has been at once calamitous and fruitless, we cannot blame the country (even if we differ from it), for reverting to its first ideas, corroborated by its subsequent experience. But these are mere presumptions which ought not to hurry my noble Friend too far towards the line I have submitted to him. He has a right to ask, and he is bound indeed to do so, what are the precise and tangible advantages it has over the attempt at a new settlement. At the very outset, I remind him it does not bring about the dissolution of the Parliament which acts upon it. In 1850, when the Irish franchise was extended, there was not a whisper of dissolving. In this place it may be frankly said, that frequent dissolutions (not to speak of all their obvious disadvantages) reduce the value of the House, which they affect by reducing the mass of Parliamentary experience included in it. Beyond this, occcasional Reform, not vitally endangering the Government which offers it, may be offered with security according to the real convictions of those by whom it has been framed. Individuals might be found, perhaps, so high-minded as to think that the Bills of 1852, of 1854, of 1859, and of 1860, all represented the ideas and judgment of their sponsors. But who would face the ridicule which such a view declared would bring upon him in any circle where political events and motives are alluded to? And is the character of leading men of no importance to an empire? But, assuming that a general revision of our system could be offered without an eye to anything beyond the welfare of the public, may it not be too great and too unjust a burden for the hurried and pre-occupied capacity of Governments, who would prosper in the safer, but not less noble flight, of amending it from time to time with the effective aid of both Houses of Parliament? In the next place, a separate Reform is not a barrier to other measures of importance. The Irish Bill of 1850 was carried in the same year with an Act as grave and as much controverted as any which had passed since 1833,—the Act for giving institutions to Australia. The Bill of 1858, which I referred to, was carried in the same year in which India was transferred by legislation to the Crown: night after night being spent in arduous battles on that subject. The comprehensive Bill of 1860, although it never passed into Committee, threw out every other measure except those relating to the Budget, along with which it was proposed. But these considerations may be set aside as insignificant, compared with one I might allude to. Occasional Reform can never add to our foreign difficulties, whereas large and much debated schemes must inevitably aggravate them. So long as the world contains aggressive powers, and the country is resolved to stand by its allies, we cannot afford,—and this my noble Friend will admit more readily than others—to be a weak, embittered, and disorganized society. Such any large and comprehensive project of Reform, such any new settlement of 1832, such any scheme resembling the four which are discarded, must have —to speak with caution and reserve—a tendency to make us. A reconstructive Bill, however well conceived must, in some degree, array class against class, and party against party. When the country is divided and convulsed, it cannot be so powerful against any Government which threatens Europe and itself, as when it still retains its harmony and firmness. While land is aiming at concessions, while boroughs are trembling for existence, while interests are struggling for ascendancy, while Opposition sees its way to power, while public men are looking to elections, a strong national conviction upon foreign questions cannot be supported. In such a case the energy and spirit of the country has already found an object and a channel. I am not giving speculations of my own, but am referring to what not many years ago was shown to be the deep, the genuine and the instinctive judgment of the empire. Why with one voice did they sweep away the ill-starred Bill of 1854? Because they knew it would divide them, and that division would be fatal to their interest. But it was not only in 1854 that the state of Europe was at variance with the reconstruction of our Legislature. 1852 found us engaging in a similar adventure. It also found a military despotism suddenly restored, which, however friendly it might be to us, increased the call on our vigilance, induced the country to revive a long-abandoned force, and made disunion more than ever out of season. In 1859 a continental war began at the same moment with the general election, which a reconstructive measure had produced. And few deny that such a general election was a heavy blow to our influence in Europe. In 1860 reconstruction was again the business of the Session. Nice and Savoy were annexed, and the boundaries of France extended for the first time since 1815, while that business consumed the time, degraded the authority, and hung upon the energy of Parliament. If, indeed, the Powers of the world were ready to suspend intrigue, diplomacy, and war, while our reconstruction was proceeding; if history entered into an engagement to stand still until a final project had been carried, the case would be a different one. But an Empire like ours is too extensive in its parts, too varied in its interests, and has too many points of contact with other portions of the world to give a reasonable prospect of the vacancy and freedom a reconstruction calls for. The person who looks forward to it may well remind your Lordships of the benighted countryman in Horace, who stood by rivers in the firm belief that they would rapidly exhaust themselves—

"Rusticus expectat dum defluat amnis."

As yet, however, all the comprehensive projects have been announced beforehand by long engagements of the Governments intending to propose them. As a nation, we have, therefore, had the curious temerity to inform the keen and waking Powers which observe us at what exact time Great Britain will be paralyzed and weakened; when the occupation of a territory will be prudent; when rapine will be safe; when the flames of European war may be judiciously and seasonably kindled; as if the laws of human nature would be reversed for our advantage—as if the blindness and simplicity of one State would be corrected by the virtue and forbearance of another—as if the disposition of the world to abstain from all proceedings adverse to the country, would be proportioned in a scale to our reckless invitation of them. But such a view may be exposed to the reply that these considerations were as applicable in 1831 as at this moment, and that if they had been suffered to prevail the Reform Act would not have been carried. But at that time the Continent was not so near as science has now made it. And, as regards foreign policy itself, it stood in need of a large organic measure to release and to advance it. Under the old system we could not follow the ideas which Mr. Canning had impressed upon the country, when that system was no longer swayed and mitigated by his genius. In order to return to those salutary principles, of which he was the author, which, from his death in 1830 were eclipsed, but which have never since been interrupted, a sweeping change was indispensable. No doubt the country had other ends still more immediately before it; and ends for which occasional Reform would not have been sufficient. The country wanted to transfer power from one class to another; to create an epoch in our history; and at a single blow to put an end to the dominion of proprietors in boroughs. It wanted to destroy interests which only popular excitement could assail, to reverse the state of parties in the Legislature, to pave the way for measures previously impossible. In a word, it wanted to achieve what, as far as we can judge, it is now inclined to prohibit. And if the ends are opposite the agencies may vary. While it appeared at all to clash with the defence of what occurred in 1832, my noble Friend would not be able to accede to the position I have urged upon him as regards the effect of comprehensive schemes on our policy in Europe. But he will see that they are reconciled. After all that we have learnt since 1848, one sentiment alone could induce him or any other statesman to look with favour on another trial of such projects; the hope which once prevailed and lingers yet perhaps, that, if adopted, it would long endure and bring about a strict repose upon these questions. If we recur to facts it will be seen that such hopes have not a shadow of foundation. In 1832, the causes and incentives which urged on a great organic change were nearly all removed by granting it. In our time the causes which still appear to tend towards such a measure, would not, in any manner be affected or extinguished by it. In 1832 they were the desire of new laws, and the desire of improved administration. In our time they are the recurrence of commercial panics, physical distress, and Euorpean revolution; together with the constant action upon Governments of a party in the State which no comprehensive scheme is likely to enfeeble. After 1832, organic rest prevailed, because a long series of legislative problems occupied that party, as it did the other friends of general improvement. After a new settlement enacted in our day, unless it has the magic power to annul all that thirty years have given to the statute book, there will be no such field for the activity of Parliament. Why then, should we think that the influence, whatever it may be, from which this settlement arose, would not at once disturb it? In the general election of 1847 Reform was scarcely mentioned. Before the Parliament which met at the close of that year expired, the pledge to alter the Reform Act vitally was given. The Government of 1846 came in with the clearest understanding that organic change was not to be its policy, and by that very Government the present difficulties of the question were created. Where is the security for permanence?—as it clearly does not rest in the intentions of our statesmen, or in the language of our people. Is it in the generous forbearance of the democratic party? In that party there are men, no doubt, well known for sense and moderation. But my noble Friend, well versed in these events, will not forget that from 1848 downwards, under the lamented Mr. Hume, that party solemnly engaged itself in numerous divisions and debates to labour for the full extent of the organic change which he demanded, and that consistency and honour will forbid them to accede to any other settlement. Would you look for your security in general concurrence not to touch these questions? For such a plan has been alluded to. Will all the rising spirits in our schools and universities—will all the coming Members of our metropolitan constituencies join in this concurrence? and if they do not, what can be its value? In 1847 there was such a concurrence, so far as it can happen in the country. And what did it amount to? The more we look into the past, the more it will occur to us that there is no security whatever, the very Session after a comprehensive measure has beeen carried, against the movement for a second one. But setting this aside, and taking a more favourable view of what might happen, if a new settlement was not at once exposed, gibbeted, and torn to pieces by another, to what would it be a preface, except occasional Reform whenever unforseen facts, or party circumstances, called for it? Might we not begin at once with that which, after any large and comprehensive scheme has been adopted, we shall enter on? Have we not already formed the necessary basis for amendments? Or, if we have not, when shall we arrive at it? No doubt such a line would be impossible for Governments, if it combined against them the democratic party in the Legislature. But that very party owes to it the only triumphs which have fallen to them. They, too, like older parties in the State, have found in reconstructive schemes a source of failure and disaster. They have rejected with aversion or indifference the four which Governments proposed to them. If they desire organic change, they value still more nearly the power and name of Britain in the world, which I have shown that projects of this kind endanger and dishonour. And if the system of occasional Reform was not adapted to their sympathy, it would not, in August, 1859, have found in Mr. Cobden out of doors a far more powerful exponent than it has had in me to-night before your Lordships. I have only, therefore, to revert to the position which I started from, that such a line ought to be seriously contemplated, if not at once embraced; that the reduction of the county franchise is the step which circumstances indicate;—that justice to the freeholders is in the way until its influence upon their power has been estimated;—while it happens that no return of their number can be found in the papers which of recent years have been presented to the Houses. Whether or not the noble Lord may deem it right to grant such information, if the train of reasoning which I have most imperfectly endeavoured to convey to you, allowed a place among his thoughts, and, strengthened by the range of practical experience which he can bring to bear upon it, should urge him long to pause and deeply to reflect before again resolving to give his high authority to any reconstructive scheme to alter the Reform Act;—the Motion I submit may not be altogether useless to the country.

Earl GRANVILLE said, the information required by the Return was already before the House, though in a form mixed up with other matter. But if the noble Lord wished to obtain it in a separate form, there could be no objection to the Return.

Motion *agreed to.*

House adjourned at Six o'clock,
till to-morrow, half-past
Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 21, 1861.

Minutes.] Public Bills—2° Markets and Fairs (Ireland); Offences against the Person; Larceny, &c.; Malicious Injuries to Property; Forgery; Coinage Offences; Accessories and Abettors; Criminal Statutes Repeal; Law of Foreign Countries.

IRISH BUSINESS.—QUESTION.

In answer to Questions from Lord Naas,

Mr. CARDWELL said, that he proposed to take the second reading of the Births, Deaths, and Marriages (Ireland) Bill on Tuesday next, in order that the Bill of his noble Friend and his own might come on for discussion together. With regard to the Markets and Fairs (Ireland) Bill, he would, with the permission of the House, take the Second Reading that evening, and postpone going into Committee until after Easter, when hon. Members would have returned from the Assizes.

AFFAIRS OF ITALY.—QUESTION.

Lord EDWARD HOWARD said, that hearing that atrocities had been, and were likely to be, committed by the Sardinian Government and Army in Southern Italy, he wished to ask the noble Lord the Secretary of State for Foreign Affairs, Whether Her Majesty's Government will use its influence with His Majesty King Victor Emmanuel to prevent bloodshed in his present hour of success, and will instruct its Diplomatic and Consular Agents to keep it fully informed of the measures ordered or adopted by the present *de facto* Government of Southern Italy, for the purpose of re-establishing order?

LORD JOHN RUSSELL: Sir, I have not thought it necessary to use any influence with King Victor Emmanuel to prevent bloodshed. I should say that, generally, the Sardinian troops have shown as much humanity in victory as they have displayed courage in the contest; but there have certainly occurred cases which it was painful for an army to deal with, and with which the Sardinian army have dealt in a very severe manner. For instance, it appears that orders were sent out—I cannot say by whom, but orders, proceeding from Gaeta and Rome—according to which brigands, convicts, and persons of the worst character were armed in parts of the kingdom of Naples, and committed great atrocities. In one case, they seized a young man, of the age of nineteen, the son of a person known for his liberal opinions, put out his eyes, and then burned him by his own fire. Atrocities of this kind, frequently repeated, induced the Syndics of the town to arrest these brigands, and put them in irons; but presently there came an order from Gaeta that they should be let loose again. They then committed other similar atrocities, and when the troops of the King of Sardinia came there they were seized, tried by a military commission, and shot. Atrocities of that kind, my noble Friend must be aware, cannot be dealt with according to the usual laws of criminal justice, or the usual proceedings of one regular army towards another. It is certainly very greatly to be lamented that, as there is now no army in the field to oppose that of the King of Sardinia, encouragement continues to be given—no longer from Gaeta, to be sure, but from Rome—to persons of the very worst character, who commit acts of brigandage and robbery in the villages, and put to death, in the most cruel manner, any persons who are supposed to differ from them in their opinions as to who should be King of that State. I can only say that I think it would be almost an affront to the Government of the King of Sardinia to preach humanity to them. I believe that it is the wish of the King of Sardinia, as he has shown repeatedly by the orders which he has given, that, while war is carried on, it shall be conducted with humanity; and, I trust, from a letter with respect to the siege of Gaeta which I received this morning from a correspondent, which says:—

> "Indeed it is a great blessing to have done with the siege of Gaeta, and you will see, as I before predicted, the whole kingdom of Naples, or rather Southern Italy, will settle down into a state of tranquillity nearly equal to that of Tuscany, Romagna, and Bologna."

that encouragement will no longer be given to the robberies and murders which have for some time been committed in Southern Italy.

LORD JOHN MANNERS:—Will the noble Lord allow me to ask a question as to the information which he has just given us; whether that information appears in any of the papers which have been laid upon the table of the House, or from what source it comes, and whether he will be willing to communicate to the House any papers in which it is contained?

LORD JOHN RUSSELL: The information came to me from the Sardinian Minister. I have no documents to produce, but I certainly believe that it is true information.

MR. HENNESSY: Perhaps the Chancellor of the Exchequer will inform us when he intends to ask for a Committee of Supply, as we can then discuss these things in a more regular form.

THE CHANCELLOR OF THE EXCHEQUER: I cannot give any positive information, but I had understood that it was intended to propose a Committee of Supply on Monday next. At any rate, information as to when it is to be taken will be given to-morrow.

AUDIT OF THE PUBLIC ACCOUNTS.

QUESTION.

SIR STAFFORD NORTHCOTE said, he would beg to ask Mr. Chancellor of the Exchequer, Whether it would not be possible to curtail the time now allowed by Law for the audit of the Army Accounts, so that the Account of Army Receipt and Expenditure might be presented at the same time as the Account of Naval Receipt and Expenditure; and whether any steps have been taken, or are in contemplation, for giving effect to the recommendation of the Committee on Public Monies with respect to the audit of the Miscellaneous Expenditure?

SIR FRANCIS BARING said, he wished to know whether his right hon. Friend was also prepared to inform them what course he meant to pursue with respect to the general recommendations of the Committee on Public Monies, and more particularly with respect to the appointment of a Finance Committee, consisting of Members of that House?

THE CHANCELLOR OF THE EXCHEQUER said, that with respect to the first Question of his hon. Friend opposite (Sir Stafford Northcote), and also with respect to the Question of his right hon. Friend behind him (Sir Francis Baring), he had to state that it would not be practicable to bring within the same limits the army and the navy accounts. A period of eight months was allowed for closing the accounts of the naval receipts and expenditure, and at the end of that time they were forwarded to the Audit Office for investigation. But the law allowed twelve months for closing the accounts of the army expenditure. He was not prepared to say that it would be found permanently necessary to maintain that precise difference of time between the two cases. But there was no doubt that, owing to the greater diversity, extent, and complexity of the operations and the expenditure of the army abroad, it would require a longer time to bring up and close that account than the naval account. He did not, however, see any great inconvenience in that, because the final intentions of that House and of the Government were that those accounts should be referred to a Committee. The Committee would entertain them successively, and might proceed to deal with the naval accounts during the interval which would elapse before the army accounts were produced. At present every effort was being made to expedite the preparation of the army accounts, so that they should soon be better able to judge in what time they could be completed hereafter. With respect to the general recommendations of the Committee, he had to state that they had been very much considered by the Government during the recess, and it was their intention to propose certain Bills to Parliament for the purpose of giving effect to those recommendations. There was one portion of them which was in its nature separate from the rest, and with which he proposed to deal first, and by a separate Bill; he meant the recommendation which related to Exchequer Bills, and which would involve several changes in regard to those instruments. He hoped to be able to find an opportunity in the course of next week of submitting to the House certain Resolutions, which would be the foundation of the change which he contemplated, and which would make those Bills a charge on the Consolidated Fund. With regard to the other leading recommendations of the Committee—namely, those which related particularly to the audit of the miscellaneous expenditure, and some other points—there was a Bill in preparation for the purpose of giving effect to them; and he would be in a condition, he hoped, to bring it under the notice of the House as soon as the progress of other public business would permit. Then there remained behind the question of the appointment of a Committee of that House for the purpose of reviewing the public accounts from year to year after they had undergone inspection at the Audit Office. That Committee could not be brought into full operation as respected the whole of the public accounts for, he was afraid, at least two years from the present time, because if by law they were able to apply the principle of audit, as recommended by the Committee, to the miscellaneous expenditure, the first year's expenditure to which it would apply must be that of 1861-2, inasmuch as it would not be desirable to begin with an arrear, and the time for bringing it to a close would be the 31st of March, 1862. Time should afterwards be allowed to close and bring up the accounts, and send them before the Audit Office; and then they could not come before the Committee until the Session of 1863. But there was no reason that he was aware of, why, in this Session they should not appoint a Committee, if it should be the pleasure of the House, to whom they would entrust the duty of reviewing both the army and navy expenditure. If they did that the Committee would then, in all probability, be in a condition to apply themselves with greater care to the question of the miscellaneous expenditure after they had become thoroughly familiar with the question of the army and navy expenditure. He believed the answers he had just given embraced all the material points of the questions which had been put to him.

DIVISION OF LABOUR IN THE PUBLIC OFFICES.—QUESTION.

SIR STAFFORD NORTHCOTE said, he would now beg to ask Mr. Chancellor of the Exchequer, Whether any steps have been taken, or are in contemplation, for introducing into the Public Offices a better system of division of labour?

THE CHANCELLOR OF THE EXCHEQUER said, that all he could then state upon the subject was this. The hon. Baronet had given them his valuable assistance, along with other Gentlemen, in the investigation of the subject, which was one of very great difficulty; but the Government did not yet feel themselves in a condition to move in it before they had brought it under the notice of the principal permanent officers of the civil service. He could not say they had yet arrived at any result which would justify him in holding out any immediate prospect of making any progress in the matter. But the attention of many of the most eminent and experienced of the civil servants was being directed to the subject, and the Government were very desirous of arriving as soon as possible at such a decision as the circumstances of the case might require.

THE INDIAN NAVY.—QUESTION.

SIR GEORGE BOWYER said, he wished to ask the Secretary of State for India, Is the Indian Navy to be abolished as a War Service, and converted into a mere Transport Service; if so converted, will the Officers be given the option of retiring on a liberal pension according to their length of service; if the service be kept on a war footing, how will it stand with regard to the Royal Navy, and will its services be confined to the Indian seas; and is it the intention of Government to build any more vessels expressly for the Indian Navy, or to make any more special appointments to that service; or, in other words, will it be suffered to die out?

SIR CHARLES WOOD said, that, in answer to the Question, he had to state that the Government intended to reduce the expenditure of the Indian Navy. In consequence of the force not being any longer required in the suppression of the slave trade along the eastern coast of Africa which has ceased to be a petty trade carried on by Arabs only, and is now a trade to the West Indies carried on under the flag of European nations, it would be diminished in number, and would, consequently, become less expensive. No ships had been built for that service, and no appointments had been made in it since he had taken office. A portion of the force, however, would still be maintained for the purpose of making surveys, removing troops, and for the protection of our interests in the Persian Gulf.

ALLOWANCES TO WITNESSES. QUESTION.

MR. ALGERNON EGERTON said, he would beg to ask the Secretary of State for the Home Department, Whether he is prepared to alter the present scale of allowances to witnesses at Sessions and Assizes?

SIR GEORGE LEWIS said, he had frequently had interviews with deputations from South Lancashire and from the West Riding of Yorkshire, comprising gentlemen of great weight and experience, in order to represent to him the inadequacy of the general allowances to witnesses in prosecutions at the assizes and sessions. Those expenses were at present defrayed by a grant of that House, and any increase in them would consequently become a burden on the Public Exchequer. The subject was one of great difficulty, whether it were considered as leading to a general increase under that head in all counties, or as a variable scale involving different rates for different counties. He could only say that he had not yet come to any satisfactory conclusion upon the subject; but he could assure the House that he had it under his careful consideration.

CHURCH RATE RETURNS.—QUESTION.

MR. PACKE said, he wished to ask the Secretary of State for the Home Department, When the Return of Parishes in which Church Rates have ceased to be collected [Addressed for on the 25th day of January, 1860] will be laid upon the Table?

SIR GEORGE LEWIS said, the House would probably recollect that last Session an Act had been passed giving the Secretary of State the power of obtaining a general Return of all Local Rates, embracing Church Rates. Formal papers had been sent out to all the parishes under the provisions of that Act, and the information which would thus be acquired would be more comprehensive than any that had yet been obtained in this country. The Returns were at present coming in, and he hoped he should be able to present them before the end of the Session.

FISHERIES (IRELAND)—QUESTION.

MAJOR GAVIN said, he would beg to ask the Chief Secretary for Ireland, Whether it is his intention to proceed with the Fishery Bill placed on the Table of the House at the end of last Session?

MR. CARDWELL said the Bill of last Session was prepared by the Fishery Commissioners, under the direction of the late Government. He had communicated with the Commissioners on the subject, and had been informed that they had received many suggestions, which, in the shape of an altered Bill, would probably be laid on the Table of the House in the course of the present Session. But the Commissioners were very anxious that their Report should be printed and in the hands of hon. Members before the introduction of the Bill for Ireland. He might take that opportunity of stating that the Bill of last Session would, if carried, have effected an alteration in the Law of Property, and not merely affected the mode of administration of it. That was a thing which, he believed, the Commissioners did not intend to advise.

VENTILATION OF METALLIC MINES.
QUESTION.

MR. KINNAIRD said, he rose to ask the Secretary of State for the Home Department, How soon the inquiry promised last Session into the state of ventilation, and the great loss of life consequent on labouring in tin, iron, copper, and other metallic mines, will be made?

SIR GEORGE LEWIS said, that in the course of the discussions last year on the Bill regulating coal mines a promise had been made on the part of the Government that an inquiry would be instituted within some reasonable time into the state of the ventilation and the labour of metallic mines. He had not yet entered into any arrangement for the purpose of making such an inquiry, but if it should be the general wish of the persons engaged in that branch of industry to have that inquiry, and if it should appear that it would lead to any beneficial results, he would be prepared to take the necessary steps for effecting that object.

BANKRUPTCY AND INSOLVENCY BILL.
COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clauses 51 to 55 *agreed to.*

Clause 56 (Deputy for Chief Judge),

MR. EDWIN JAMES said, it was proposed by the Bill that in the temporary absence of the Chief Judge one of the Commissioners in Bankruptcy should preside. But, as the principal business of the Chief Judge would be to hear appeals from the decisions of these Commissioners, he thought it very undesirable that one of their number should act as his substitute. With a view, therefore, to secure uniformity of ruling, of the entire absence of which the mercantile public at present complained so grievously, he moved, by way of Amendment, that one of the Queen's counsel, or a serjeant-at-law, should be appointed to preside in the absence of the Chief Judge.

THE ATTORNEY GENERAL said, he would look into the clause with the view of seeing whether an alteration might not be made to remove the objection of the hon. and learned Member for Marylebone.

Amendment *withdrawn.*

Clause *agreed to.*

Clauses 57 to 62 inclusive *agreed to.*

Clause 63 (Persons refusing to answer may be ordered to pay costs),

MR. EDWIN JAMES said, he wished to propose the addition of the words, "provided the person shall be compellable by law to answer such question or to sign such examination."

THE ATTORNEY GENERAL said, that in framing the clause it was assumed that the Judge would not order the payment of costs until he had satisfied himself that the question or examination was such a one as the person could be compelled to answer or sign. He had, however, no objection to the Amendment.

Clause as amended, *agreed to.*

Clauses 64 to 67 *agreed to.*

Clause 68 (Issues may be directed),

MR. WALPOLE said, he had great doubt about the propriety of the clause. The 67th Clause empowered the Chief Judge and the Judges of the Court of Appeal in Chancery to direct questions of fact to be tried before themselves, and the clause under consideration allowed them to direct issues to be tried in any Court of common law, either before a Judge of assize in any county or at the sittings in London and Middlesex. If there was one thing more than another which ought to be observed in law reform (and no one would give a more cordial assent to his proposition than the hon. and learned Gentleman opposite), it was that every Court ought to be sufficient of itself, and by itself, to determine any question within its jurisdiction which was submitted to it; and he was afraid that if they permitted issues to be tried in the way authorized in the clause, they would be sending issues for trial which might just as well be tried before the Court. He quite admitted that it might be advantageous to send down a case into the country to be tried instead of trying it in London, and thus save the expense and inconvenience of bringing all the witnesses up here. To that extent he thought the clause might be useful.

THE ATTORNEY GENERAL said, he thought they ought to put the greatest confidence in those who had the administration of justice in their hands, and leave them to act, in many cases, according to their discretion. Contingencies might arise that would render the sending of these issues to the courts necessary; and therefore he thought the power of doing so should remain.

MR. WALPOLE said, he did not wish the hon. and learned Attorney General to give up the clause, but to put in some words to limit as much as possible the sending of issues for trial.

MR. MALINS proposed that the words "in cases of necessity" should be inserted; and observed that, at one time, in the Court of Chancery it was a general rule, when points of law arose, to send an issue to the common law courts, but now it was only done in cases of absolute necessity.

THE ATTORNEY GENERAL said, he had no objection to insert in the clause the words "if required by circumstances."

MR. WALPOLE said, the insertion of those words would meet his views.

Clause as amended *agreed to;* as were also Clauses 69 to 73.

Clause 74 (Appeal from Commissioners and County Court Judges),

MR. EDWIN JAMES said, he thought it desirable that a right of appeal should be given with respect to cases now pending, as well as with respect to cases that might arise subsequently to the passing of the Act.

MR. MALINS said, he thought some such Amendment as that proposed by his hon. and learned Friend was necessary. The decision of the Insolvent Court was final. There was no appeal from the judgment of the Commissioner. A case had lately arisen in which the Chief Commissioner of the Insolvent Court decided upon disposing of a sum exceeding £5,000 belonging to a Mr. Dyson, who had become insolvent a second time. The Vice Chancellor had decided that the money belonged to the purchaser of Dyson's property, and not to Dyson; so that while the Court of Chancery decided the money belonged to A, the Chief Commissioner ruled that it should be given to B. He, therefore, hoped the learned Attorney General would propose some words to remedy that inconvenience.

THE ATTORNEY GENERAL said, that the matter was undoubtedly one of great importance, and he would, therefore, propose to add after the words "under this Act," in the third line of the clause, the words "including decisions and orders in all matters pending in bankruptcy or insolvency at the time of the passing of this Act."

Clause, as amended, *agreed to.*

Clause 75 (Mode of Appeal).

MR. MALINS said, he thought that in all matters the appeal should be independent of the permission of the Judge appealed from, and he suggested that the time within which an appeal could be taken should be forty-two, instead of twenty-eight days.

MR. MOFFATT moved as an Amendment, to leave out the words, "on the hearing thereof no new evidence shall be received without leave of the Judge."

THE ATTORNEY GENERAL said, that the provision was a very salutary provision, for unless some such restriction existed a great temptation was held out, he would not say to perjury, but to strain the evidence in order to supply the defects in making out the case on a first hearing. Nothing, too, was more likely to lead to litigation and expense than permitting parties to come in with fresh testimony. He preferred the term in the Bill of twenty-eight days to the forty-two days suggested by his hon. and learned Friend, especially as the Judge had power to extend the period.

Clause *agreed to.*

Clauses 76 to 80 *agreed to.*

Clause 81(Abolition of distinction between Trader and Non-trader).

SIR FITZROY KELLY said, that as several hon. Members who wished to take part in the discussion of this important clause were absent, he would suggest the postponement of the clause for the present, and that notice should be given of its coming on.

THE ATTORNEY GENERAL said, there was a full House at five o'clock, and it was known that the Bankruptcy Bill was the first order of the day, while it was then only six o'clock. It was impossible to discuss the clause at a more auspicious time.

Mr. MALINS said, he was glad the hon. and learned Attorney General had refused to postpone the clause. It was of the very essence of the Bill; it was known it was coming on, and if hon. Gentlemen would not stay for it, even till dinner time, their absence was the best proof of their assent to the clause.

Sir GEORGE BOWYER said, he should have been glad if the hon. and learned Attorney General had postponed the clause, and given the public a little more time for consideration, before so important a principle of jurisprudence was finally settled by the House. The popular argument was that no distinction should be made between the trader and non-trader, but that distinction could not be given up with a due regard to the principles of jurisprudence. The distinction was contained in the codes of all nations, and was founded on principles of public policy. The law of insolvency which applied to persons who were not traders was grounded on different principles and a different spirit from the law of bankruptcy. The spirit of the law of insolvency was favourable to the debtor. Insolvency originally meant a *cessio bonorum*, and was introduced as a favour to debtors, who, by giving up their property, were enabled to withdraw themselves from the very stringent laws against debtors. The law of bankruptcy was laid down by a statute passed in the reign of Henry VIII., which was very much of a criminal statute. It was introduced, not for the relief of debtor, but for the benefit of creditors, to whom it gave extraordinary remedies, founded on the peculiar circumstances of trade, which, being dependent on credit, could not be carried on without a punctual discharge of the trader's obligations. The law of bankruptcy applied to the trader, and made him answer on oath every possible question with regard to his means, got hold of all his property, cut it up and distributed it among his creditors with circumstances certainly of very great severity. That was necessary in the case of a trader, because trade could not be carried on without credit, and credit could not be maintained unless the creditors had such extraordinary remedies afforded by law. These principles were laid down by *Blackstone*, and in the French code the distinction between trader and non-trader was also to be found, bankruptcy applying to the first and not to the other, and the best commentators on the French Code agreed with Blackstone on this subject. The present Bill, therefore, removed a landmark of jurisprudence by confounding the trader with the non-trader. He hoped the Committee would consider the great vexation and trouble it would cause persons, who were not traders, to be brought under the law of bankruptcy, which had been described as a fearful legal instrument with all kinds of engines for cutting up a debtor, and distributing all he possessed among his creditors, and he likewise trusted that the landed gentlemen would carefully consider before they subjected themselves to powers of so exceptional and tremendous a character. The clauses might be made the means of great annoyance and cruelty, and something very like extortion, and might place persons of property in very disagreeable predicaments. He had read last year a very able, witty, and pointed article in *The Times*, which went, he thought, to prove beyond doubt, that the law of bankruptcy ought not to be applied to non-traders, although, he regretted to say, the writer had carried out his views to no practical conclusion. The article, however, had awakened public attention to a great extent on the subject; and he, believing that the principle involved in the clause required still further consideration at the hands of the Committee and the country, deemed it to be his duty to move that it be postponed.

The CHAIRMAN said, that the remarks of the hon. and learned Baronet were addressed to the merits of the clause, and certainly not calculated to prepare the Committee for the Motion he had made. He did not know whether the hon. and learned Baronet would deem it necessary to persevere in his Amendment.

Sir GEORGE BOWYER intimated his intention to persevere in the Amendment.

Sir LAWRENCE PALK said, he was quite certain it was the general feeling of the public, who had considered the clause, that it ought to be omitted from the Bill. He trusted that the hon. and learned Gentleman would not risk the success of his measure by insisting on the clause. At all events, he hoped he would postpone its consideration until some other night. It was not usual, nor was it, indeed, decorous, for persons who had no knowledge of the legal profession to rise and speak on Bills of this sort. They must be pardoned if they trusted to the opinions of the legal advisers on their side of the House, and did not read such Bills with the accuracy they ought to do. That was the reason why the provisions of the clause had escaped the notice of many hon. Members when it had come under the consideration of the House last Session. He hoped that the clause would be postponed.

LORD JOHN MANNERS said, although he concurred in the opinion that the fullest Parliamentary notice had been given of the intentions of the Government in regard to the progress of the Bill that night, yet, after what had happened, it was equally clear that, owing to some misapprehension, there was not that general comprehension of that important clause which was essential to a proper discussion of its provisions and a satisfactory settlement of the points involved. It was certainly one of the most novel and important provisions of the Bill. He should not presume to suggest a postponement of the clause, believing that the hon. and learned Gentleman had good grounds for proceeding if he were so minded. But in order to prevent unnecessary divisions he would suggest to the hon. and learned Gentleman whether, after all, time would not be gained by adopting the course recommended by his hon. and learned Friend. If, on the other hand, the hon. and learned Gentleman, in the fair exercise of his discretion, were determined to proceed with the discussion, he feared that they should prepare for warm discussions upon that particular clause in the next stage of the Bill, ending probably by a division or a series of divisions. Under such circumstances, he apprehended, very little time would be gained by proceeding with the clause after a very desultory conversation, to be followed afterwards by more full and mature discussions upon the same clause, terminating probably in divisions of the House.

THE ATTORNEY GENERAL said, he was quite sure that the noble Lord would be the last person in the House that would lend himself to any obstructive measure, or to any Parliamentary tactics that were not quite regular. But he was sorry he could not answer the appeal made to him. It would have given him great pleasure if, consistently with his duty, he could acquiesce in the proposition for a postponement of the clause. He might appeal to the observations of the hon. and learned Member for Truro (Mr. Montague Smith) the other night as evidence of the arrangements made for the discussion of the clause on that evening. He believed he was also warranted in saying that the hon. and learned Gentleman the Member for Belfast (Sir Hugh Cairns) was also prepared for the discussion of the clause that night. He felt that, if he acceded to the proposition, he should be giving up the night to no purpose. He should postpone his observations upon the merits of the clause itself until the Amendment was disposed of. Whilst he tendered his thanks for the courtesy shown him in the last Session, as well as the present, he was pained at being compelled, from a sense of duty, to refuse compliance with the request made to him.

COLONEL DUNNE said, they were told that there was a great difference between the measure of last year and that before the Committee. There was certainly some difference between the two measures, but many hon. Members were wholly unaware of the mischief which might be concealed under the garb of legal phraseology. The Attorney General certainly denied there was any such thing to be feared. He (Colonel Dunne), however, thought that before they went further into a discusssion upon this clause those hon. Members on his side of the House, at all events, should have an opportunity of consulting lawyers in whom they confided. He candidly confessed he had—in common, he believed, with every country Gentleman on his side of the House—a general distrust of all the preceedings of the hon. and learned Attorney General—and he thought an opportunity should be afforded for the lawyers on the Opposition side of the House to express their opinions upon the measure.

MR. A. MILLS said, he was of opinion that there was no possible reason for the postponement of the clause. It was well known that this question of trader and non-trader was the great point to be discussed that night.

LORD JOHN MANNERS observed, that after what had been said, he would take leave to impress upon his hon. Friend that under the circumstances it would but be a waste of time to oppose the clause in the present stage of the Bill, and that it would be much more advisable if they would reserve their opinions upon the question at issue, until they had reached the next stage. He trusted that the clause would be now allowed to pass, if possible, *sub silentio.*

Amendment *negatived.*

Clause *agreed to.*

Clause 82 (Act of Bankruptcy by Non-trader),

SIR HUGH CAIRNS said, the case of non-traders was one of peculiar difficulty. He had, however, always entertained the view that to a certain extent it would be a benefit, and not a disadvantage, to non-traders to be subject to the bankrupt laws —and the only question was to what extent. It appeared to him that a very plain and simple line could easily be drawn and adhered to. Whenever a judgment debt had been recovered against a non-trader, so that the creditor was in a position to put him in prison and keep him there for a length of time, which he could only leave as an insolvent debtor ; the best thing that could happen to the debtor would be that his creditor, in consequence of the judgment, should have the power, without the formality of putting him in prison, of making him a bankrupt. The Attorney General had adopted that principle; but he (Sir Hugh Cairns) was sorry to say that the hon. and learned Gentleman went further. That a judgment creditor should sue out a *capias* requiring a debtor to appear and show cause why he should not be made a bankrupt was quite right, and the best thing that could be done, for if a bankrupt were thrown into prison he was of no use to himself or any one else ; but by the 82nd and following clauses the hon. and learned Attorney General introduced a larger and more dangerous element. Under the Bill as it stood, any person who went beyond the realms with the intention of defeating his creditors could be adjudged a bankrupt. That was an excellent rule with regard to a trader, because he was bound to a particular place of business, or to have a properly accredited representative on that place; but the case of the non-trader was entirely different. He was not bound to any particular place, nor was he bound to pay his debts to a day; and, therefore, it would be introducing an extremely dangerous principle to enable a creditor to make a non-trader a bankrupt simply upon his own statement that he was abroad for the purpose of defeating his creditors. What would be the consequence ? The creditor would go before a Judge and tell a plausible story—they always did so—that to the best of his belief So-and-so had gone abroad to avoid his creditors. The Judge was perfectly helpless in the matter, and he would be obliged to say, " This is the only evidence I have in the matter, and I must presume the man has gone abroad to avoid his creditors." But he might have gone abroad for a variety of motives, none of which might have been that of avoiding his creditors. He wanted to know why a non-trader who happened to be out of the country should be in a worse position than a non-trader in the country. They could not make the latter a bankrupt unless they had a judgment against him, and as there was power at common law to direct the service of a writ abroad, a non-trader resident abroad could be proceeded against under the judgment debtors clauses. He would, therefore, venture to suggest to the hon. and learned Attorney General whether he could not avoid a great deal of opposition to that and the following clauses, and take an important, practical, and safe step in the matter, by confining the case as regarded non-traders going abroad to what were called the judgment debtors summons clauses.

SIR GEORGE BOWYER said, that the very luminous argument of his hon. and learned Friend perfectly illustrated the fact that they could not bring the case of the non-trader into the same position as that of the trader without gross impropriety. Let people consider what it was to be brought under the saws and harrows of the bankruptcy law. To a person of high rank, the very fact of being a bankrupt was a slur and a stain, and a thing which, in the history of a family, looked very ugly. Now, that might happen to a man whose means were far beyond what he owed, but who might be obliged to leave the country from some temporary embarrassment, or might be abroad at the time of the embarrassment, though perfectly willing to pay his debts. It was different with a trader, who ought to be in his place of business, or have some one there to represent him. A man of landed estate, who was a non-trader, was not under the same obligation to remain in the country, and, if compelled to do so, it would be a great restraint upon the liberty of the subject. He thought such a principle ought not to receive the sanction of the Committee, unless it were shown that the administration of justice in the ordinary courts, in cases of debtor and creditor, was not sufficient, as regarded non-traders, without resorting to the extraordinary and exceptional remedy given by the law of bankruptcy.

THE ATTORNEY GENERAL said, that as there seemed to be an understanding that there should be a deliberate argument upon that matter at a future stage, he would not attempt then to reply to the observations of his hon. and learned Friend the Member for Belfast. He would merely say that, if non-traders could not abscond from their creditors, or if judgments could be recovered against them, he should be content with the debtor summons clauses. The hon. and learned Baronet the Member for Dundalk had asked a question, and he would beg leave to answer it by another. Did the hon. Baronet believe that there were no people belonging to this country abroad who had taken away their property, evaded their creditors, and lived abroad for years in shameless extravagance, whilst their defeated and disappointed creditors were unable to evade the shame? If the hon. Baronet believed there were no such persons, his position and his argument were consistent; but if he believed there were such persons, then he ought to join with him (the Attorney General) in attempting to put an end to such disgraceful transactions.

SIR GEORGE BOWYER said, the hon. and learned Attorney General had spoken of a man going abroad and taking with him all his property, and leaving his debts unpaid. Now, he wanted to know if a man had carried all his property abroad what was the use of making him a bankrupt? If he had property in England, that property was liable to his debts. There were various Acts of Parliament to facilitate the service of process on persons abroad, and if he had property in England, it could be seized by the ordinary law, and the bankruptcy law was not necessary in such cases. And the notion of preventing a man from going abroad by making him a bankrupt, was very much like attempting to catch a bird by putting salt on its tail.

MR. MALINS said, that there were many cases in which there were persons who had debts and also property, and the question was whether they would allow them to retain the property and leave the debts unpaid. That was the simple question which they were discussing. The principle of justice required that those who had debts and property should apply the property to pay the debts. There could be no doubt that it would be useless to make a man a bankrupt who took all his property abroad with him; but what the hon. and learned Attorney General meant was, that there were those who with large debts went abroad to avoid payment, and who, instead of taking all their property with them, drew it from England as it became due. If the law of England, then, were in such a state, ought it to be allowed to continue? Was he wrong in stating that such a state of affairs existed? Was it not possible that at the present moment a man might have thousands a year in landed property, and have it transmitted to him at Paris and Rome, where he lived in luxury, while his debts remained unpaid? If that could be the case, would any man say that it ought to be continued? How was such a man to be reached? They could not get a judgment against him—he was out of their reach; and within his own knowledge there were a great number of cases in which gentlemen had told him that they were in a state of starvation in consequence of the credit given to landed proprietors who absconded, and were living abroad. He thought too that there was protection enough thrown around the debtor by the clauses. If a debtor was abroad, the Court must be satisfied that he had absconded, and was remaining abroad for the purpose of avoiding the payments of his debts; and after service of the process, he must also have 60 days' notice before any proceedings could be taken against him. He had told the hon. and learned Attorney General last year that his Bill required more protection for the non-trading debtor, but that had effectually been given by the present measure. The clauses were of great importance. They were framed not for the benefit of creditors only but also of debtors; for he (Mr. Malins) believed that a greater benefit could not be conferred upon a man in a state of insolvency than to make him a bankrupt, and give him the opportunity, if he were a honest man, of beginning the world afresh, and he felt satisfied that the Legislature would be taking a course likely to restore a healthy state of society by acting in such a spirit. To postpone the clauses would be to destroy the essence of the Bill, and if they were given up he should no longer care a straw for it. He had heard with astonishment that country gentlemen had not had sufficient notice of what was intended by those clauses, as the hon. and learned Attorney General had most lucidly explained their tendency when introducing the Bill.

He (Mr. Malins) should support the clauses, as he believed that they were calculated to base the law of debtor and creditor upon a rational principle, and in that conviction he should give the Bill his strenuous approval.

Mr. A. TURNER remarked that whatever distinction might be established between traders and non-traders, he hoped that in one respect both would be treated alike. When either a trader or a non-trader incurred a debt, as an honest man, he was bound to pay it. The hon. and learned Baronet (Sir George Bowyer) said that a man who went abroad, and who did not pay his debts, might by this clause be placed in a position he did not like. No doubt, a trader was bound to be in his place to pay his debts ; and he could not understand why a non-trader, having gone abroad and made no provision for the payment of his debts, should complain that he was made a bankrupt.

Mr. SEYMOUR FITZGERALD maintained that the distinction taken by his hon. and learned Friend the Member for Belfast was a good one, because, in case of a man going abroad drawing all his income from this country, it was perfectly easy to bring an action against him, serve process abroad, and obtain judgment exactly in the same manner as if he resided in England. The allegation was that in case of the absence of a person from this country, an affidavit by a creditor that the debtor was abroad with the intention of delaying his creditors would be sufficient to put the Court in motion. He was of opinion that if there was no evidence on the other side, an affidavit, in which the creditor stated that to the best of his belief A. B. was abroad for that purpose, although it might be perfectly false, would be quite enough to constitute an act of bankruptcy. Such was the impression which had been conveyed to him by men of considerable eminence at the bar, and he should like to know whether or not it was correct.

Sir GEORGE BOWYER said, the hon. and learned Member (Mr. Malins) had not dealt with the real point before the Committee. The question was, whether the ordinary process of law in the case of non-traders was insufficient to enforce the payment of debts, and therefore justified the application in reference to non-traders of the extraordinary and stringent remedies of bankruptcy. They all knew that, with regard to traders, the ordinary administration of the law was not sufficient. But he wanted to know why the ordinary administration of the law was not sufficient. His hon. and learned Friend put the case of a man who drew his rents from England and lived somewhere abroad, and did not pay his debts. He (Sir George Bowyer) did not justify that; but if there were such a case, they might serve him with process abroad, and proceed to judgment and execution, and thus stop the rents in England. Bankruptcy was wanted in order to administer the law for particular purposes—namely, the purposes of trade ; but if a man was not a trader, those reasons for bankruptcy did not exist. He thought the proceeding now proposed was like attempting to catch a bird by sprinkling salt on its tail.

Sir LAWRENCE PALK said, he could not but express surprise at the observations of the hon. and learned Member for Wallingford. That hon. and learned Gentleman had effectually answered his own arguments, for he had eulogized in magniloquent phrase the reforms in the Court of Chancery, and proved most convincingly that there was no necessity for the clause under discussion. The Bill unfairly enacted a heavier penalty against the non-trader than against the trader. A non-trader coming into possession of a heavily-encumbered estate, and striving, foolishly perhaps, to keep up the establishment maintained by his father before him, might become temporarily overwhelmed with debt, and then this measure would inflict on him all the irreparable evils of bankruptcy. Such a person would be not only punished as a trader for his folly, but he would be injured in another way. By making him a bankrupt, his character would be taken away, and he would lose his social position. He fully admitted that if persons went abroad, taking all their property with them, and at the same time leaving their creditors to starve, the law ought to be altered to meet such cases. But when the hon. and learned Member for Wallingford levelled his remarks against the landowners, had he forgotten that it was no novelty for young men to be ensnared and pressed on to ruin by usurers? Had the hon. and learned Member, however, never heard of lawyers helping young men to ruin? It was not always the tradesman who ruined the landowner. No, frequently, and more frequently than the hon. and learned Member would like to admit, the lawyer.

Mr. EDWIN JAMES denied that the Bill, as the hon. and learned Baronet (Sir George Bowyer) seemed to think, laid a trap for the landed gentry of England. It was only when a man either went abroad to defraud his creditors, executed a deed for the same purpose, or lay in prison fourteen days to evade payments of his debts, that he would be liable to be made a bankrupt. It was derogatory to the landowners of England to appeal to the Committee to throw out the clauses out of regard for persons coming within such a category. He hoped none of the landed gentry would be guilty of the deliberate fraud which would be necessary to bring them under this clause. It would be a national disgrace if any landed gentleman could be found to do so. The system of commerce and credit did not depend on the bankrupt law, as some hon. Members seemed to suppose, but upon the character and respectability of those who engaged in mercantile transactions. Nobody in business trusted another man simply because he knew he might make him a bankrupt. This clause would operate as a safeguard to expectant heirs, who could now be put in prison by usurers under the Insolvent Act. Such young persons would not be so likely to incur debts for which they might be made bankrupt. The hon. and learned Baronet, using an elegant ornithological metaphor, said that the remedy proposed in the Act would be like trying to catch birds by putting salt upon their tails; but the hon. Gentleman was wrong in his notion; because if a person were adjudged a bankrupt he was bound to surrender, and if he did not surrender he would be a fraudulent bankrupt. But a fraudulent bankrupt would be delivered up under the extradition treaty; and therefore the bird would really be caught. Last Session the Bill was rather a startling one, but he was sure that hon. Members would see that, surrounded by the safeguards now introduced, the landed gentry would have no cause to fear the alteration of the law.

Sir FITZROY KELLY said, he sincerely wished well to the Bill, and, therefore, he regretted that the first few words he should have to say with respect to the measure should assume something like the aspect of objection. He entirely agreed in the principle of the abolition of the distinction between trader and non-trader. It had long been abolished in Scotland, and might be effected in this country without any evil consequences. A measure of that kind, however, required the utmost forethought and attention, and no such provision should be introduced into our law without being accompanied with all the safeguards which the ability of the hon. and learned Attorney General would so well enable him to throw around it. There were one or two points of importance in the clauses now under consideration, to which he would call attention. No doubt, when it could be made out to the satisfaction of a Judge, or proper tribunal, that a person was really residing abroad, or had gone abroad, with intent to delay his creditors, such a person, whether trader or non-trader, ought to be brought within the operation of the bankruptcy laws. But there was some danger, inasmuch as personal service might be dispensed with, that a gentleman, who, for perfectly legitimate reasons, might have resided for years abroad, and without the means of receiving notice of what was going on against him might, on the affidavit of a creditor, that he was abroad for the purpose of avoiding his creditors, be made a bankrupt without the least suspicion on his part that any steps were being taken against him, and without his being guilty of the offence imputed to him. There was no exception, in that respect, as to any description or class of persons. Take, for instance, the case of an officer in the Army, who might be serving in China, India, or any distant colony, and necessarily abroad in the discharge of his duty, and who might owe a debt, or a few debts, of no great magnitude—the creditor might obtain judgment, and within a very short time convert that judgment into a fiat, and make the officer bankrupt. He thought some clause should be introduced for the protection not only of officers of the Army and Navy, but that numerous class of other persons who are engaged in our Colonies and elsewhere abroad in the public service, such as Ministers and Consuls. Any of these persons might owe debts in this country, which it was quite right they should be obliged to pay, by judgment and execution, and by the enforcement of the judgment in the country in which they were. But really, to say that every gentleman residing abroad, if he happened to owe debts in this country, should be liable within a short time, with or without personal service, to be made a bankrupt, did appear to him full of danger. He thought clauses might easily be introduced giving the Judge of the Court of Bankruptcy large discretion as to the circumstances under which he should issue fiats in bankruptcy against persons who were abroad in the public service, or continuously residing abroad. He hoped, before these clauses again came under the discussion of the House, the learned Attorney General would turn his attention to the question, whether some exception could not be introduced, some safeguard and protection provided for the numerous class of persons to whom he had referred, and who certainly ought not to be liable to the Bankruptcy Act.

MR. WALPOLE said, the discussion had made a very great impression upon his mind as to the necessity for the Committee upon Public Business, which had been recently appointed, and as to the advantages which the House was supposed to possess in discussing the clauses of a Bill of great extent in Committee. Whether they were now discussing a clause or not was not very apparent. The hon. and learned Attorney General had declined to discuss the clauses, because hon. Gentlemen who might be expected to oppose them were not prepared to state the full grounds of their opposition. The consequence would be that after passing all these clauses at the proper time when, if at all, they should be minutely analyzed and discussed, it was to be expected that a future time there would be a fuller debate upon them at a stage when the House would not be in Committee, and when the clauses could not be properly analyzed, the result of which might lead to the passing of an imperfect and unsatisfactory measure. He regretted, therefore, that they were not proceeding now to discuss each clause at that—the proper time. The hon. and learned Gentleman who spoke last had forced that observation from him, for he had discussed all the clauses relating to that branch of the subject, instead of addressing himself to the particular clause before the Committee. In fact they were discussing the general principle, whether non-traders should be put upon the same footing as traders, or, at least, whether the laws relating to the two classes should be assimilated. But that principle ought to have been discussed upon the second reading, or upon the clause which led to that assimilation, and then there would have been a chance of arriving at a clear result. The hon. and learned Member for Dundalk (Sir George Bowyer) opposed the principle of such assimilation, while the hon. and learned Member for East Suffolk (Sir FitzRoy Kelly) supported it. But if he were in favour of the principle, why did he not apply himself to what was the main object of discussion at that moment—namely—whether the application of that principle was sufficiently guarded in extending it for the first time to the case of non-traders? Had the discussion taken place on that basis, they would have made advantageous progress with the Bill; but as they were now proceeding, the consideration of the protections which the non-trader ought to have would be postponed to a time when they could not discuss them satisfactorily. He was in favour of the principle of assimilation, and also of the clauses in the Bill relating to judgment-debtor summons. He held that they ought to proceed on the principle that whenever a judgment was obtained against a non-trader, or whenever a debtor became liable to have a judgment against him for the payment of a debt which he refused to pay, then the law which was applicable to him should be assimilated to the law applicable to the bankrupt. He had guarded the phrase because he entirely agreed with what fell from his hon. and learned Friend the Member for Belfast (Sir Hugh Cairns) as to how the non-trader ought to be protected. The non-trader ought to be put in the position either of one who had had a judgment against him and who refused to pay his debt, or of one against whom a judgment might be obtained, but who evaded his creditors in such a manner as to prevent them from getting it. If the hon. and learned Attorney General would proceed on that principle, then he would go along with him to the full extent of the measure. But in Clause 82 the non-trader was not put into the position of one who had a judgment against him. The creditor was allowed to present a petition to the Court of Bankruptcy for the payment of the debt, or rather for an adjudication in bankruptcy against the debtor. He would advise the hon. and learned Attorney General to make Clause 82 applicable to the trader only, and, when they came to the clause relating to non-payment after the judgment debtor summons, to introduce another clause, drawn from Clause 82, to facilitate the creditor's process against a person who was residing abroad for the purpose of avoiding payment of his debts, and to enable the creditor to obtain judgment on proof that the debtor had received due notice of the claim against him. As the clause stood, the debtor might be made bankrupt before it was known whether or not he would pay his debts. The presentation of the petition was a stigma upon him which ought to be removed. Let the process be improved, let it be made to reach the man, whether he went abroad with or without his property, in such a manner that the moment judgment, or what was equivalent to it was obtained, the creditor could proceed upon it, and if he would not pay what he owed, the whole of his property should be taken for distribution among the creditors. Let everything be done to make the process speedy and effectual when once judgment had been obtained, but let the debtor have an opportunity of answering the claim before the stigma was placed upon him. If the hon. and learned Attorney General would adopt that suggestion, it would remove every objection to the assimilation of the two classes; and unless he did so many cases of hardship would undoubtedly arise. For instance, a gentleman might go abroad owing sundry debts, small in amount, but in the aggregate sufficient to render him liable to be taken into the Bankruptcy Court under the measure. A petition might be presented against him while he was abroad praying that adjudication in bankruptcy might be awarded against him, and the stigma might be fixed upon him before he knew anything of the proceedings, or had an opportunity of arresting them by instructing his solicitor to pay the debts. As the discussion of the principle involved in the clause had been postponed to another time, he would content himself with throwing out these suggestions to his learned Friend, who would, he hoped, consent to afford the non-trader the protection to which he was entitled. From the consideration which he and his learned Friend the Member for Belfast had bestowed on this question when in office, he was satisfied that the principle he had indicated was the right one, and it was upon that principle that they had intended to found the measure which they then had in contemplation.

THE ATTORNEY GENERAL said, he entirely concurred with his right hon. Friend, and he lamented that the noble Lord should have warned the Committee against proceeding with a discussion which the House would never be in a better position to undertake, as was proved by the speeches of hon. Gentlemen opposite. Indeed, he should earnestly solicit a continuance of the debate after the luminous speech of his right hon. Friend. With the spirit of that speech he entirely concurred. Indeed, had he been admitted into the secret counsels of his right hon. and learned Friend, he could not have had a more perfect agreement with him than that which was expressed on the face of the Bill. He understood his right hon. Friend to lay down the principle that a non-trader ought to be put in the position of a person who had had a judgment recovered against him, or against whom a judgment might be obtained. It was entirely with reference to the latter position that the 82nd Clause had been framed; and it was because the law would have been defeated had the remedy been confined to the judgment-creditor that it had been extended to the man who was entitled to become one, although not yet in that position. A creditor was placed by the 82nd Clause in exactly the condition of one who had a right to obtain a judgment against a debtor. In 1852 the Common Law Procedure Act was passed for the purpose of facilitating the service of process; and accordingly it was laid down as follows—that when the defendant in an action, being a British subject, was out of the jurisdiction of the superior courts, it should be lawful for the plaintiff (that is, the creditor) to issue a writ of summons, and that the time for the appearance of the defendant should be regulated by the distance from England of the place where he was residing; and on the Court or Judge being satisfied that the cause of the action had arisen within the jurisdiction, and that the writ had either been personally served on the defendant or reasonable efforts had been made to do so, and that it had come to his knowledge, and that the defendant either wilfully neglected to appear to such writ or was living out of the jurisdiction of the Court in order to defeat and delay his creditors—then the Court, being satisfied of these things, was entitled to award judgment against the defendant. In the present measure he had done the very same thing. The creditor was, under this clause, placed in precisely the same position as a creditor who was now entitled to have judgment given; but instead of the execution being for the benefit of the individual creditor who happened to be first in the race, it would be an universal execution which would secure a just and equal distribution of the property of the debtor among all his creditors, all of whom were equally entitled to judgment. That universal execution would be carried out under the name and by the law of bankruptcy; and the clause under consideration only applied to the absconding debtor the existing law, and laid down the principle that when a creditor had proved the position of his debtor to be such as he had described, he should be entitled to process, not limited to himself alone, but universal and general, for the benefit of all the creditors who were in a similar position. These were the grounds upon which this clause was brought forward, and he hoped that his right hon. Friend, whose objections were those of a lawyer and a statesman, would feel that this was a sufficient answer to them. The right hon. Gentleman the Member for Horsham (Mr. S. FitzGerald) had expressed a fear that a creditor would, under this clause, upon producing an affidavit containing the bare expression of his belief that his debtor had gone abroad, or remained abroad, with intent to defeat or delay his creditors, be entitled to an adjudication of bankruptcy. He could assure his right hon. Friend that he had been misinformed. The *malus animus* of the debtor in going or remaining abroad must be proved by overt acts, either of commission or omission; and, without evidence of such acts, no tribunal would act upon the mere belief of the creditor. The right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole) had objected that the presentation of the petition would attach a stigma; but it must be observed that the petition was nothing more than a process of debt, nothing more than a writ; it was not a matter of publicity or notoriety, and could not be entertained by the Court unless it was accompanied by *primâ facie* evidence that an act of bankruptcy had been committed. The hon. and learned Baronet the Member for Dundalk (Sir George Bowyer) asked, why not have the ordinary process of law? Did he not know that in nineteen out of twenty of such cases as the clause was intended to meet, the ordinary process of law was mocked at and evaded? When debtors went abroad they frequently put their property into the hands of some other person, who was the visible holder, but yet held under some secret trust. There were cases, also, in which friendly creditors entered into possession of estates, allowing the absconding debtors to receive the incomes from the land. Until they could get the debtor and examine him and make him answer questions, the power of obtaining execution and sequestration was utterly useless. Such was the fact, and it was in order to put an end to that state of things that the clause had been introduced. The Bill would not be more stringent than common honesty demanded, and he trusted that he should be supported by the Committee in his attempt to bring the law of England into conformity with the character for honesty and integrity which the country had long enjoyed, but with which its laws had hitherto been far from corresponding.

Mr. ROLT said, he did not think the non-traders of England were liable to the imputation of want of honesty to which they had been subjected by his hon. and learned Friend. As, however, the Committee had adopted the 81st section he would not go into the general question, but would confine his remarks to the clause under consideration, which did not appear to him to afford sufficient protection to the non-trading portion of the community. By the clause it was proposed to make it an act of bankruptcy in a non-trader to go abroad with intent to defraud his creditors, or, being abroad, to remain there with a similar object, and, on application, supported by satisfactory evidence, power was given to the Court to order that a copy of the petition should be served upon the debtor, and that the debtor should appear with certain restrictions as to time and place. Such an application must necessarily be an *ex parte* proceeding, and nothing could be easier than for a man disposed to do so to give evidence sufficiently strong to induce the Judge to issue the order. Much would, of course, depend on the individual Judge, but in the great majority of cases all the obtainable evidence would be the oath of the applicant himself that the debt was due, that he had requested payment, and that on the following day his debtor left the country, as he was satisfied, and swore to the best of his belief, with the object of evading payment. As regarded the service of the petition, it was to be assumed that the Judge would grant a reasonable time; if, for instance, the debtor were in Paris, a fortnight would probably be allowed him to make his appearance. But, if service could not be effected, then the clause directed—with a variety of alternatives which might be read as if in a parenthesis—that, if on hearing the petition the Court should be satisfied that an act of bankruptcy had been committed, such debtor should be adjudged a bankrupt. The Committee would perceive that here both the proceeding on which the order was obtained in the first instance and that on which the ultimate ruling was obtained, were in their very nature *ex parte*, and thus a debtor who never had the least intention of defrauding any one, but simply happened to be absent for a time, might be adjudged a bankrupt without ever being heard in his own defence. A creditor had simply to say —"The last place I heard of my debtor, was so-and-so; I have inquired there and cannot find him; nobody knows anything about him;" and the impossibility of proving service was shown. In dealing with evidence of that kind it was not necessary that the creditor should be always unscrupulous; he might be hot or hasty, or there might have been some quarrel about his particular debt. The remedy suggested by his right hon. Friend the Member for the University of Cambridge (Mr. Walpole) would go far to meet the evils arising under the clause; and he did not think that the objection had been adequately met by the hon. and learned Attorney General. He ventured to submit that it was not enough to take the same proceedings to make a man a bankrupt which sufficed to procure a judgment. Let the Common Law Procedure Act be followed in the first instance, and then, on stringent proof that a debtor had exhausted his remedy on a judgment, and could not by means thereof obtain payment, let him apply to the Court for an adjudication of bankruptcy. If some further safeguard than was provided by the clause did not exist, persons living abroad would be placed in great peril; for he was sure the experience of his hon. and learned Friend would supply quite as many instances as had come under his own observation—where a case made on *ex parte* application was wholly displaced the moment that the other side had an opportunity of being heard.

MR. WALPOLE said, what he had suggested was, that before a non-trader should be liable to the bankruptcy law, he should be in the position of a person who had judgment against him, and yet refused or declined to pay his debt. The difference between that and the measure as it stood was, that in the one case they would give every opportunity to a man to pay his debts before proceeding in bankruptcy; whilst, in the other, they allowed the creditor to proceed *ex parte*, though the debt might not have been demanded, and due diligence might not have been used to get the debt. The whole proceeding might be behind the back of the debtor. It was not a proceeding by writ to get the payment of his debt, but a petition to subject the debtor to an adjudication in bankruptcy. He would therefore move that words to the following effect be introduced into the first rule after the words "probably be found:"—"And also that the creditor has demanded or used due diligence to obtain payment of the debt; but that he is defeated in that object by some act or acts of bankruptcy committed by the debtor." All he desired was, that the debtor should have due notice of the steps being taken with regard to him.

THE ATTORNEY GENERAL said, that the creditor must begin by proving that he was unable to obtain the debt by reason of the absence of the debtor; and by the right hon. Gentleman's (Mr. Walpole) Amendment, he would be required to show that he was unable to obtain it by reason of an act of bankruptcy on the part of a debtor. One of the rules already annexed to the clause, declared that the Court "shall, if satisfied that an act of bankruptcy has been committed, adjudge such debtor to be a bankrupt." This condition appeared to him sufficient to provide against the danger apprehended by the right hon. Gentleman.

MR. ROEBUCK said, he wished to ask whether, by the rules under discussion, anything more need be proved by satisfactory evidence than that the debtor was in a particular foreign place?

THE ATTORNEY GENERAL replied, that the creditor was required to prove that fact, in order to get from the Court an order that a copy of the petition should be served upon the debtor in the place in which he was proved to be; but after service of the copy was effected, or proof given that service could not be effected, the Judge must be satisfied of the commission of an act of bankruptcy before he could adjudge the debtor to be a bankrupt.

MR. SEYMOUR FITZGERALD remarked, that what had fallen from the hon. and learned Gentleman the Attorney General only showed the extreme danger of the clause which the Committee had now under consideration. As had been observed by one of his hon. and learned Friends, it would be difficult to say what might be the interpretation which particular Judges would give to the clause. One might require less and another more evidence before making an adjudication. An exemplification had taken place in the course of the discussion. The hon. and learned Gentleman—who might at some time be called on to preside over the jurisprudence of the country—said that under the clause it would be necessary not only to have the affidavit of the creditor that the debtor was abroad for the purpose of evading payment, but also proof of overt acts of bankruptcy. His hon. and learned Friend the Member for Belfast (Sir Hugh Cairns), who might also, in time, preside over the jurisprudence of England, was of a totally different opinion. In the case of a trader nothing was easier than to show overt acts. If he shut up his place of business and left the country, that might be considered an overt act; but it was perfectly possible for a non-trader to close his house and proceed to a foreign country without any intention of committing an act of bankruptcy. He had no objection to the assimilation of the law as between traders and non-traders, but he was inclined to believe that the only safe mode in which the bankruptcy law could be applied to the latter was by providing that it should be preceded by a judgment.

Mr. BOVILL said, the clause now under consideration dealt with persons who were abroad, but it did not provide that any previous notice should be given to them of the proceedings about to be taken, nor did it provide that a previous application should have been made to them for payment of the debt. It did not even require that any *primâ facie* proof should be given that an act of bankruptcy had been committed. The hon. and learned Attorney General had, no doubt, said, referring to the latter part of the clause, the Court of Bankruptcy must be satisfied that an act of bankruptcy had been committed. That was true, but that was not till after the order was made for the service of the petition, and he thought that no step should be taken till after the act of bankruptcy was proved in the first instance. He concurred in the Amendment of the right hon. Member for the University of Cambridge. He would venture to suggest to the hon. and learned Gentleman (the Attorney General), that the application should be made only after the recovery of a judgment, or that the clause should be amended by the introduction of the words proposed by his right hon. Friend.

Mr. MONTAGUE SMITH said, he was opposed to making non-traders bankrupt; but if a non-trader were to be subject to the bankruptcy law at all, his absconding without paying his debts should be regarded as a test of insolvency, as it was in the case of a trader. It was necessary however, in the case of non-traders to take great care to ascertain that the person leaving the country without paying his debts, did so with a fraudulent intent. Some protection in that respect was evidently necessary, and was desired by those who were favourable to the principle of the clause on both sides of the House. He was not satisfied with the Amendments which had been proposed, and the subject required more consideration than could then be given to it. He would, therefore, suggest that the hon. and learned Attorney General should, now he had had the opportunity of hearing this discussion, withdraw the clause for a time, in order to remodel it, and bring it up in a more perfect form for discussion on some future occasion. Under the third rule, if the abode of the debtor could not be discovered, service at his last known place of residence in this country was to be deemed, as it was termed, "good service;" and, after a lapse of sixty days, the debtor not appearing, he was to be adjudicated a bankrupt. That was not just, as it was highly probable that, in many instances, notices so served would never reach the person for whom they were intended. A gentleman, for instance, might have his last place of abode at a lodging-house, and the proprietor would take no interest in the matter; or he might give up his house and the new tenant know nothing of him.

Mr. PULLER said, that his hon. and learned Friend, the Attorney General, had, in his opinion, fully established the necessity for making non-traders liable. No doubt, the difficulty was the fencing of such a step with proper securities. He thought the conditions upon which the bankruptcy was to be adjudicated ought to be modified. For instance, where it turned out that the information was incorrect upon which an order to serve the notice abroad had been obtained, then the creditor ought to be compelled to make a service at the last known place of abode of the debtor. In every case there should be either actual or constructive service; but if the House looked at the 4th rule of the 82nd section they would see that there were three cases provided for—the case of actual service, the case of constructive service, and the case in which service directed to be made abroad could not be effected; those three ought to be reduced to two, by expressly requiring that in the last-mentioned case there should be service at the last known residence. He thought, moreover, that whenever the creditor was allowed to serve a copy of the petition at the last known residence of the debtor, he should be compelled to publish a notice in the *Gazette*, because it might often happen that there would be friends of the debtor in England, who, for his honour, would come forward and arrange with the creditor if they were aware of the debt. Again, the Act ought to provide that, if any person has been made a bankrupt in ignorance of the fact, and without having been actually served with a copy of the petition, he should be at liberty on returning to England to prove that such was the case; and having done so, and paid his creditors, the bankruptcy should forthwith be annulled.

MR. MALINS said, that they had had much discussion on the subject, the sole object of which was that the non-trader should be properly protected. By passing the clause, however, they simply declared what was an act of bankruptcy on which a man might, on inquiry, be adjudicated a bankrupt. A desire had been expressed that the Act should only be applicable to non-traders after a judgment had been obtained against them. The only object of that could be to ensure to the debtor due notice. The second rule provided that

> "Such order shall limit a time after such service within which the debtor is to appear on such petition, such time to depend on the place or country within which such petition is to be served,"

to that he proposed to add the words, "but in no case shall it be less than sixty days." That would afford all the protection that was necessary. He objected very much to the proposition that the creditor should have to get judgment before he could avail himself of this Act; for it placed him in the disadvantage and expense of having to go through two processes to effect one end. Without putting the creditor to that trouble and expense, he thought the Amendment he proposed would secure to the debtor sufficient notice. He would, therefore, propose that the notice should not be less than forty or sixty days in the first instance.

THE ATTORNEY GENERAL said, that in the Bill of last year it was required that the *malus animus*—the fraudulent intent—should be proved, and this year he had added a provision that the creditor should also show that he had exhausted every means in his power of giving notice to the debtor. All these clauses were intended for that purpose, in order to secure full notice to the debtor. After all the proof had been given it was still necessary to prove the act of bankruptcy. Further security he did not see how he could give, but he would consider the clauses, and if he could insert any words to remove the species of nervous apprehension which seemed to be felt by hon. Gentlemen opposite he would do it.

MR. BOVILL pointed out that the Attorney General would find proper words in the statute of 1852, which might be adapted to this Bill. What was wanted was that these proofs should be given before the writ was issued.

Clause *agreed to.*

Clause 83 (Lying in Prison and Escaping out of Prison),

MR. EDWIN JAMES said, that by the clause it was enacted that a debtor lying in prison for fourteen days should be deemed to have committed an act of bankruptcy. He thought a distinction ought to be drawn between the case of a trader lying in prison and that of a non-trader. It might happen, for instance, that a young man might be thrown into prison for damages in an action, say for breach of promise, or other breach of social duties, and though he might have ample means to disharge his liability, fourteen days would be too short a time to allow him to realize them. The case of traders and non-traders was very different, and a distinction ought certainly to be drawn between them in this respect. He would suggest an extension of the time in the case of non-traders, and with that view he should move to insert the words, "extending the time in the case of non-traders to lying in prison for three calendar months."

THE ATTORNEY GENERAL said, the point involved was a delicate point, and he should be happy to adopt the suggestion of his hon. and learned Friend, and make the distinction between the trader and the non-trader; but a great difficulty would arise when they came to consider the latter clauses in the Bill. One of the principal points of the Bill, and that which he much favoured, was the endeavour it made to lay a foundation for the abolition of imprisonment for debt. He thought that any debtor who had been in prison for fourteen days might, at the end of that period, be discharged from prison on an adjudication of bankruptcy being made against him by one of the registrars, who would attend the gaol for the purpose. In his opinion it was a useless thing to send a debtor to prison. The present law was that if a man remained in prison for twenty-one days it was an act of bankruptcy. He thought it desirable to shorten the time to fourteen days, for no man would permit himself to lie in prison for that period if he had credit or money to discharge the debt. He believed that a great part of the arrangements of the Bill would be destroyed if it were decided that the long period of three months in prison should be required in the case of a non-trader. He should be glad if the clause were agreed to upon the understanding that it should be considered on a future occasion.

Mr. MOFFATT said, he thought the time allowed to non-traders should be longer than was provided for in the clause. The time for making arrangements was so short that many persons who wished to avoid the discredit of being declared bankrupts would not have it in their power to do so.

Mr. MONTAGUE SMITH pointed out the real distinction which existed between a trader and a non-trader, the former of whom was bound always to have within his reach the means of paying his debts, while a non-trader was different, and very often could not realise his property. He thought it unfair that he should have all the stigma of a bankrupt attaching to him merely because he was occupied more than fourteen days arranging his affairs in prison. At the same time he was of opinion that three months was too long a time to allow.

Mr. AYRTON said, he had no opinion to give on the particular proposition made by the hon. and learned Member for Marylebone; but he thought that if the non-trader was to be absolved from his debts in the same way as the trader he ought to be brought under the full stringency of the law. Commercial men had given evidence before a Committee of that House to the effect that there was a lower tone of commercial morality in this country than on the Continent, and the reason they assigned was that of the looseness of our bankruptcy law. On the Continent none but a trader could be discharged from payment of his debts; but in this country a person known as a non-trader could, by buying and selling some one article, get into the Bankruptcy Court, and there free himself from the payment of his debts. They were now, by this Bill, putting it in the power of every non-trader to be absolved from his debts, and in that case they ought to bring him under all the requirements of the law of bankruptcy. He was afraid we were going in the direction of the immorality of the United States; not in the direction of the morality of the Continent of Europe.

Mr. BARROW said, that hon. Gentlemen had not looked to the practical view of the subject. It appeared to him desirable both for debtor and creditor that the non-trader, whose property generally was not of so convertible a character as that of the trader, should have a longer period than fourteen days to make arrangements either to dispose of his property or to raise money for the payment of the debt. He thought that three months would be too long for that purpose; but, on the other hand, the time allowed by the Bill was too short.

Mr. EDWIN JAMES said, he was willing to withdraw his Amendment if the hon. and learned Attorney General would give the non-trader the option of finding security.

The ATTORNEY GENERAL said, he would reconsider the subject and bring up an Amendment on the Report.

Amendment *withdrawn.*

Clause *agreed to*, as was Clause 84.

Clause 85 (Trader Debtor suffering Execution to be Levied),

Mr. AYRTON said, he wished to have an explanation of the clause, which was not clear as to the comparative position of creditors who received money or seized assets from a debtor after bankruptcy.

The ATTORNEY GENERAL said, that the principle of the clause was that if a man permitted his property to be taken in execution and sold, that was to be taken as an act of bankruptcy. A subsequent part of the clause provided what should be done in the event of there being no adjudication. Great care was taken to treat the seizure and sale so that the notoriety of it should be accepted as notice of an act of bankruptcy. If the debtor were adjudged a bankrupt within thirty days from the date of seizure, the money received by the execution creditor must be paid by him to the assignee under the bankruptcy.

Sir FITZROY KELLY said, that among the disadvantages of this not being a consolidation Bill was that of being obliged to look back to the Bankrupt Act now in force to see how the clauses of the present Bill would work.

Mr. HODGKINSON said, that if a creditor, in the exercise of his rights, obtained an execution against a debtor, it was, no doubt, undesirable he should have an opportunity of monopolizing the estate to the prejudice of other creditors. But it also seemed desirable, on the other hand, that the creditor who brought an insolvent debtor to a reckoning should not be placed in a worse position than the other creditors by the expenses he had incurred being added to his debt. He, therefore, would move to add at the end of the clause, "but in all cases in which an execution shall be levied, the costs of such execution and of any seizure and sale thereunder shall be a first charge upon the goods seized and upon the proceeds of the sale thereof, and may be deducted from such proceeds."

MR. MONTAGUE SMITH said, the law had hitherto favoured the active creditor, and his costs ought to be secured to him.

THE ATTORNEY GENERAL said, he believed that the usual course was for the sheriff to deduct the expenses of the sale and seizure out of the proceeds and to hand over the clear balance to the execution creditor. He thought the Amendment was unnecessary.

MR. HODGKINSON pointed out that the costs incurred by the execution creditor subsequent to the judgment would still be unprovided for.

MR. EDWIN JAMES said, that the subsequent costs amounted to hardly anything. He suggested that some provision should be made to meet a state of things which often happened in the Metropolis. The large drapers, and other wholesale dealers, who wished that this Bill should become law, and who also, he believed, desired the passing of a Bill by which every insolvent estate should pay 20*s.* in the pound, were in the habit of setting persons up in their own business, retaining a warrant of attorney, and selling up these persons if necessary. That was an abuse which should be guarded against.

Amendment *withdrawn.*

Clause *agreed to.*

Clauses 86 and 87 *agreed to.*

Clause 88 (Debtor Summons),

THE ATTORNEY GENERAL proposed to insert the following words after the word "execution," in the first line of page 22:—"in respect to any debt amounting to £50 or upwards."

Amendment *agreed to.*

MR. EDWIN JAMES observed that the clause provided "that every judgment creditor who is or shall be entitled to sue out against a debtor a writ of *capias ad satisfaciendum* or to charge the debtor in execution shall be entitled, at the end of one week from the signing of judgment, to sue out against the debtor, whether he be a trader or not, a summons called a judgment debtor summons, &c. He proposed to allow more time to non-traders, and should move to insert the words "at the end of one calendar month" in respect to persons not being traders.

THE ATTORNEY GENERAL said he would assent to the Amendment.

Clause as amended *agreed to.*

Clauses 89 to 115 *agreed to.*

Clause 116, (Persons Imprisoned under County Court Acts are not to be Released),

MR. AYRTON said, the release given to all other debtors who surrendered their property made the retention of the power of imprisoning debtors by the County Court Judges an anomaly. They had provided for paupers getting out of prison, and for turning out of prison those persons who did not wish to leave it. But another class of persons, principally the working classes, appeared to be exempted from all benefit of the change in the law. Why should those who came under the jurisdiction of the County Courts be alone liable to imprisonment? Every other class, by surrendering their property, could absolve themselves from the operation of the law except those who contracted debts under £20. The law ought to be the same with respect to the man who owed a few shillings as the man who owed £10,000.

THE ATTORNEY GENERAL said, he did not propose to interfere with the power of legal imprisonment by a Court in cases of fraud. That power the County Courts would retain; the cases in them were not all cases of pure debt.

MR. COLLIER said, an Act passed last Session of Parliament, which he brought in himself, limited the jurisdiction of the County Courts in the matter of imprisonment for debt.

MR. AYRTON said, the jurisdiction of the County Courts to which he alluded was still in existence, and if the law of imprisonment was to be brought into consistency the clauses to which he referred in the County Courts Act must be repealed.

Clause *agreed to.*

Clause 117 *agreed to.*

Committee report Progress; to sit again on *Monday* next.

MARKETS AND FAIRS (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

Moved, that the Bill be now read a second time.

LORD NAAS said, he did not rise to oppose the second reading of the Bill, but to make a few remarks upon the details of its machinery, in the hope that his right hon. Friend would see cause to alter some of them in Committee. The subject was one that had occupied attention in Ireland for a great many years. In 1852, when he had the honour to hold the office of Chief Secretary for Ireland, a Commission was issued to inquire into the question, and their Report certainly showed the need of legislation. But the subject was surrounded with difficulties, for while on the one hand the interests of the public were to be consulted, on the other were the vested rights of the owners, which had never been interfered with. The Bill now before the House proceeded on a somewhat different principle from any that had gone before it. Former Bills appointed certain persons as Commissioners to inquire into the management of markets and fairs, who were to be recognized officers of the Government, and subject to the control of the Executive. But this Bill proceeded on a somewhat different principle, and provided that on representations being made by persons claiming to be the owners of fairs by local traders, or by twenty inhabitants, or by two justices, the Lord Lieutenant should have power to order a local inquiry to be made. Now one of the greatest objections to this Bill was, that the mode of conducting that local inquiry was not laid down, neither is it shown who the inquiring Commissioners are to be. The result of the inquiry would be an Order in Council, which would give extensive powers in the creation of bye-laws, the regulation of tolls, and generally the application to a particular fair or market of the clauses of the Markets Consolidation Bill; and, therefore, he contended that the inquiry itself ought to be conducted by some person of weight, and authority, and experience, skilled in law, and in whom the public would have confidence. Former Bills provided that the Commissioner of Inquiry should be a barrister of ten years' standing; because very important questions would have to be decided by him, and he ought to have that experience which would result from conducting his inquiries over a great number of markets, and ensure a similarity of decision where cases were alike. But he could not learn from the Bill to what class of persons it was intended that the Lord Lieutenant should delegate these important inquiries. There were also great omissions in the Bill. By a former Bill it was laid down that in no case should increased tolls be taken until increased accommodation was provided, and that was really the most important part of the matter. It was perfectly futile to leave that question to be the subject of a bye-law. Minute legislation is impossible; but it most dangerous to leave great principles in a Bill of this kind to be decided by bye-laws. Then, again, there was no provision for uniformity of weights and measures in Ireland. These weights and measures differed in adjoining counties in the most extraordinary manner, and produced all sorts of mistakes. Then there was no provision for market statistics, which, he thought, would be a valuable addition to the agricultural statistics now taken. He also regretted that his right hon. Friend had thought it necessary to mix up the question of fairs with markets; becauses the abuses in fairs were not so flagrant, and interference with them is encompassed with difficulties. He made these remarks in no hostile spirit, but he hoped they would be considered before they got into Committee on the Bill.

MR. VINCENT SCULLY said, he objected to the Bill being read a second time before hon. Members had had an opportunity of communicating with their constituents. He had only been able to obtain copies of the Bill on the previous Monday or Tuesday; he sent them down to all the boards of guardians in Tipperary, but had not yet received answers. He was wholly in ignorance as to the opinion of his constituents. The Bill itself was short, but it incorporated the provisions of many other Acts. He feared that the working of the Bill would be extremely unwieldy and expensive. He would suggest the postponement of the second reading.

COLONEL DUNNE said, he thought a Bill of the kind before them was greatly needed in Ireland, and should, therefore, be sorry to allow a stage to be lost on that occasion, especially as the right hon. Gentleman the Chief Secretary had shown so fair a spirit in inviting opinions and suggestions from the Irish Members. At the same time the powers which the measure vested in the Executive appeared to be very extensive. It was, for example, rather a strong proceeding to enable the Lord Lieutenant, even in Council, to shut up a fair. When any fair or market was found not to be wanted it generally had a tendency to shut itself up.

LORD JOHN BROWNE pointed out the injustice that would be done by the provisions of the Bill, as they at present stood, to the owners of tolls and customs which were to be abolished, and a rentcharge granted in their stead. He also suggested that in Committee some clause should be inserted for establishing a uniform system of weights and measures for Ireland. As an example of the present state of things he might mention that in some parts of that country a barrel of potatoes consisted of 24 stone, in others of 48 stone, and in others again of 64 stone. Such discrepancies produced the most ludicrous mistakes in the agricultural statistics of the country.

MR. GEORGE said, he rose to express a hope that the right hon. Gentleman would postpone the second reading until after the ensuing next assizes in Ireland which was about to take place, and would require the attendance of most of the Irish Members in that country. Not a single Member connected with Ireland doubted the necessity of introducing such a Bill, and they all felt indebted to the right hon. Gentleman for the labour he had bestowed upon it. He thought, however, that the nature of the tribunal which was to adjudicate upon the various rights connected with fairs and markets should be more distinctly pointed out. The 4th Clause provided that the Lord Lieutenant might order a local public inquiry to be made, but who the parties were who were to conduct that inquiry was not stated. It was important that they should be competent persons, and some precaution ought to be taken to obtain an uniformity of decision in the different counties and towns. He found that on receiving the report of that unknown authority the Lord Lieutenant had the most unbounded powers with regard to fairs and markets. He trusted that some provision would be introduced in the Bill for assimilating weights and measures in Ireland, as great inconvenience now arose to buyers and sellers, in consequence of the present anomalous state of things.

MR. MAGUIRE said, the people of Ireland were generally in favour of the Bill, and the principle of it had been adopted by Irish Members and the House on two occasions. Nothing could be fairer than the proposal of the right hon. Gentleman to read the Bill a second time then, and not to take the Committee until after Easter. That delay would give ample time for hon. Members to attend the assizes, and for persons in the different towns to examine the details of the Bill.

MR. BLAKE advocated proceeding with the Bill at once, as he thought it an excellent one. Any alterations that might be deemed necessary could be effected in Committee.

CAPTAIN STACKPOOLE said, he also hoped the right hon. Gentleman would take into his consideration the propriety of having some constituted authority to decide in matters of fairs and markets.

MR. HENNESSY remarked, that a very ancient usage in Ireland was to be set aside by the present Bill. The tolls which were now payable on cattle after they had been sold at fairs or markets were made payable by the Bill immediately the ground was occupied. That would press heavily on a class of persons called jobbers, and upon the poorer peasantry, because, under the system which at present prevailed in Ireland, no toll was paid if the cattle were not sold. He hoped that the Government, in deference of the wishes of a majority of hon. Members, would postpone the second reading.

MR. M'MAHON observed that no hon. Member who had as yet spoken upon the subject had pointed out any objection to the principle of the Bill. Hitherto, the general complaint of the Irish Members was, that measures relating to their country had been postponed to a late period of the Session, when there was no opportunity for considering them in their details. He trusted that, as the Bill before the House was an exception to the general rule, they would throw no impediments in the way of its progress. He hoped that the right hon. Gentleman would press it forward, and refuse to jeopardize its success by dealing with the question of weights and measures, which might wait for a more suitable period. He would suggest to the right hon. Gentleman, as he was thus far giving Ireland the benefit of English laws, that he would give to corporate towns the right to establish fairs and markets without waiting for the authority of the owners of those markets.

MR. SULLIVAN said, that no one attached more importance to the Bill than he did, and therefore he should be the last person to throw any difficulty in the way of the right hon. Gentleman opposite. At the same time he felt he should be doing injustice to his country if he did not tell him that this Bill was scarcely known in Ireland. He was convinced that the right hon. Gentleman was actuated by the purest motives to advance the interests of the country. He trusted, however, that under the circumstances, a measure of so much importance would not be pressed forward with inconvenient speed.

Mr. BEAMISH said, he trusted that, notwithstanding what had been said by the hon. Gentleman who had just sat down, that the Government would proceed with the Bill. The principle of the Bill only was then under consideration, and ample time would be given for the discussion of details at a future time. The right hon. Gentleman was very anxious to meet the views of the people of Ireland, and no impediment ought to be thrown in his way,

Mr. CARDWELL said, that before the Session began he was very much pressed in Ireland to take the earliest opportunity of introducing the measure; and when he obtained leave, ten days ago, to bring it in, he was then urged to carry it through the various stages as quickly as possible. He believed that the most convenient course would be to read the Bill a second time before the House became engaged with the Supplies, and before Irish Gentlemen left to attend the assizes, and to postpone the Committee till after Easter. He denied that the Bill committed the exercise of great powers to a vague and indefinite body. There could not be a more definite or better known tribunal than the Privy Council of the Lord Lieutenant, to whom the working of the measure was intrusted. As to the local inquiry, it was believed to be better to have an investigation on the spot by gentleman of local standing and experience than by Commissioners in Dublin. Then it was said that they were going to impose tolls without any reference to the accommodation provided ; but the contrary was expressly provided, as the Bill expressly laid down that the tolls should not exceed the amount specified in the schedule, and that they should not exceed the amount that was necessary to defray the cost of the accommodation. With regard to the subsequent ratification by Parliament, no doubt on that complicated subject, and also with compulsory powers for the taking of land, he did not think the House would be satisfied to leave it to the Lord Lieutenant in Council, and therefore it was proposed that there should be a local inquiry by order of the Secretary of State, but that that inquiry should have no effect till it had received the subsequent sanction of Parliament, to be obtained without any expense to the parties interested by the Bill brought in by the Secretary of State. His noble Friend the Member for Cockermouth (Lord Naas) had complained that the Bill contained no provision for collecting agricultural statistics. It would be perfectly easy to raise that question in Committee ; but his experience was that legislative compulsion in such matters was generally found to fail. So long as agricultural statistics were given voluntarily rapid progress was made in their collection ; but when an attempt was made to compel people to give them by law the thing broke down. As to uniformity of weights and measures, nobody could be more sensible than himself of the inconveniences of the present irregularity; and he believed that the Bill would have an important effect in promoting uniformity. There was, however, already a law in existence which provided that weights and measures should be uniform, but he did not believe that it was possible to enforce it. Every hon. Gentleman who heard him filled his cellar with wine, not one bottle of which was of the legal measure. Did any one propose to visit them with fines for buying and selling except by the imperial gallon? Nothing was easier than to draw clauses of that kind, nothing less easy than to carry them into effect. Due regard had been paid to vested interests, and the power of taking land compulsorily was to be exercised according to the practice now followed in England under all local improvement Bills. The measure conferred no power or patronage upon the Executive Government; it proceeded entirely upon the principle of local desire and local agency, and he trusted that it would be allowed to pass into law.

Motion *agreed to.*

Bill read 2°.

BANK OF ENGLAND PAYMENTS BILL

COMMITTEE.

Order for Committee read.

On Motion "That the Speaker do now leave the Chair,"

Mr. BASS said, he regretted that some hon. Members of experience had not gone into a discussion of the Bill upon the second reading. Though the Bill had met with no consideration in the House, it was one, nevertheless, which excited deep interest out of doors. They were about to surrender to the Bank of England the control of the monetary affairs of the kingdom for twenty-five years. It was true that the Bill related only to the management of the public debt; but any person who considered the matter practically would see that those parties who, for twenty-five years, would have the control of the public debt, must, of necessity, at the same time have the control of the other departments of the monetary affairs of the country. Now, he would ask whether the management of the Bank of England hitherto had been so satisfactory, or whether it was then so satisfactory, as to induce the House to give them so large a power for so considerable a space of time? The House would be aware that, in 1858, very soon after the crisis which was then just past, the Bank established certain rules with regard to discount, with the avowed object of removing the chances of those violent fluctuations from which the money-market had been suffering. But what was the fact? Why, since that time the fluctuations had been greater and more violent than at any other period, except in the case of an extreme crisis. Since January, 1860, there had been thirteen or fourteen changes of the rate of discount. The year 1860 began with the rate of 2½; it ascended to 4 and 5, fell again, and now stood at 8 per cent. And this, he believed, was the cause of a great pressure upon the money-market, with less occasion for such a pressure than had ever before occurred in the history of the country. Then, again, the Bank thought to ensure greater regularity in the value of money by depriving their competitors in the discount trade of any assistance. That might be a convenient arrangement for getting business to the Bank; but he was told by one of their competitors that it compelled the discount houses to keep an amount of reserve in consequence, which had mainly contributed to the present difficulty with regard to money matters. But the Bank had alleged, as an excuse for these operations, that the discount houses were most imprudent and adventurous in their advances. Well, what had the Bank done? It would be no very difficult matter to show that the Bank itself had been guilty of like imprudence. In the case which had occupied a good deal of public attention for the last few months, the Bank of England led the way to giving credit to the greatest impostors that had almost ever figured in the commerce of this country. Engagements were entered into on its behalf to advance to Streatfield and Co., a short time before their failure, £180,000; and though he admitted, if the securities passed by those parties had proved as valuable as they were supposed to be when taken, the Bank would not have lost anything: yet so complete was the confidence which the directors felt in the house, that to the many applications which were made to them, the reply was invariably given that the solvency and respectability of the firm were undeniable. He hoped the Chanceller of the Exchequer would explain to whom the Bank of England—which had the power of raising and depreciating the value of money at will, and, as rumour affirmed, by very small majorities—was responsible, and whether, in case it was to lose the confidence of the right hon. Gentleman or his successors, it would be possible to exercise any control over the management of the issue and currency departments?

THE CHANCELLOR OF THE EXCHEQUER said, he was not surprised that the hon. Gentleman, at a period of great pressure, and of uncertainty consequent on the duration of that inconvenience, should have availed himself of the opportunity to make some remarks on the state of the money-market, in connection with the Bill before the House. The hon. Gentleman apprehended that Parliament, by giving its assent to certain arrangements with the Bank in relation to the management of the public debt for twenty-five years would, either by direct engagement or by some indirect implication, continue to the Bank the certainty of its present position for some years to come in regard to the other important functions which it discharged as the banker of the public, and likewise as the great agent in making the issues of the State. So far, however, from any new title being conferred upon the Bank through the medium of the Bill in reference to those other great and important branches of its duties, he could assure the hon. Gentleman that the very reverse was the case. It had hitherto been always the subject, more or less, of doubt, whether the remuneration given to the Bank in respect of its management of the debt was not to be considered as part of the permanent privileges conferred by its charter. By the present Act, however, the question had been severed and detached from any other portion of the business which the Bank performed for the public. Both in the Acts of 1844 and 1834 the agency of the Bank, and the remuneration that it was entitled to receive for discharging that duty, were referred to in terms which the Bank, if it had been inclined to an illiberal course of action, and to stand on its extreme rights, might, perhaps, have contended, did not in honour and good faith leave Parliament at liberty to interfere. The change would, no doubt be most weighty and momentous, but the transaction itself was perfectly simple. The conduct of business between the public and the bank rested on its own merits, and was confined exclusively to its own objects, and had no connection or concern whatever with the business of the Bank as the public banker, or with regard to issues, or yet with regard to the quasi-trusteeship which the Bank, under the loan Acts, seemed to discharge towards the public creditors. In the future, therefore, no such entanglement could arise as was deprecated by his hon. Friend, who rightly regarded it as a great evil and inconvenience. In stating that the other functions of the Bank, as guardians of the public purse and with reference to issues, had been entirely separated, he did not not mean that Her Majesty's Government contemplated making any proposals on that head. The position of that question was clearly understood between the Government and the Governors of the Bank, and would be found stated in the official correspondence. As to the general comments of his hon. Friend on the present state of the money-market and the conduct and policy of the Bank of England he would not attempt at such an hour (a quarter to twelve o'clock) to enter into a question of such great moment and of such profound difficulty. But in reference to one portion of his hon. Friend's remarks impugning the conduct of the Bank in relation to a particular house, he must be permitted to express his regret that before making a statement so seriously affecting the policy and something more than the policy of the Bank, he had not given some intimation to the hon. Gentlemen connected with the Bank in that House, in order that whatever explanation the case admitted of might at once be given. As regarded the general proceedings of the Bank of England, he thought his hon. Friend, with the clear and accurate knowledge of the case which he possessed, would admit that the period through which they were passing had been one of peculiar difficulty; for although it had never assumed the character of a sharp and sudden crisis, for a considerable time there had been a sort of zigzag movement in the value of public securities which had passed on and off, and had been most trying to the Bank and to those with whom they had commercial relations. He believed, too, that if they were to consider the conduct of the Bank as a banking establishment, under those trying circumstances, they would find it to be the opinion of the commercial world that their recent proceedings had, in general—he spoke not of particular cases—been characterized by great prudence and a determined regard to keep their resources in a solvent position, available for whatever circumstances might arise. As regarded the rule of which his hon. Friend (Mr. Bass) complained, and under which the power of discount, except at certain periods, had been withheld from important bodies, who, no doubt, as his hon. Friend said, were competitors of the Bank, that was a question which he supposed, before any long time had elapsed, would be more fully opened and discussed both there and elsewhere; but he was bound to say he believed that in the adoption of that rule the Bank were not governed by any narrow regard to their own interest; but that, considering the public trust attached to them and their public position and power over money proceedings, their desire had been to act in the spirit of the law, and to prevent, if possible, the recurrence of those crises on which they all looked with dissatisfaction, and under which the suspension of the law had several times become necessary.

Mr. BASS said, he wished to explain that he had mentioned to an hon. Gentleman then present the circumstance which he had just stated to the House, and it would be in the power of that hon. Gentleman to make any explanation which he might consider necessary.

Mr. CRAWFORD said, he believed that the hon. Gentleman alluded to him; but he did not know how far he (Mr. Bass) was entitled to call on him for an explanation respecting a conversation that had taken place at a dinner table in the refreshment room of that House. If conversations held under such circumstances were to be reported and explained to that House, there would soon be an end to anything like confidential or private conversation between two hon. Members. He was perfectly content with the defence of the public conduct of the Bank of England made by his right hon. Friend the Chancellor of the Exchequer; but his hon. Friend (Mr. Bass) had complained of the fluctuations in the rate of discount by that establishment. Surely his hon. Friend did not mean to say that the Bank exercised a control over the demand for and value of money ?—that they made the price of money in this country ! His hon. Friend was a large manufacturer —a manufacturer of an article which was in extensive use; but no effort on his part could control the consumption of or demand for that article. All the Bank affected to do was to follow the demand and to regulate their price accordingly. As regarded the proceedings of the Bank, to which his hon. Friend more particularly referred when he complained of their not placing money freely at the disposal of other dealers in money, he had to make this remark—though he did not mean to put forward the matter as one of discussion in the House—that persons engaged in banking business, whether as discounters or holders of bills, ought to hold in their hands convertible securities which they could always have available in cases of emergency. It was not a proper course in large establishments, instead of holding their own money in reserve, to call on the Bank of England in times of pressure. The Bank of England had been guided by a strict regard to what they considered to be the public interests. He repudiated the charge that they had been influenced by selfish ones. They were sensible of their responsibilities—they acknowledged them ; and should always act accordingly. With regard to the Bank's transactions with the commercial establishment alluded to by his hon. Friend, his hon. Friend did not know the nature of that case. It was true that the Bank had been led into the same errors as others—they had been misled by the credit which that establishment got in this country; but the Bank of England had this merit—that in lending money they got good security, and it was a fortunate circumstance that they were not losers. The private transactions of the Bank in their private capacity, however, were not subjects for discussion in that House on occasions like the present; but if a Motion impeaching their conduct were brought forward, those who conducted their affairs would be found quite ready to meet it.

MR. CONINGHAM said, he could not allow the speech of the hon. Member for the City (Mr. Crawford) to pass unnoticed in one respect, namely, when he compared the Bank of England to the private commercial enterprise of his hon. Friend (Mr. Bass), which was open to the competition of the whole world—when it was the fact that under severe pressure the Government were compelled to abrogate a law which had failed in its object—that object being to prevent panic, and to protect the commercial community from disaster arising from this cause. The next great point, in his opinion, would be finally to terminate the existence of that law, which was assailed by the universal clamour of the commercial public.

MR. FRANK CROSSLEY said, he was glad to hear that the provisions of the Bill did not at all bind the Government to maintain the privileges conferred exclusively upon the Bank of England. No doubt a good deal of dissatisfaction was felt respecting them in the country ; and the value of money, from whatever cause, was certainly more uniform before the time when the Acts conferring their privileges on the Bank were passed than it had ever been since. He only regretted that the Chancellor of the Exchequer had made this arrangement for so long a term as twenty-five years.

Motion *agreed to ;* Bill *considered* in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2 (Payment for Management of Public Debt),

SIR JOSEPH PAXTON said, he would propose an Amendment to the effect that the arrangement should continue ten years instead of twenty-five years. It was his opinion that if the longer period were continued in the Bill it would be found to hamper future Chancellors of the Exchequer.

MR. BUCHANAN said, that in consequence of the twenty-five years clause there was a strong impression that the present arrangement in reference to issues and other matters was to continue as it then stood. There was also a general impression against the Bank of England having, as it virtually had, the power of fixing the price of money in times of crises. That impression would be got rid of if a number of joint stock banks had similar power with the Bank, instead of the Bank of England having a monopoly. He should support the Amendment if the Government were not already committed to the bargain with the Bank, in which event it would be too late to alter it.

Mr. HANKEY said, that any person who heard the discussion would suppose that some new privileges were to be granted to the Bank, though such was, in fact, not at all the case. The arrangements in reference to the Bank were made solely with the view of consulting the public convenience. When loans were made to the Government it was for the convenience of the contracting parties that the arrangements connected with the payment of interest and transfer should be undertaken by the Bank of England; but the Bank was not a party in any other way to such arrangements. Money was obtained on better terms when it was known by the lenders that in all future time there would be one fixed place at which the business connected with those loans would be transacted—where the transfers would be made and the dividends paid. From 1808 to the present year the existing arrangement had continued in force, but the Chancellor of the Exchequer had now thought fit, on behalf of the public interest, to make a certain reduction of the charge for the management of the debt; and, instead of leaving the arrangement as it is now for an indefinite and uncertain time, he had fixed it for twenty-five years, and if, at the close of that period, it should be thought proper to make a further reduction in the charge, he would be able to bring the matter before Parliament and make a new proposal to the Bank. It should not be forgotten that the proposed arrangement had nothing to do with the Government deposits, and the Chancellor of the Exchequer would be at perfect liberty to bring before the House the whole question of the issue of notes. If it were considered that the Chancellor of the Exchequer had made an improvident bargain with the Bank as to the management of the public debt, the hon. Member for Derby (Mr. Bass) had a perfect right to complain of it, but he (Mr. Hankey) did not understand that the hon. Member made any such charge. On the other hand, it was not fair to criticise in the way now done the conduct of the Bank of England with regard to its private transactions. Hon. Members might as well bring charges of the same kind against the London and Westminster or any other joint stock Bank. Whenever the Bank of England was arraigned in its public capacity he should be quite ready to enter into the question. He would not say that the proposed arrangement was not a very hard bargain for the Bank, but he would say that it was highly advantageous for the public.

Mr. BASS desired to know whether the House was to understand that those gentlemen who represented the Bank of England were dissatisfied with the arrangement. [Mr. Hankey: Hear, hear.] If so, let the House cry quits, and get rid of the bargain. [Mr. Hankey: Hear, hear.] He had been rebuked for discussing mattersntot before the House, but the represental ives of the Bank were not without notice that there was great dissatisfaction in reference to certain matters connected with the Bank. They might suppose, from what they had heard from hon. Members, that the Bank derived no advantage from their management of the public monies; but he (Mr. Bass) found that during the last two years the Bank had had about £7,000,000 of public deposits in their hands. He should be glad to learn what service they had rendered in return? He felt quite sure that they could not come to any other conclusion than that the Bank was the largest monopolist in the country.

Mr. CONINGHAM said, that though he objected to the arrangement, he did not do so on the precise grounds that some hon. Gentlemen did. Instead of attacking the directors of the Bank, it would be better to attack the law under which they acted. It was Lord Overstone and his followers, with their theories of the convertibility of the note, who were to blame. In voting for the Amendment, he did so because he believed if they succeeded in limiting the present arrangement, it would be a step towards altering the present monetary system.

Mr. FINLAY said, he was not sure that the Bank management was advantageous to the country at large. On the one hand, if the Bank charter were put an end to in the course of a few years, what would become of the proposed arrangement? But, on the other hand, if the arrangement was so hard upon the Bank of England, why should the Bank Directors object to limiting it to ten years instead of twenty-five?

The CHANCELLOR of the EXCHEQUER said, he wished to separate the subject of issue from the general question. It was perfectly open to the House to deal with the question of issue and everything which related to it and the public balances when they pleased and as they pleased. He hoped that whenever they came to the subject of issue, they might adopt such legislation as would secure the full fruits which had already been achieved by the wise measures of former statesmen, and not undo what they had accomplished. He did not clearly understand the object of the proposed Amendment, whether it was that the arrangement was too favourable to the Bank, or whether it was supposed that it would hamper Parliament in any other transactions and arrangements of other kinds in future. If the hon. Member for Coventry feared that by implication the arrangement would tend to impair the freedom of Parliament, he could only say that that freedom was acknowledged by the Governors in their correspondence with him. The Governors accepted his letter to them as the understanding, and with fairness and moderation added that they were very much induced to accede to the reduction of charge by the fact that they would be enabled greatly to economize. Their letter was a complete acknowledgment of the separation which now, for the first time, was effected between this and other subjects in which the Bank discharged duties for the Government. The success of the Motion would simply have the effect of cancelling his labour, and reverting to the present Act, with which he believed the Bank were perfectly satisfied, as they obtained under it a greater profit by £50,000 a year. He did not consider that the terms imposed were hard terms. In his opinion they gave the Bank adequate and liberal remuneration, but he must say he believed it was the wish of Parliament and the commercial world that that principle should direct their proceedings. If the term of twenty-five years was an advantage to the Bank the public gained, in the first place, a clear saving of £50,000 a year. It likewise gained a material increase of service; and, thirdly, an advantage which he deemed of great importance—namely, that by this arrangement they entirely extricated the whole subject of remuneration for management from the influence of those complicated considerations which were involved in the structure of the Loan Acts. There had been a great change in the relative positions of the Bank and the Government since the Bank got its charter, and the Government began to borrow. Governments of all kinds, and especially a dynasty with a most unsettled tenure, were in exceedingly bad odour with the mercantile world. The monied men of those times would not believe the Government on its oath; and no wonder, seeing that not long before that worthy Sovereign, Charles II., had thought fit to lay his hands on the money of the London bankers. It was then the capital object of State policy to find a body of undoubted wealth, solvency, and character which would stand between the Government on the one side, and the possessors of money on the other, and would say to the moneyed men, "We will stand sponsors to you for the Government." It will be seen from the Loan Acts that the original position of the Bank was not, as now, that of the agent for the Government; but it was a sponsor and trustee for the Government, securing it that credit which it could not secure for itself. Though the position of the Bank had changed, the form of the Loan Acts had not changed; and those who looked even at the most recent Loan Acts would see that they not only constituted the Bank an agent to pay the dividends, but they continued it a corporation until the loan then made was paid off. The remuneration for managing the loan was given in the same Act. Under these circumstances it was open to the Bank to say, "This remuneration is part of the compact of the loan." That, however, would have been an extremely illiberal claim, and the Bank had shown a proper regard for its true and permanent interests in not pressing it. It was fair to the Bank to state that, some ten years after the arrangement in force was agreed on, both the Bank and the Government submitted to their respective legal advisers the question whether the bargain between them with respect to the remuneration was one which it was open to the Government to propose to Parliament to alter, or whether it could not be altered without the consent of both parties; and both the legal advisers of the Bank and the law officers of the Crown answered that the arrangement was a permanent one, which could not be altered without the consent of the Bank. Having made this explanation he hoped the hon. Gentleman would not persevere with his Amendment, and thus prevent a new arrangement being made which was equitable to the public and fair and liberal to the Bank.

MR. FRANK CROSSLEY said, he hoped, after the statement of the Chancellor of the Exchequer, his hon. Friend would not persevere in his Amendment. It appeared that the twenty-five years had had something to do with the bargain, and as it did not affect the issue department he hoped the Amendment would be withdrawn.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Remaining clauses *agreed to.*

Bill *reported;* as amended, to be considered on *Monday* next.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, February 22, 1861.

MINUTES.] PUBLIC BILL.—Church Rates Assessment.

THE TIPPERARY MILITIA ARTILLERY.

OBSERVATIONS.

THE EARL OF DONOUGHMORE, in rising to call the Attention of the House to the Proposal for forming a Brigade of Royal Artillery out of the Tipperary Regiment of Militia Artillery, said—My Lords, I have often had occasion to address this House since I had the honour of a seat in it, and I have always experienced from your Lordships the greatest kindness and forbearance. I cannot doubt, therefore, that I shall experience the same kindness when I rise on the present occasion to make an explanation on a subject on which I feel deeply interested, and which has already attracted a considerable degree of public notice; and that your Lordships will allow me to take advantage of the seat which I have the honour to possess in your Lordships' House to explain the part I took in the matter, and to show that I, at all events, am not to blame for what has taken place. In making the statement I am about to do, I beg to explain that I have no wish to resort to any invidious reflection on the Government, or on the noble Lord who is at the head of the War Department. My only object is to set myself right in the eyes of your Lordships and of the public as to my conduct in the matter. For several years it has been my pride and happiness to command one of the Militia Regiments of the county of Tipperary. I was appointed to the command in the year 1849, when the Militia was not organized, and when it was not expected that the active services of this body would be required. Some years afterwards, however, when the disasters occurred at the commencement of the Crimean war, the services of the Militia were very generally brought into requisition, and, as I held the Commission of Lieutenant Colonel of the regiment, I took the command of the Tipperary Artillery Militia, and remained with it until its disembodiment in 1856. In 1858 the services of the Regiment were again required. It was embodied for active service in the month of October of that year, and from that time to the present day it has continued upon active service. It would ill become me to speak at any length of the efficiency of the corps; but, I may be permitted to state that all the General Officers of the districts where it has served have been unanimous in their praise of the discipline and good conduct of the men. I have pride in stating that the regiment has served under the command of Major-General Eden, Lieutenant-General Maunsell, Lieutenant-General Scarlett, and Major-General Eyre, and that one and all have borne testimony to the efficiency and good conduct of the regiment. We have also had the honour of being inspected by his Royal Highness the Commander-in-Chief, who has also borne his testimony to the efficiency of the corps. I take no credit to myself for the high state of discipline and good conduct of the men;—it is due to the way in which the other officers of the regiment exerted themselves, as well as to the exemplary conduct of the men all the time of their embodiment. I was certainly fortunate in having such a fine material for soldiers to work upon, for I believe in physical appearance no class of men in the world can equal the peasantry of Tipperary, or rival them in the singular aptitude they have always shown in mastering the details of military evolutions. I need hardly add that the sobriety and general good conduct of the men was quite equal to the rest of their good qualities. In the latter part of the year 1859 a rumour prevailed that it was the intention of the Government to make a large addition to the Royal Artillery—to the extent, it was said, of three brigades. Perhaps I may mention, for the information of such of your Lordships as are not familiar with these phrases, especially as the term itself is new, that a brigade of the Royal Artillery is equal to a battalion, and consists of eight batteries or companies. I need hardly add that, if such were the intentions of Government, it would be a great convenience to them to obtain at once the services of a complete brigade without going through the trouble and labour of recruiting, or of training the men when they had got them. Under this impression I took the liberty of addressing a letter to his Royal Highness the Commander-in-Chief, suggesting that such a brigade might be raised by the transfer of the services of the Tipperary Artillery to the regular army. I thought, and still think, that if that arrangement had been carried out the claims of the officers of the regiment should not be overlooked. The officers, by their exertions and by their influence in the country, had attracted the men from their homes to join the regiment; by their diligence and attention to their duties they had greatly contributed to the efficiency and discipline of the regiment; and I thought, therefore, that it was fair and just if the services of the men were required, and if the men were transferred in large numbers to the Royal Artillery, the claims of the officers to the favourable notice of the Government should also be fully considered. I, therefore, proposed that a certain number of commissions in the infantry of the Line—not in the Royal Artillery, I beg your Lordships to remark—should be granted to the officers of the regiment in consideration of the men being transferred to the Royal Artillery. For several weeks my letter was under the consideration of the noble Lord at the head of the War Department; but, at the end of a month, I received a letter stating that the offer could not be accepted. This was in the month of January, 1860. Having received this reply I dismissed all thought of renewing my application to the Government. I continued in the discharge of my duties in the regiment, but made no further application of any kind, either to the illustrious Duke or to the noble Lord at the head of the War Department. But in the month of September last intelligence arrived of the commencement of the war, which is still unfortunately raging in New Zealand. The first news of that event was not encouraging. It appeared that Her Majesty's forces, acting in conjunction with the local Volunteers, had met with a severe check; and it was reported that it was the intention of the Government to send out considerable reinforcements. At that time the officers of the regiment conceived a notion that Government might accept the services of the regiment on a plan somewhat similar to that which was adopted with some of the German regiments at the end of the Crimean war, and they asked me to make their wishes known to the proper authorities. It did not, I confess, appear to me at all likely that the noble Lord would listen to such a proposal; but I felt it was due to the officers, who expressed an earnest wish that I should forward their request. I did so, not through any private channel, but in the usual official course. I forwarded it to my immediate commander Major-General Eyre, who communicated it, to his Royal Highness the Commander-in-Chief, from whom it was sent to the War Office. I forwarded at the same time a letter addressed to me by the major who was second in command, suggesting that, if the proposal for military colonization should be deemed impracticable, it would be easy to obtain the services of the officers and men as a battalion of the Line for general service. Your Lordships will observe that in all these communications with the War Office, of which I was the medium, no proposition was made that any of the officers of the regiment should be introduced to the Royal Artillery. Such a notion, till I heard it from the War Office, never entered my head. I was aware of the peculiar services of that corps, of their scientific education, of the examination through which they had to pass, and the laborious study they had to undergo; and I was aware that the officers of the Tipperary Artillery had not gone through that course of education, and that they could not be placed on a par with the officers of the Royal Artillery. I certainly, therefore, never proposed, nor thought of proposing, any such arrangement to the Government. After the proposition of the officers was made to the noble Lord I was given to understand that he had under his consideration a plan for the transfer of a portion of the Tipperary Regiment to the Royal Artillery, and of forming them into a new brigade, and that it was intended at the same time to grant to the officers commissions in the Royal Artillery. I first heard of that proposition, not from the noble Lord himself, but from a Gentleman in the War Office. I stated at once that I thought that was a most extraordinary arrangement—that such an arrangement had never entered my head; but at the same time I felt that I was not the proper judge of its propriety, and that the Secretary of State, having the assistance of his Staff at the War Office, had the best means of forming an opinion, and would be best acquainted with the feelings and prejudices of the Royal Artillery. I therefore accepted the proposal when it was made to me. The first time I heard of the plan was on the 25th of October, but I had no communication with the noble Lord till the 11th of November, when, being in London with another officer of the regiment, I wrote to the noble Lord to say that I was informed he had such a plan in contemplation, and expressed my willingness to wait on him and give him information as to details. I accordingly had an interview with him on the following day accompanied by Major Massy. The noble Lord did not finally decide till the 30th, so that the noble Lord will do me the justice to say I did not press him to any hasty decision. I remained perfectly quiet till he had officially determined on his plan. Up to the time when I received information from the noble Lord that he had finally decided the plan should be carried out, though I mentioned the matter privately to two of the officers, I considered it my duty not to to communicate it to the regiment. But when I was informed that the plan was fully decided on, it was necessary that both officers and men should be made acquainted with it; because, my Lords, it was a question whether 600 men could or could not be prevailed upon to join the Royal Artillery—your Lordships are aware that that could not be done without the consent of each individual man, nor without the hearty goodwill of both the commissioned and non-commissioned officers of the regiment. One of the advantages held out to the officers, both commissioned and non-commissioned, was that in having their services transferred to the Royal Artillery they were to retain their rank. I assembled the officers and non-commissioned officers, and told them in plain language the offer that I had been authorized to make to them, and they expressed their willingness to accept it. Every preparation was made, a number of officers and men who were absent on leave were recalled; and so certain was I that the noble Lord would carry out the general plan, with all its details, that I had absolutely the lace and buttons of the Royal Artillery pattern ready to be fitted on the tunics of the men. I waited for the order day after day. No order came; until, at the end of the month, I received a letter from the War Minister informing me that the plan was abandoned. These circumstances, as your Lordships will admit, placed me in a most painful position. Having held the command of the regiment for many years, and having never during that time broken a promise, expressed or implied, to either officers or men, I felt greatly humiliated when I had to communicate this result to the regiment. Could I, holding Her Majesty's commission, tell them that Her Majesty's Minister had broken his word to them? It was impossible. I could not tell the men they had been ill-treated. I was obliged to keep silence. With regard to the plan proposed by the noble Lord, it is no part of my duty to defend it. No doubt the noble Lord the Secretary for War will state the grounds upon which he thought it expedient to adopt; it and the grounds upon which he, afterwards, thought it more expedient to abandon it. Some persons might regard the arrangement as a feasible one; others might entertain a contrary opinion. It is an intricate question, and one on which there is much diversity of opinion. But, as the commander of the regiment in question, my duty was a subordinate one. On the one hand I was anxious to secure to Her Majesty the benefit of the services of the men under my command; and, on the other hand, it was my duty to protect the fair and just interests of the officers. Allow me to repeat that the notion of transferring into the Royal Artillery, Militia officers who had not been fully educated in their profession, and who had not gone through the competitive course for Artillery officers, never entered my head. I did not propose such a transfer, nor did I know anything about it until it was proposed by the Secretary for War. Of course it was not in my province to raise objections. I might have had my own opinion as to the feasibility of the plan; but it was clearly my duty, as the commander of the regiment, to assist the Government in carrying out their project. I can only say that I regret extremely its withdrawal. It would, perhaps, have been far better if the proposal had never been made; but, having once been made, it was most unfortunate that it was not carried out. Military men have commented on the fact that the Secretary for War, having duly considered the subject and consulted with those best able to advise him, had made up his mind to a certain course, and this determination had been communicated to the officers and men of the Militia regiment; but the officers of the Royal Artillery had power enough to induce him to reverse his decision and abandon the scheme. The precedent is rather a dangerous one. The Royal Artillery form a large body of men, mustering something over 20,000, and its numbers will be materially increased by the addition of the late East India Company's force. In the course of a few years it may become highly necessary to remodel this force, and whenever the time comes I hope the noble Lord will have sufficient firmness to carry out any plan which he may think best for the interests of the service in spite of the adverse opinions of Artillery officers. It is not fitting that any body of officers should be able to upset the decision of a Minister of the Crown. I hope such a thing will never occur again, and that when the noble Lord next proposes a plan he will not allow his opinions to be overborne in this way.

LORD HERBERT: My Lords, I certainly have no cause of complaint against the noble Earl either for bringing forward this subject, or for the terms and the tone of the speech which he has just made. When I thought it my duty to abandon the scheme for converting the Tipperary Militia Artillery into a brigade of Royal Artillery, I wrote to the noble Earl frankly stating the difficulties in the way, and telling him that I regretted to have to take upon public grounds a course of which he and the officers under his command might have reason to complain. I do not know that it is very necessary to go back to the question which the noble Earl has raised as to who originated this plan; but I must say, that I heard just now with surprise, and for the first time, that the noble Earl had never contemplated that his officers should receive commissions in the Royal Artillery. In his letter to me, written in 1859, the noble Earl said that his men would join under certain conditions, adding that the two field officers, four captains, four first and four second lieutenants should receive commissions of equal rank "in the regular service." I say, upon my honour, that until I heard him speak this evening it never once occurred to me that this passage in his letter did not apply to the Royal Artillery. His Royal Highness the Commander-in-Chief, read it the same way, for he communicated to me his doubts whether it was right to grant Artillery commissions to Militia officers, inasmuch as it might create discontent among the regular officers of the Artillery. I have no doubt, now, the noble Earl meant commissions in the Line, but I hope I may be held blameless for believing that he referred to the transfer of his officers to the Royal Artillery. At the time we wanted an additional Artillery brigade. This year the Militia Artillery is, or is about to be, entirely disembodied. To replace the 3,000 or 4,000 artillerymen whom we were thus about to lose, it was necessary to take measures to fill up the gap, and when the noble Earl suggested that his men should be sent out as military settlers to New Zealand, it occurred to me that his first proposal would be the more convenient one. In conversation, two or three plans were mentioned. I said, "We have sufficient battalions of the Line; it is not necessary to add to them. On the other hand, I do not think that in sending military settlers to the Cape of Good Hope, we have been so successful as to encourage a repetition of that experiment." That, therefore, fell to the ground. But it was necessary to raise a new brigade of Artillery, and it seemed to me well to accept for that purpose a regiment which had a deserved reputation. The noble Earl has not overstated by one iota the merits of his regiment. The Commander-in-Chief spoke of it as a remarkably fine body of men, and their conduct has been admirable. Of the men themselves, I can speak in the highest terms of commendation. When I was at Chatham, I asked General Eyre whether the small number of entries in the defaulters-book, showed good conduct on the part of the men, or whether there existed a lax system of discipline. The reply was that the men were really as well behaved as they seemed to be from the book; and they were provident as well as sober and steady, for they had as large a sum in the savings'-bank as any regiment in the service. It was not, therefore, to be wondered at that I was anxious to lay my hands, if I could, upon 600 capitally trained gunners. We raise our Army by voluntary enlistment, and we are able to do so now with greater facility than at any previous period. I believe, at the present moment the English Army is complete—a most unusual thing. When we had to raise 12,000 men, I recollect that we did so with great difficulty, but now we raise

24,000 with much more ease. There exists at present greater willingness on the part of labouring men to join the service; but, at the same time, though you thus get excellent material, you do not enlist regularly drilled soldiers. Here, however, was an opportunity of getting ready made soldiers, and of thus saving some time and expense. I must say, I think that the course which I pursued is one which under circumstances of pressure and emergency, would be a sound one. It ought not to be made a rule. The Artillery officers were afraid lest this should be drawn into a precedent for the appointment over their heads of men who had not gone through the scientific training exacted from themselves. But, let me state what it was that I think justified my proposal. Is it true that a great number of Militia officers would have come in over the heads of the officers of the Royal Artillery? I believe, the number who would have thus come in was one field-officer, one major, two first captains, and four second captains, and seven subalterns. That, I believe, is about the number that would have come in. I should be sorry to dispute the accuracy of the noble Lord's recollection of what passed at his interview with me; but, I suppose, no two men ever preserve precisely the same recollection of a conversation, and this is another illustration of it. I must admit, that in the conversations we had, I found the noble Earl a most zealous advocate of the interests of the Militia, and, I think, in the interview we had, he got the better of me. He stated that, in carrying out the proposal, we must not part the officers from the men, and that there was one officer in particular who must be kept with them—the adjutant. Now, this does not look like his contemplating transferring the officers of the Militia to the Line, for the men, it is clear, were to go into the brigade of Artillery. The plan was arranged on the basis that one field-officer should come into the Artillery, and the other officers I have mentioned, each in a grade lower than he held in the Militia. Another question between us was, whether the officers should undergo an examination. I maintained that for officers of the Royal Artillery it was impossible to dispense with an examination; the question was, what kind of examination it should be. There is the ordinary examination for Militia officers leaving it to go into the Line. His Royal Highness the Commander-in-Chief decided that all officers entering the Line from the Militia must undergo an examination, and that it should be the same examination that a subaltern officer of the Line undergoes when he passes for the rank of captain. I proposed that, *matatis mutandis*, that the same examination held on Artillery subjects, should be passed by the Tipperary officers. The noble Earl objected to this, that it was not the ordinary Militia examination; but, without being exacting, I felt that it was not for me to lower the standard of the examination for the Royal Artillery. On that I took my stand. Some of the objections made to the plan we proposed were unreasonable, and had there been a prospect of war, I should not have hesitated to carry the plan out; but many of the officers of the Royal Artillery have served with great distinction, and were likely to object to others being placed over their heads without any emergency to justify it. The Royal Artillery is a peculiar body of men. The officers are highly educated men, and have gone through a long course of scientific study. I believe there is not a finer corps of Artillery in the world. But—it is, perhaps, natural in a body of such acquirements—they have something close and exclusive among them. I do not think there would have been any resistance to the plan founded on perfectly just principles. Officers have been introduced into other regiments *per saltum* on more occasions than one; but, in those cases, the course of promotion was not affected beyond those regiments. It would not have been so in the case of the Royal Artillery. In that corps men are promoted in one brigade by deaths in another, and in the course of events it might have happened that Artillery officers of long service might have found themselves commanded by the officers from the Militia. There was a great deal of dissatisfaction in the Artillery on the announcement of the plan, as being unjust to them; and I thought it my duty not to persist in a course that created such dissatisfaction in a large and valuable body of men. The noble Earl says I ought to explain why I did not go on with the plan. I can only say that I found I had made a blunder, and, having done so, I thought it better to acknowledge it, than to go on and thereby injure the public service. The Artillery officers thought the admission of the Militia would become a system. That was not likely. It would be a most extravagant course to pursue to embody Militia Artillery regiments, in order to receive them into the regular Artillery corps — almost as bad as the Chinese plan of burning a house to roast a pig. But the fact is, this was an isolated case. The regiment was about to be disembodied, and I was anxious to secure these men for the public service. I found that I had been in error —that an objection had been raised which was founded in justice. I consulted others — I took military advice; and after discussing the whole question, I determined to write to the noble Earl and frankly state the course which I felt bound to pursue. I stated that I felt greatly annoyed at the course events had taken, and especially at finding that the officers were likely to be disappointed of that which it was supposed I had held out to them. In answer to my letter the noble Earl wrote to me, saying, that while holding his commission it was impossible for him to give vent to his feelings in adequate terms, but that he intended to resign his commission, and then he would take an opportunity of expressing his opinion of my motives and conduct, and of bringing the matter before your Lordships' House. I hope the noble Earl did not consider me discourteous in not answering his letter; but, knowing the consequences which sometimes follow a correspondence conducted under feelings of irritation at a supposed wrong — and here I frankly admit there had been a real wrong —I thought it better to communicate with the major of the regiment. If anything could increase my vexation at being compelled to disappoint the officers of that Militia regiment it would be the admirable manner in which they bore that disappointment. They behaved like gentlemen, and I felt that I owed them every reparation in my power. I asked His Royal Highness the Commander-in-Chief whether, under the circumstances, he did not think it would be fair to offer to those officers commissions in the Line. To this His Royal Highness assented. Some officers have accepted the offer, and are about to be appointed. I have given appointments to one or two; and if this cannot be received exactly as compensation, still, I hope, it will be received as evidence that I had no bad feeling towards the officers of the regiment in acting as I have done. Indeed, the idea of my being actuated by ill-feeling is childish. In the whole transaction I studied the interest of the public service, and not especially that of the Tipperary Militia; but I felt that I had unwillingly injured the officers of that regiment, and I was most desirous of giving the utmost reparation in my power. Commissions as subalterns in the Royal Artillery were also offered to some of these officers, but, up to this time, there have been no applications—which is not surprising, considering what has taken place. As to the men, I still hope that many of them who entered the regiment while it was embodied in the hope of permanent service, may be inclined to enter the ranks of the Royal Artillery, where they will meet with a hearty welcome. I have now stated what were my motives and intentions in this matter. I regret that they have resulted in failure, because it would have been, I believe, for the public benefit; but at the same time I hold that in dealing with officers it is important to respect their feelings—even their prejudices if you will—and that we ought not in our proceedings, if we can help it, or without paramount reasons, to wound their feelings with respect to any privileges they may enjoy. I have now said all that bears upon the case, as far as it has been raised by my noble Friend, and I thank your Lordships for the patience with which you have listened to me upon what is a dry, and may appear to some, a small subject, but which is not small if it irritates the feelings of any persons in Her Majesty's service, or inflicts hardships upon officers so efficient, so patriotic, as the officers of the Tipperary Militia; and I should regret to leave any impression upon their minds that I had been wilfully the means of inflicting a disappointment upon them.

The Duke of CAMBRIDGE:—My Lords, it is my duty, in the official position which I hold, to bear my share of the responsibility for the proceedings which have led to this discussion; for, although the actual negotiations were between the noble Earl and the Secretary of State, I took part in them afterwards. It is a mistake to suppose that I ever opposed the arrangement suggested, and I am quite willing to bear my share of responsibility for what was done. I will, therefore, state why, as a military man, I consented that the regiment in question should be received into the Royal Artillery. The noble Earl made a proposal at the end of 1859 that this regiment should be received into the Royal Artillery. I may say here that I was astonished, as my noble Friend was, when I heard for the first time tonight that the noble Earl did not intend all the officers should be transferred to the

Royal Artillery. I confess that after having read his letter several times I had come to the same conclusion as the Secretary of State, for the noble Earl distinctly stated that he wished the regiment to be called the Brigade of Tipperary Artillery. He also stated the number of officers whom he wished to be turned over to the regular army; and certainly until this time I had understood him to mean that the officers should go with the men. But, however, after what the noble Earl has said to-night it seems that we were mistaken in that opinion. I will now proceed to state why I did not object to the arrangement in question. At the time when we first heard of this proposal the time was fast approaching when all the Militia regiments would be disembodied. Among the Militia regiments that would be so disembodied were six or seven Artillery regiments, and the reason why I requested the Secretary of State to retain the services of Artillery rather than Infantry Militia was that, with the large number of guns we are mounting in all directions, and the heavy duties which they are called upon to perform, we have really not a sufficient force of Artillery at home to perform those duties. However, as the time was approaching when these six or seven regiments, comprising 3,000 or 4,000 men, would be disembodied, it became a serious subject of consideration how their places could be supplied; for, although the Secretary of State had added to the Royal Artillery, still there was a great inadequacy for the amount of duties to be performed. On the 1st of April all the Militia regiments will cease to be embodied. There is now an Artillery Militia regiment in Ireland, and we have not the means of sending out another regiment to replace it, in addition to the difficulty there will be in finding garrisons for all the forts. It might be said that if these regiments were disembodied we could raise additional men with the greatest facility; but the question is not merely that of raising the men, it is necessary that at a certain date we should have complete batteries to replace them. When I came to read the Report which, in justice to the noble Earl, to his regiment, to the Secretary of State, and to myself I must quote, I found that this regiment was in such excellent order as to be fit for immediate introduction into the regular Artillery, and I made up my mind that if this body of men, in such order and discipline, could be brought into the regular Artillery at once it would be of great advantage to the public service. Therefore, although I would be the last person to sanction the introduction of a system which might hereafter act prejudicially, of permitting officers of the Militia to enter the Royal Artillery, which should be kept as a scientific corps, still it was a choice of evils; and I would have preferred the introduction into the Royal Artillery of three or four second captains and a few subalterns at the bottom of the list to risking the loss to the public service of 600 or 700 trained men, who could have been sent to any part of the United Kingdom, and who would at once have formed a complete, efficient, and well-organized brigade. I will now read the last Report of Major-General Eyre, upon which I chiefly dwell as a justification of our entertaining this arrangement.

> "This is a singularly fine and efficient body of men. There is not an indifferent looking recruit in the ranks. The quiet orderly conduct of the men up to the present time cannot be too favourably reported upon. There has been no serious crime in the regiment, and the cheerful, ready manner in which the men obeyed their officers' orders and conform to their wishes in all cases is most excellent. In all respects they appear to be a contented and well conditioned body, and it is evident that the officers take considerable interest in the men. The books are well kept. There is a large amount in the savings bank, which the officers seem to think will be made use of for emigration to the United States when the regiment is disembodied. In that case there can be no doubt that the loss of such a body of men would be a misfortune."

General Eyre, I need hardly observe, is one of the most conscientious and correct officers in the service, and any statement coming from him is not a mere complimentary statement, but one that could safely be acted upon. Such, then, being the statement which he made as to the admirable condition of this corps, and feeling that it would be a serious disadvantage to lose the services of these 600 men, especially as we wanted complete batteries in various parts of the United Kingdom, I thought it would be so beneficial to the public service to continue these men in an embodied state that I did not hesitate to give my most cordial approval to the proposal of my noble Friend the Secretary of State. My noble Friend the Secretary of State has frankly admitted that he thinks he made one mistake with respect to the introduction of a lieutenant-colonel and captain; and I am myself of opinion that if he had not made that mistake we should not have heard all the complaints which have since been made. The Secretary of State had my concurrence in not bringing this arrangement to a conclusion, because I think a certain amount of injustice might have been done, though certainly not because the officers of the Royal Artillery complained of the results to them if the plan should be carried into effect. As a rule, I should be sorry to see officers introduced into the Royal Artillery who have not gone through all the professional training which it was essential to keep up; but it was a choice of evils whether we should lose the services of this valuable corps, or whether we should introduce two or three second captains and subalterns; and at this moment I am still of opinion that no real injustice would have been done to the Royal Artillery if those two or three second captains had been so introduced. As a military man, my Lords, I had a wish not to reject the offer which came from the noble Earl. I concur in what my noble Friend has said as to the excellent conduct of the officers of the Tipperary Militia Artillery. Nothing could exceed the admirable temper and good taste with which they bore that disappointment which I, for one, regret that they should have had to sustain.

LORD VIVIAN, as one who had for some time been connected with the Royal Artillery, wished to make one or two remarks on the question before their Lordships. He could not refrain from expressing his opinion after the statements to which he had just listened, that injustice—and great injustice, too—would have been done to the Royal Artillery if a single second captain or subaltern of the Tipperary Militia had been allowed to pass over officers who had gone through a high scientific training, and obtained their commissions by a severe examination. But he would ask whether it would not have been possible to retain the services of this most valuable regiment without such a bargain as that which was proposed? The Government had the power of offering a bounty which they could increase if necessary; and he saw no reason why the Government should not have proposed to give a greater bounty to these men who were so well trained, than was usually given to raw recruits on entering the Queen's service. It would have been perfectly competent for the Government to have made such an offer, because it was well known that the amount of the bounty paid on enlistment was increased or diminished according to the difficulty of obtaining men, or to the exigencies of the public service. It had been asked how this case could be a precedent. Comparisons were odious; but he must say there were various other Militia Artillery regiments in different parts of the country who were also in a very efficient state; and the officers of those corps would already have a like claim for commissions in the Royal Artillery; nor could he see how such claims could be resisted if rank was given to the officers of the Tipperary regiment. Indeed, he believed, if the whole truth of the matter could be elicited that the applications from those other regiments for like favour had more effect in promoting the carrying out of the proposed arrangement than any protest from officers. He sincerely rejoiced that the Government had declined to accede to the proposal that had been made to them, and had abandoned their intention to do that which would have inflicted an injustice upon the officers of the Royal Artillery.

THE EARL OF ELLENBOROUGH:—The illustrious Duke has satisfied me, both that Her Majesty's Government were quite right in entertaining the proposal for transferring this regiment to the Royal Artillery, and also that they were quite wrong in abandoning it. The illustrious Duke convinced me that there exists that case of emergency in which the noble Lord the Secretary of State said he would not have hesitated to sanction this proposal. In the present state of Europe, with the known preparations for warfare by sea as well as by land, now made on the part of France, willingly to sacrifice, not only this regiment, but the other Militia Artillery regiments spoken of by the noble Lord opposite—willingly to sacrifice 3,000 or 4,000 trained Artillerymen at such a moment, seems to me, my Lords, absolute infatuation. If, therefore, it is not now too late, I hope the noble Lord the Secretary of State will yet be induced to reconsider and change his determination. It appears to me that at the close of this negotiation the decision at which Her Majesty's Government arrived was one in which the public interests were less regarded than the professional prejudices of a very distinguished corps. I feel very deeply on this subject, because I have at all times, when I have had the opportunity, endeavoured to press upon your Lordships the want of sufficient preparation on the part of this country. We are now called upon to give up the services of 600 artillerymen who have received the highest character that I ever recollect being bestowed upon any regiment at any period. They consist, it appears, of eight companies, and we are told that each company serves a battery of artillery. We are, therefore, to lose the services of forty-eight guns on the field of battle, which might be decisive of the fate of London, or of this country, in order to exclude from the Royal Artillery one field officer. My Lords, I have no recollection of any occasion on which small views were to so great an extent allowed to overrule great public objects. I do hope that, if the noble Lord continues to exercise his power over our military department, he will take the same just view of the public interest as he took in the first instance in this matter, and that he will exhibit greater firmness than he has shown on this occasion in maintaining his own correct opinion of what is necessary for the public service.

EARL GREY: My Lords, I cannot concur with the noble Earl who has just sat down, in thinking that the error committed by the Government in this matter was in abandoning the measure on which they had resolved. I dare say there would have been considerable temporary convenience in retaining the services of this Militia regiment; but I believe that that temporary convenience would have been dearly purchased by giving a just ground of dissatisfaction to such a body of officers as those belonging to the Royal Artillery. I think my noble Friend the Secretary of State was quite right in candidly acknowledging the mistake into which he had been led, and in at once determining to give up the plan the moment he felt satisfied that an injustice would be done by it. But it seems to me that what has taken place in this instance affords a striking proof of the truth of what I have more than once endeavoured to impress on your Lordships—that whatever permanently embodied force this country maintains ought to be invariably connected with the regular army, and the regular army only. I wish to call your Lordships' attention to the inconvenience that has arisen from departing from the original scheme of the Militia. When the Militia Act passed in 1852 it was declared, and Parliament, by introducing a clause to that effect, confirmed the engagement that the Militia was never to be permanently embodied, except in the actual apprehension of invasion. On the faith of that, both officers and men entered into the corps. Most unfortunately, when the Russian war broke out this plan was departed from, and a large number of Militia regiments were permanently embodied. You passed an Act to alter the terms on which those regiments were raised. You were compelled, in ordinary justice, to allow all the men who wished to retire from the regiments. But this did not obviate the inconvenience, or correct the injustice of what had been done, because though many of the privates did avail themselves of the power of retiring from the service, the officers did not, feeling that it would be a reproach to them if at such a time they had availed themselves of the privilege. But what has been the effect? The permanent embodying of the Militia at that time has driven from the great majority of regiments that class of persons of whom they used chiefly to be composed —I mean country gentlemen, and others who had some other occupation, which prevented them from devoting themselves permanently to the service—the very persons whom it was desirable should remain in the Militia—and to substitute for them gentlemen of no local connections and no other pursuits in life to prevent them from devoting the whole of their time to the service. By embodying Militia regiments, instead of augmenting the numbers of your regular army, you get necessarily an inferior class of officers. All gentlemen who really desire to take up the military life as a profession, and pursue it earnestly, prefer going into the regular service; the consequence is that you are driven to officer your Militia with those who cannot obtain commissions in the regular service; and they must to a certain extent be inferior to the officers of the regular army. By this means, therefore, of embodying permanently a force not connected with the regular army, you are obliged to maintain regiments as expensive as the regular army, but less efficient, and which, when all the expense has been incurred, produce such difficulty as that which has now occurred. It is also extremely unjust both to the officers and the men to require them to serve in this way; for it is, in fact, asking them to take their place in a permanently embodied force, preventing them turning their attention to other occupations; and then in five or six years turning them adrift. The system is essentially vicious. The Militia ought to be, without doubt, a reserve force, ready for great emergencies, and it should consist of officers and men who are prevented from going into the regular army from some cause or other. After all, I am certain that neither the Commander-in-Chief nor my noble Friend the Secretary of State will differ from me when I say that let your Militia be as good as it can be, still our real dependence must be on the regular army.

THE EARL OF DONOUGHMORE said, he regretted extremely that the Secretary of State for War, and also the illustrious Duke should have misunderstood his letter of September. He must admit that the letter was carelessly worded, and might very fairly bear the interpretation the had put upon it. The next point of difference was with respect to the examination. What he proposed was that it should be the same examination which the officers of Militia went through upon entering the Line; and that examination, it was true, was not a very difficult one. On the other hand, however, the proposition of Lord Herbert was that the officers should be examined in artillery by a board composed of officers of the Royal Artillery. He (the Earl of Donoughmore) suggested that such a board would not be an impartial tribunal; and besides, it would have required a preparation of years successfully to pass through it. He was quite willing that there should be an examination upon such subjects as it was the duty of officers to know, but it would have been absurd to have them examined on subjects they knew nothing about, and that by a board of officers who must be extremely hostile to them. The noble Lord opposite had expressed a hope that the men would join other regiments; and he (the Earl of Donoughmore) would put no difficulty in the way; but the noble Lord must know little of the *esprit de corps* which actuated a body of men like this if he expected any large proportion of them to do so. He thanked the noble Lord the Secretary for War for the very courteous terms in which he had spoken of the regiment, and he also returned his thanks to the illustrious Duke for the expressions which he had been pleased to use.

[*See* APPENDIX.]

CHURCH RATES—CHURCH RATES ASSESSMENT BILL.

BILL PRESENTED. FIRST READING.

THE DUKE OF MARLBOROUGH rose to call the attention of the House to the law relating to church rates, and to offer to their Lordships a Bill on that subject; and said, he was anxious, even at this early period of the Session, to bring the subject under the notice of their Lordships, because he thought no time should be lost in submitting to their consideration the Report of the Committee appointed last Session, and because the subject was one which was likely to engage a great deal of attention during the present Session, especially in the other House. He was anxious also to lay before their Lordships without delay a proposition which he hoped would receive their sanction, and assist in bringing to a close this long vexed question. When the question of church rates came before their Lordships last year in the shape of a Bill for the total abolition of these rates, it was said that, as the Peer who had moved the appointment of the Committee of 1859, he ought to have brought forward a scheme of his own instead of simply opposing one proposed by others. His own opinion was, that last Session was not an appropriate or opportune period for bringing forward a measure on the subject. The Report of the Committee was completed only after the meeting of Parliament, and sufficient time had not been given for its consideration by the public. Short, however, as the time was since the Report had been published, it had not failed to call forth a large amount of public feeling on the subject, and there could be little doubt but that it had affected the division in the other House. The Report, no doubt, founded on the statements of the witnesses embodied facts and circumstances which, although they might have been surmised before, had never been placed before the country in a tangible form. He alluded more especially to the evidence showing the ulterior objects of the advocates of total abolition—evidence which raised the question at issue out of the category of mere money questions, and placed it among those affecting the stability of our institutions and the prosperity of the country. The manner in which he now wished to bring the subject before the House was by laying on the table a Bill which he hoped would be found to embody a more or less satisfactory settlement of the question. He would draw their Lordships' attention as briefly as possible to those points which were most prominently brought out by the evidence taken before the Committee. If stress were laid upon one thing more than another in the Evidence given before the Committee it was upon the injury which would be done to the Church by the abolition of church rates. The evidence went to show that voluntary subscriptions, however much they could be depended upon in cases of emergency, must not be looked to as a permanent source from which funds could be derived for the support of the fabrics—that the edifices of the Established Church were of such a nature, both in magnitude and ornamental structure, that the required sum for their maintenance could not be defrayed from voluntary sources, and, moreover, that if those sources were constantly drawn upon for the purpose of maintaining the churches, other charitable objects which they now supported must materially suffer. When a Bill for the total abolition of church rates was before the House, their Lordships most unequivocally showed their determination not to consent to such a proposition. He (the Duke of Marlborough), therefore, abandoned altogether the idea that their Lordships would ever sanction a measure for the entire abolition of church rates. At the same time it was not to be denied that it was a subject to which the serious attention of Parliament ought to be directed with the view to apply some remedial measures. The results of their Lordships' Committee were to this effect, that the great difficulties lay in the collection of the rate, which arose from these causes, as detailed in the Report of the Committee—First, the abuse of the rate in its assessment for, and its application to, improper objects; the assessment of new parishes and districts having churches of their own to the rate of the mother church; the unwillingness of churchwardens to propose a rate, the collection of which might be rendered difficult or impossible from the uncertainty and inefficiency of the law; local causes of irritation unconnected with the rate; and the opinions entertained against church rates by certain classes of Dissenters on political or religious grounds. These were no doubt important subjects for the attention of Parliament, and with which any measure to be effectual must certainly deal. At the same time it must be borne in mind that many of the causes of irritation on account of church rates had their origin in the jurisdiction of the Ecclesiastical Courts. That source of evil was noticed by Dr. Lushington. Dr. Lushington, in his evidence, in answer to the question, "I think in your evidence you expressed the opinion that an improvement in the law might be made by adopting a simple and ready means of collecting the rate when once made, instead of taking it into the Ecclesiastical Courts;" replied, "Yes, clearly the Ecclesiastical Court is not the proper tribunal, it being too onerous, too expensive, and too dilatory." Then, if their Lordships looked to the evidence given before the Committee of the other House of Parliament in 1850, they would find that almost all the grievances that were alleged by the opponents of church rates were those connected with the Ecclesiastical Courts. All proposals to exempt Dissenters had met with their steadfast opposition. They did not, in very many cases, object to pay rates for the maintenance of the fabrics; but they regarded with terror and apprehension the possibility of being involved in proceedings so expensive and dilatory as those of the Ecclesiastical Courts. Nothing came before their Lordships' Committee more strongly than the impolicy of leaving the jurisdiction in the hands of the Ecclesiastical Courts. The Committee, therefore, recommended that the jurisdiction of those Courts should cease, and that there should be the same powers for the recovery of church rates as existed for the recovery of poor rates, and that if the validity of the rate were questioned there should be an appeal to the General Quarter Sessions. That was one of the proposals in the Bill which he was about to lay upon the table—the Bill provided that the jurisdiction of the Ecclesiastical Courts should cease in all matters relating to church rates. The next point to which he would call attention was the common law right of every parish to levy a rate for the repair of the church. That was clearly shown in the evidence of Mr. Toulmin Smith. That gentleman, who had prosecuted laborious researches into this subject, and had given very minute and valuable evidence as to the common law in England in relation to it, stated that church rates originated in this way. Formerly, endowments given by pious individuals throughout the country were intended for the maintenance of the minister and the repairs of the church; but, he stated, in process of time alienations and malversations of church property took place, which rendered the parishioners unable to avail themselves of these means for the repair of the church, and, consequently, they had recourse to the expedient of making a bye-law by which they taxed themselves for that purpose.

He illustrated this by an extract from a remarkable petition presented to the King in council in the reign of Edward I., in the year 1306, in which the petitioners stated

> "That the estates belonging to the Church were misappropriated, and that the emoluments were enjoyed by persons who had not the spiritual cure, and that the churches were falling into decay."

Then to show that the cognizance of these things was formerly in the temporal and not in the Ecclesiastical Courts, there was a case from the "*Year Book of* 1370," in which a suit was brought against a person, touching goods taken by way of distress for a rate, and the defendant avowed the taking for that there had been a meeting of the parishioners of the church of E to repair defects in their church; and, because there was a defect in the roof, they made a tax upon themselves of the sum of £10 to repair the defect. The record went on to say—

> "Thereupon, the parishioners appointed two collectors, of whom the defendant is one; and they assented that if the persons who were taxed would not pay, the collectors might distrain; and, because the plaintiff would not pay what he was taxed, we levied a distress; and avow the taking, and say, that such has been the custom from time immemorial."

It appeared from this case that each parish had a right for its own purposes—a right at common law—to make a rate, and to enforce it by distress, and the remedy lay to the Courts of common law. Mr. Toulmin Smith stated, that in the reign of Elizabeth the Ecclesiastical Courts assumed a jurisdiction they did not possess before, and having commenced to interfere in the matter of church rates, the temporal Courts refused to interpose. But, what he wished to show was to the effect that every parish had the power by the common law of England to tax itself for its own purposes, and that this power was inherent in the Constitution. In the Bill which he proposed to lay before their Lordships this power was retained in its full integrity. The state of the law had been established by their Lordships' House, because in the Braintree Case, in 1854, it was decided that the parishioners had a right to exercise their own discretion as to whether they would make or refuse a rate. The Committee recommended that a certain degree of relief should be given to persons who dissented from the Established Church. He did not think it would be possible to settle this question without giving relief to such persons. He knew that arguments had been held that all persons enjoying the benefits of the parish church ought to pay, and that the Constitution of the country required that a church rate should be levied in all cases for the repair of the parish church. It had been contended by some that this was as a universal tax on the land. He thought that the evidence tended to show that it was a tax of a personal nature, and being a tax of a personal nature it fell within the category of those taxes which a parish might impose or not. Therefore, he could not think that a settlement of this question could be arrived at without some degree of relief being given to persons who dissented from the Church. The Committee recommended that for the future persons desirous of being exempt from contributing to the rate might be so exempted by giving yearly notice to the churchwardens prior to the meeting of the vestry for the purpose of making a church rate; in consequence of which notice such persons would not be entitled to attend the vestry, or to vote in respect of church rates, or to act as Churchwardens, nor be entitled to retain any seat appropriated to them in the church during the time that they were thus exempted. The Bill that he proposed to lay before their Lordships carried out these recommendations to a certain extent. In bringing forward this Bill, however, he must state that he was acting entirely on his own responsibility, and he did not represent the views of any other Member of the Committee. In stating the mode in which he proposed to carry out these exemptions, he must refer to the mode in which former measures had proposed to deal with the question. Those measures appeared to have failed mainly for this reason, that they dealt with all the parishes of England and Wales as a whole. All the measures that had been proposed during the last ten years had dealt with the question in a uniform point of view, and those measures were objected to, because in many cases the alteration of the law went beyond the necessity. Persons who were in favour of the rate had a strong feeling against any measure which affected places where there was no opposition to church rates; and, on the other hand, those measures did not provide for those cases where there had been no church rates levied for a length of time. It seemed to him that those measures had failed because they dealt with the subject in that way, and did not apply a remedy more suitable to each particular case. He, therefore, proposed by this Bill to treat the subject in two parts, and he first took the case of those parishes where the rates were levied without opposition and without difficulty. In these cases he proposed to leave the law unaltered. The Bill maintained the local power of every parish to tax itself for its own purposes if the majority of the vestry chose to impose the tax; and more efficient power was given to collect the rate when so made. He now came to the other class of cases in which the church rate was refused. The Bill provided that where no church rate had been voted for the last two years, upon the refusal of the vestry to make a rate, the Churchwarden should send a notice to every parishioner liable to be rated to the church rate, putting to him the following question:—" Whether you are desirous that your name shall not be entered upon the register of persons entitled to vote in church vestry meetings, for the purpose of making church rates, and of electing Churchwardens for the parish?" He proposed that the Churchwardens should keep a register, to be called *The Church Register Book*, of persons entitled to vote in church vestry, and any person who desired that his name should not be on the register should simply sign a declaration asking the Churchwarden to omit his name without stating any reason; and then, his name being omitted in the register, he would take no part in the vestry meetings relating to church matters, and at the same time be exempt from any liability to be taxed for the repair of the church. Their Lordships would perceive that by this mode he maintained the power of every parish to make a rate or to refuse a rate; and that in cases where the parish had refused a rate for two years, then only those persons could vote for or against the rate who were on the register—those only would be entitled to vote a rate which they alone would have to pay. He trusted that the provisions of this law would reconcile various conflicting views on this question, and he was sure that their Lordships would give the Bill an impartial consideration. He, for one, at all events, should feel that he had made an humble endeavour to remove a state of things which was a great grievance to the Church, a great source of danger, and which, as long as it continued would be a constant source of irritation and hostility. The noble Duke then *presented*

The Duke of Marlborough

A Bill to amend the Law relating to the Assessment and Levy of Church Rates.

Bill read 1ª.

House adjourned at Half-past Seven o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 22, 1861.

MINUTES.] PUBLIC BILLS.—1° Marriage Law Amendment; Metropolis Local Management Acts Amendment; Metropolis Local Management Act Amendment (No. 2), Registration of Births, &c. (Ireland); Inclosure; Marriages Validity.

2° University Elections.

METROPOLITAN TOLLS.—QUESTION.

MR. T. DUNCOMBE said, he would beg leave to ask the Secretary of State for the Home Department, Whether Her Majesty's Government have any measure in preparation for the abolition of the Tolls within the Metropolitan District; and if so, when it will be introduced?

SIR GEORGE LEWIS said, that in consequence of the Report made by a Commission on the subject of the tolls of the Metropolis, he addressed a letter in January, 1860, to the Commissioners for the roads north of the Thames, wherein he stated that he should be prepared to bring in a Bill for the purpose of dealing with the question of metropolitan tolls, provided their concurrence were obtained. The object of that Bill would have been to empower parish vestries to form district boards, and to enter into agreements with the roads' trustees either for the abolition of any particular gate or for its removal; and also to enable parish vestries to pay to the trustees such annual sum as might be determined between them, as a reasonable compromise, out of any rate levied in the nature of highway, road, or paving rate. Such was the principle of the measure he was prepared to bring in. It would, in short, have enabled a parish to take upon itself the repair of a turnpike-road by voluntary agreement with the Commissioners. However, the answer of the Commissioners was not of that encouraging nature to induce him to bring in the Bill. The Commissioners took the circumstances into their own consideration with a view, he believed, of making some other proposal. But as yet that proposal had not been received.

SUPPLY OF ARMS.—QUESTION.

MR. CRAWFORD asked the Under Secretary of State for War, Whether it is true that contractors for the supply of arm, deliverable in the course of the current financial year, have been requested to postpone delivery until a later period; while the manufacture of arms at Enfield is being proceeded with on the same scale as heretofore, and arrangements are in progress for extending still further the manufacture at that establishment?

MR. T. G. BARING said, he was happy to be able to state that the supply of rifles was in so satisfactory a condition that it was not necessary to continue the contracts to the financial year 1861-62 as had been the case during the present financial year. In consequence of that the London and Birmingham gun trades had been requested, if convenient to themselves, to meet the views of the Government by postponing a portion of the deliveries under their contracts from the year 1861-62 until the ensuing year. The trade had readily met the views of the Government upon that point; or, rather, they had not protested against them. At the same time the Secretary of State did not consider that it was right to postpone the deliveries from the trade, and continue the manufacture at Enfield to the same amount as before; and, consequently, the manufacture at Enfield had been reduced to the extent of 200 stand of arms per week. He believed that what his hon. Friend had alluded to as an extension of the manufacture at Enfield was, simply, an alteration of some machinery which would enable the Government to manufacture at Enfield short rifles as well as long rifles. All those Gentlemen who had given any attention to the subject thought it right that the Government should manufacture every species of arms to a certain extent, and at the same time apply also to the trade for arms of all descriptions, inasmuch as they would by that means be able to provide a check on the trade prices, while the trade would continue to be employed to manufacture a portion of the rifles required for the use of the army.

INVESTMENT OF TRUST FUNDS IN INDIA STOCK.—QUESTION.

COLONEL SYKES rose to ask the Secretary of State for India, Whether the notice issued recently by the Court of Chancery, authorizing the investment of trust funds in Bank Stock and East India Stock, is confined to the old East India Stock of the Company to be paid off at 200 in 1874, or whether it extends to all the stocks and loans contracted by the authority of the Secretary of State for India in Council?

SIR CHARLES WOOD said, that to enable him to answer the question he had applied for information to the proper authorities, and he was informed that the notice was confined to the old East India Stock.

THE INDIAN ARMY.—QUESTION.

LORD STANLEY said, he wished to ask the right hon. Baronet the Secretary of State for India, Whether first appointments to Indian regiments will be made by open competition, or by competition among nominated candidates, or by simple nomination; and, in the latter case, with what department the right of recommending for nomination is to rest?

SIR CHARLES WOOD said, that in order to prevent misapprehension he must first observe that there would not hereafter be any Indian regiments. All regiments would, in the end, be for general service, and take their tour of duty in any part of the world. In the regiments, however, which were to be formed from the Indian local service, the system of purchase which prevailed in the English Army was not to be allowed. The whole question of the mode of admission to the British Army was now under the consideration of the Government, and he was not then in a position to answer the question of his noble Friend; but in any arrangement care would be taken to secure to the sons of officers who had served in India the appointments reserved to them under the recent Acts of Parliament.

THE FRENCH TROOPS AT ROME. QUESTION.

MR. DARBY GRIFFITH asked the noble Lord the Secretary of State for Foreign Affairs, Whether any diplomatic communication by M. Thouvenel, expressing it to be the view or intention of the French Government to leave the French troops at Rome until a Congress should have determined upon the settlement of the Affairs of Italy, had been addressed to or brought to the knowledge of Her Majesty's Government?

LORD JOHN RUSSELL said, that the hon. Gentleman would find in the blue book on the Affairs of Italy, at page 91, Part VII., a despatch from Lord Cowley, and also an extract from the *Moniteur*, declaring the intentions of the French Government upon that subject.

THE HERRING FISHERY.

QUESTION.

MR. FINLAY said, he would beg leave to ask the Lord Advocate, If any Commissioners of the Herring Fishery have been appointed in pursuance of the power granted to Her Majesty by the Act passed last Session to nominate five additional Commissioners; and if not, whether it is the intention of Government to recommend the appointment of any Commissioners, and when?

THE LORD ADVOCATE said, there had been some delay in making these appointments, but they would be made in a short time.

THE ELECTION FOR ABERDEENSHIRE

QUESTION.

MR. STEUART said, that having received letters informing him that during the late election for the county of Aberdeen there had been serious riots, in the course of which several voters had been maltreated and injured—one so severely, that he had since died—he wished to ask the learned Lord Advocate, Whether he had received any similar intelligence; and, if so, whether he had taken any steps to suppress such riots, and to prevent their recurrence in future?

THE LORD ADVOCATE said, that his hon. Friend had not given him notice of his intention to ask this Question, but he had no hesitation in answering it, because he had received no information whatever upon the subject to which it referred.

HOLYHEAD HARBOUR.

QUESTION.

COLONEL DUNNE said, he had to ask the Secretary to the Admiralty, What has been done to give security to the large steam-vessels which run between Dublin and Holyhead during the present violent gales, and whether a sufficient pier had been built for their reception at the latter port?

LORD CLARENCE PAGET said, that last year, before the present line of packets began to run, the Admiralty constructed a temporary pier in connection with the old harbour, which had, he believed, been found useful; and they had further submitted to the Treasury a proposal for erecting at Holyhead a permanent pier for the use of the new packets.

MR. BENTINCK asked whether the proposed pier was to be in the old or the new harbour?

LORD CLARENCE PAGET said, that it was to extend from the old dockyard outside the old pier into the new harbour.

On the Motion that the House at its rising do adjourn till Monday next,

VOLUNTEER RIFLE CORPS.—MINUTE RESPECTING ARMS.—QUESTION.

MR. BUXTON rose to ask the Under Secretary of State for War, Whether a large number of the Volunteer Rifle Corps had not remonstrated against the recent Minute by which rifles must be kept in a depôt instead of being entrusted to the members of the corps; and whether it was the intention of the Government to insist on the enforcement of that rule? He acknowledged that a strong case might be made out for this rule, but he trusted his hon. Friend would not give them the reply which had, he was told, been given to some remonstrants—namely, that this was not a new rule, but, in fact, rather a return to the former practice which had been allowed to fall into abeyance. That reply was a very proper one to give to innocent captains in out of the way parts of Norfolk, but it really would not do in that House; because they were all perfectly aware that although a stipulation had been made with each corps that it should have a depôt for arms, that stipulation had become a mere dead letter. Not one corps in 100 had paid the least attention to it. For instance, he was acquainted himself with one corps of 600 men which had never had a depôt to this day; and even those who had provided a depôt had scarcely ever kept their arms in it. This was virtually a new rule. The old one was obsolete. One argument that he had heard used in favour of this rule was that in case of a revolutionary spirit arising it would not be safe for the riflemen throughout the country to have their arms in their hands. He could not imagine a more futile argument. In the last ten years not a single man in England had even been prosecuted for either rioting, sedition, or treason, nor was there the smallest reason to apprehend a rising of the Volunteers with their rifles in their hands. If such a time of excitement should arise, however, a couple of deal doors to an armoury would not keep the riflemen from getting hold of their rifles. But, then, perhaps, it might be pleaded that if the riflemen had their rifles at home they would go popping about the country and shooting quantities of Her Majesty's subjects. Why, during the last summer at least 100,000 riflemen had their rifles with them at home, and it was most remarkable that during the whole of the year not a single human being had been put to death by a rifleman. Experience in such a case was worth a thousand theories. The only real argument in favour of this rule was that the rifles had, in many cases, been so badly kept that it had become necessary for the War Office to interfere. No doubt the rifles must be kept clean—that was essential; but that could perfectly be done by requiring a written engagement from every captain to hold a monthly inspection of arms. And let the adjutant also, who was in the receipt of pay from the country, make it his paramount duty to see that the arms were properly kept, and require him to suspend, as regarded those riflemen who disregarded that essential point, permission to retain their arms. His first objection to the rule was that it was needless; while the expenses of an armoury, which would cost £100 or £150 a-year, would be fatal to many corps. Many corps could not obtain any depôt near their parade ground, and the members would have to walk at least a mile from their homes to the armoury and back again both before and after parade. Besides, the mere process of handing out the rifles to a large corps would occupy nearly an hour, which would involve a most serious loss of the time now given to drill; further, it would be a grievous waste of an important part of the rifleman's training. The principle that ought to guide the Government should be to make every man ready to start off to-morrow to defend any part of England on which an invading force might land; but the Volunteer whose arms had always been kept in a depôt and cleaned for him by some one else, would, after a day or two become quite ineffective. There could not be a more essential part of a rifleman's training than being taught to keep his own arms in an effective state; and it was impossible for any man to become a first-rate shot unless his rifle were continually in his hand. The Volunteer movement had been managed with great ability and courtesy by Lord Herbert and Earl de Grey. All Volunteers had reason to thank them for their wise and kindly conduct of the mass of business thrown upon them. But of late there had been a tendency to exercise too great a paternal supervision over the Volunteers, instead of leaving them to their own judgment and free will. Each morning some new circular made its appearance announcing that new rules were to be enforced, and that Lord Herbert had been taking them into his profound consideration—a thing which he heartily wished his Lordship would abstain from doing. If the Government wished the Volunteer movement to prosper he implored them to treat it with that best of specifics—a little wholesome neglect.

ARMY MEDICAL SERVICE—THE CASE OF DR. THOMPSON.—QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary of State for War, Upon what grounds Dr. R. Thompson, M.D., who had satisfied the Army Medical Director General, Dr. Gibson, that he possessed all the prescribed qualifications, and a degree in medicine and a diploma in surgery to entitle him to be examined as a candidate for a medical commission in Her Majesty's service, and had been directed to attend on the 18th of February to undergo a competitive examination, was, on the morning of that day, in a personal interview, refused permission by Dr. Gibson to appear before the Board of Examiners? In asking this question, he would call the attention of the House to the fact, that by an Act 3 & 4 *Will.* IV. c. 85, s. 87, it was enacted

> "That no Native of the said territory, nor any natural born subject of Her Majesty resident therein shall, by reason only of his religion, place of birth, descent, colour, or any of them be disabled from holding any place, office, or emolument under the said Company."

Now, there had just occurred a case which had he not been convinced of its truth by holding the correspondence on the subject in his hands, he should have been very unwilling to believe possible. It was the case of Dr. Thompson, the son of an English pensioner in India. His mother had a tinge of Native blood—only three quarters, not half-caste. His father and mother were married, and he was legitimate: he had studied at the Medical College of Madras, and showed such talent, and made such progress in his studies that it was thought desirable that he should visit Europe to perfect himself in his medical acquirements. He went to St. Andrew's, and obtained the degree of Doctor of Medicine. He then studied surgery at Edinburgh, and obtained his diploma as surgeon. He then thought that he might compete for a situation in the medical department of Her Majesty's service. He communicated with the Medical Director General, Dr. Gibson, who raised some objections as to his surgeon's diploma. These, however, were overcome, and Monday last was appointed for him to enter upon the examination. On the morning of that day Dr. Thompson saw Dr. Gibson, who told him privately that he could not be allowed to go up for medical examination. "Why not?" said Dr. Thompson. "Well," said Dr. Gibson, "the medical service is no longer exclusively for India. Since the amalgamation of the Indian Local Army with the Line, the medical officers are appointed for general service." Dr. Thompson said he was quite willing to be so employed. "But," said Dr. Gibson, "you were born in India, and, therefore, you cannot compete for general service; because you might very likely be sent to Canada, and you would not be likely to suit that climate." Dr. Thompson said he had produced medical certificates of his physical capacity and of his professional acquirements. He was a British subject, and had a right to compete with other British subjects for office under the Crown. 'No," said Dr. Gibson, "that cannot be, now, because we only appoint for general service, and not for the Indian service in particular." Now, if that rule were to be upheld, the hopes of this gentleman, whose talents were great, and whose testimonials were perfect, were all blighted, and the whole of the expense that he had incurred in acquiring his professional knowledge would be thrown away; and, moreover, his rights as a British subject were negatived. He was recommended to come to him (Colonel Sykes) and he did so, and showed documents which proved his case to be true. It should be remembered that the same rule might be applied to the sons of European officers in India, whether of the Line or local, if those sons were born in India. They might be told that they could not enter the Queen's service because they might be sent to Canada. He hoped the hon. Gentleman would be able to give an answer to his question which would be satisfactory to Her Majesty's subjects in India.

MR. T. G. BARING said, the Question put by the gallant Colonel was one of some little difficulty. The Act of Parliament to which he had referred was not applicable to the admission of officers into the Imperial army, but only to the admission of Natives of India into the service of the East India Company; and, in his opinion, applied only to those appointments in India which were placed in the gift of the Crown by the Government of India Act of 1858. Dr. Thompson, with one or two other gentlemen, had arrived in this country for the purpose of competing for appointments in the Indian medical service. In consequence, however, of the Act of last Session the Indian local army ceased to exist; and, as no more appointments would be made exclusively for the Indian military service, these gentlemen became desirous of competing for appointments in the general medical service. It was, however, a question whether Indians of Native parentage were fit to be admitted into the general military and medical service; not, he need hardly say, from any doubt as to their ability, or professional education, but because officers of the general medical service were called on to serve in different parts of the globe, and the constitution of Indians of Native parentage would probably unfit them to render efficient service in cold climates. After a correspondence between the Secretary of State for War and the Secretary of State for India, it was determined that it would not be proper to employ them in general service, because their health would probably fail, and they would become chargeable to the British public at an early age, besides being unable to fulfil their duties efficiently. As, however, he understood that possibly neither Dr. Thompson nor the other gentlemen could be considered Indians of Native parentage, the Secretary of State for War would be prepared to reconsider the case in communication with the Secretary of State for India, and to deal with it in the manner which seemed best to them without, at the same time, prejudicing the interests of the general medical service.

With regard to the other Question which had been addressed to him, he was bound to say that the arms of the Volunteer force was a subject which had created considerable interest. However, but very few remonstrances had been addressed to the Secretary of State. The hon. Gentleman had misapprehended the wording, and certainly the intention of the circular to which he had called the attention of the House. It would probably be recollected that one of the principal clauses in the original conditions of acceptance of Volunteer corps was that an armoury should be provided, and that proper measures should be taken for taking care of the arms. It was found to be impossible for members of some Volunteer corps always to place their arms in the armoury; it was found that, in many cases, Volunteers who had to go to the armoury for their arms to attend drill bring their arms back to the armoury, and then proceed to their homes would be put to so much inconvenience that, in all probability, they would throw the thing up as a bad job, and retire from volunteering altogether. In consequence of that state of things the noble Lord the Secretary of State for War thought that a relaxation should be made in the terms of the original circular; and the circular now objected to as imposing a more stringent regulation was, in fact, one which relaxed a rule that already existed. Its object was to enable officers commanding corps to allow, under certain circumstances, Volunteers to keep their arms in their own houses. The hon. Gentleman used words in the course of his speech which he (Mr. Baring) could not allow to pass unnoticed. He mentioned that it had been said by some that it would not be safe to allow the arms to remain in the hands of the Volunteers. He (Mr. Baring) could say, on behalf of his noble Friend the Secretary of State for War, and also on behalf of the Government, that no such idea had ever existed in their minds. It would have been absurd, indeed, for the Goverment to encourage the Volunteer movement if they did not consider that the men who might join it could be trusted under every circumstance; therefore, if such an idea had ever been entertained, it had not arisen from any one connected with the Government. But he thought it was necessary that the Government, on behalf of the public, should take care that the public property was properly preserved. The arm supplied to the Volunteers was a very perfect and a very expensive weapon, and the expense of its renewal when worn out would fall upon the country. If hon. Gentlemen looked back at what had taken place at the time of the last war with France, they would find that the commanding officers were made responsible for the arms in their charge. All the Government intended to do was to insist that those officers should in future be responsible. It was said that that would be impossible. He did not think it would be, seeing that the commanding officers would be assisted by the subalterns and non-commissioned officers in the duty of superintending the care of the arms. His noble Friend Earl de Grey had undertaken to consolidate the circulars; and if any doubtful words were found they would be removed, in order that for the future there might be no misapprehension as to the intentions of the Government.

HARBOURS OF REFUGE.—QUESTION.

MR. LIDDELL said, he had put on the paper a question with respect to Harbours of Refuge, and he trusted the importance of the subject, and the interest felt in it out of doors, would be his apology for offering a few prefatory observations before making the inquiry itself. So long ago as 1857 a Committee was appointed to inquire into the propriety of making further grants of public money for the improvement and extension of Harbours of Refuge. The Committee, which was presided over by an hon. Gentleman whose loss they all deplored, sat during two Sessions, and reported, but it was unwilling to undertake the task of selecting the exact sites or modes of construction, and it ended its labours by recommending the appointment of a Royal Commission to ascertain exactly which were the best sites for constructing Harbours of Refuge. The Committee from the outset wished, as much as possible, to take a broad and national view of the question, and to separate it from the smaller, but also important question of claims of rival harbours, and for assistance from the public purse. A Royal Commission was appointed, and having surveyed the coast and examined a great number of witnesses, it recommended the application of public money in two distinct forms—namely, one for the improvement of existing tidal harbours, and the other for the construction of large harbours at different sites on the coast, where it was believed the greatest saving of life and property could be effected. Last Session, the hon. Member for Sunderland (Mr. Lindsay), who, himself, had been a very efficient member of the Commission, felt it his duty to invite the attention of the House to the subject. The Motion he brought forward was to the effect

> "That in the opinion of this House it is the duty of Her Majesty's Government to adopt at the earliest possible period the necessary measures for carrying into effect the recommendations of the Royal Commissioners appointed in 1858 to inquire into the formation of Harbours of Refuge in Great Britain and Ireland."

That Motion was made on the 19th of June, and carried by a majority of the House though Her Majesty's Government considered it their duty to oppose it on the ground that it was not expedient at that time to carry out so large a scheme as that recommended by the Royal Commission. That was the ground taken by the noble Lord at the head of the Government; but at the conclusion of his speech on that occasion, the noble Lord used these words:—

> "This matter has received, and is receiving, very serious consideration; and, undoubtedly, it will be our duty in the next Session to bring it before the House in a practical shape."

He (Mr. Liddell) need not remind the House of the circumstances which had recently contributed to make the interest felt in this subject still more painful; but he would refer to a few of the wrecks recorded as having taken place on the 9th of the present month. At Whitby six vessels were driven ashore, and the crew of four saved by that lifeboat which the House would recollect with pain was lost. In an attempt to save the crew of a fifth vessel, that gallant boat, with a crew of twelve men, went down. At Hartlepool sixty-five vessels were wrecked in five hours within the bay. Thirty of these were a total loss, and eight foundered with every soul on board, in the sight of thousands, who were unable to render any assistance. No less than fifty lives and £150,000 worth of property were lost at that spot alone. Five vessels were wrecked at Tynemouth, close to the new piers; and eleven others between that port and the Tees, most of them being total losses On the 12th of February, three days afterwards, 139 losses of ships were posted at Lloyd's, that being the largest number ever known for a single day. The wreck chart of each year presented certain ominous black marks and crosses. The crosses denoted those places at which collisions had occurred, and the black marks indicated wrecks. He very much feared that in the wreck chart of the current year those same spots would be found still more darkly stained, and he would particularly call the attention of the House to the fact that the localities so marked, were precisely the places so pointed out by the Committee and the Commissioners to whom he had referred as being places at which the greatest amount of life and property might be saved. He wished to observe that, when he called the attention of the House to the north-east part of the coast, it was from no want of sympathy with other places which also required the protection of harbours of refuge. He wished to look at the question in a national point of view, and it was only because he was better acquainted with the north-east coast than any other that he now particularly referred to it. For a length of more than 150 miles on this coast nature had provided nothing that could afford protection to vessels during a storm. All the harbours on that line of coast were, without exception, bar harbours. Large convoys of vessels left what were called the coal ports heavily laden. If a heavy storm came on they seldom found themselves able to round the dangerous headland called Flamborough Head, they were unable to keep the sea, and were in imminent danger of being driven on a rugged lea shore. They had in those circumstances no alternative but to return and fly for the ports which they had left. If they succeeded in reaching these ports, the access to which was often very difficult, and at certain states of the tide, impossible, dreadful scenes of confusion occurred; scores of ships came tumbling in one after another, and great losses from collision ensued. Often they were unable to reach the harbours they sought, and the melancholy spectacle was too frequently seen of ships broken up upon the rocks, and their crews drowned within the sight and hearing of their relatives and friends on shore. A good deal of importance had been properly attached by the public journals to telegraphic communications having been dispatched, by the order of the Board of Trade, to certain parts of the coast, announcing the approach of the late gale; but he was able to state that no such telegraphic communication had been received at the ports of the Tyne, the Twee, or the Tees. It should, however, be borne in mind that this meteorological science, which assumed to give an account of storms, was still in its infancy, and very great doubt and uncertainty at present existed as to the certainty of the prognostics, or the propriety of attending to such suggestions on account of the exigencies of trade. The demands of the London market for coal were enormous, and the detention of coal-laden vessels in their respective ports under the circumstances he had described imposed great loss upon the owners, and equal inconvenience to consumers. He could not leave the subject without paying his humble tribute of admiration and gratitude to those gallant men who had performed such important services during the recent storms—he meant the crews of the lifeboats. He should be wanting in the discharge of his duty if he did not acknowledge the great services of those gallant crews. Neither the military nor the naval annals of the country had ever shown nobler, calmer courage, or more intrepidity and gallantry than had been displayed by the crews of the lifeboats; and he rejoiced at the degree of organization which had been acquired by the National Lifeboat Institution. He had no hesitation in saying that had it not been for the admirable organization and the unheard-of efforts of the men who manned those lifeboats the loss of life during the late storms would have been much greater than it was. There were about 1,000 lives annually lost on our coasts from shipwrecks, and about a million and a half of property, and he asked whether it was for a nation like England to stand by and see all this loss of life and property without making a serious effort to avert it? The preservation of life was the first thing that ought to engage the attention of a people, and the dictates of prudence and humanity alike called for the serious attention of Parliament to the subject. He wished to ask the noble Lord at the head of the Government, Whether the Government have prepared any measure for encouraging or assisting the construction of harbours of refuge on the coasts of the United Kingdom; and whether it is their intention to bring the question before Parliament during the present Session in a practical shape, in accordance with a statement to that effect made by the First Lord of the Treasury on the 19th day of June last?

MR. SLANEY said, he hoped that, if the Government were induced to take any steps in this matter, they would not neglect the claims of the coast of Wales, where there was not a single harbour of refuge. Vessels going to and from Liverpool kept as near the Irish coast as possible, but when the wind and sea rolled heavily into Cardigan Bay it was almost impossible for the vessels to save themselves.

MR. AUGUSTUS SMITH said, he was a member of the Committee which sat on this subject, and he might state that there was no point on which the Committee was so unanimous as that a harbour of refuge was called for at the particular part of the coast referred to by the hon. Member (Mr. Liddell). The Commission that was afterwards appointed also concurred in the absolute necessity of one or two harbours of refuge being constructed there. He believed that convict labour might be advantageously employed upon these harbours; and, as the works of Portland were very near completion, he trusted the convicts would afterwards be transferred to the north-east part of the kingdom. These harbours ought to be well planned, and, above all, they ought not to be made too small or undertaken in a niggardly spirit, for the harbour at Holyhead had been spoiled by being constructed on too small a scale, and the same thing was said of the harbours of Alderney and other places. Some interesting evidence was given on this subject before the Committee on Miscellaneous Expenditure, and he would take that opportunity of asking the noble Lord (Lord Harry Vane), the Chairman, whether it was his intention shortly to move for its reappointment, in conformity with the recommendations of that Committee.

MR. BLAKE said, that every hon. Member connected with the shipping interest must thank the hon. Member who had again brought this subject under the notice of the Government. He did not speak in the interests of his constituents so much as in the interest of humanity when he urged the claims of Waterford and Carlingford, which were two of the harbours recommended by the Select Committee and the Royal Commission. Some of the worst of the recent casualties had occurred outside Waterford, and might have been averted had a harbour of refuge existed there. It was important, also, to observe that not one of the vessels so wrecked was coming to an Irish port. One of them was a ship of 1,200 tons, eighteen of whose crew perished. She was coming from Mobile Bay to Liverpool, laden with cotton. Another large vessel, bound from Halifax, to Liverpool, was placed in the most imminent danger. The greater portion of the shipping going up Channel on the homeward voyage from America to Liverpool must go by Waterford. A harbour of refuge at Waterford was one of the cheapest recommended by the Commission. It need not cost more than £50,000, as no natural or engineering difficulties existed. He trusted that the noble Lord (Viscount Palmerston) would announce that the Government were prepared to give effect to the vote of last Session, since they incurred great responsibility by postponing it.

Mr. CLAY said, he should be sorry to see the present discussion degenerate into the advocacy of particular places. He, like other hon. Members, entertained a strong impression where the first harbour of refuge ought to be made. The subject had been, however, fully considered and reported upon by a Select Committee, and afterwards by a Royal Commission, and if there were any use in blue-books they ought to save hon. Members the pains of stating, with less authority than the Royal Commission, where the harbours of refuge ought to be made.

Viscount PALMERSTON: Sir, I can assure the House that Her Majesty's Government are fully sensible of the great national importance of the subject which the hon. Member has brought under the notice of the House. In the first place, we lament that so large an amount of property should be lost upon our shores. This, however, is a loss that falls on individuals, and they have the means of indemnifying themselves to a great degree by assurances and other arrangements. But we lament still more the loss of so many valuable lives—the loss of some of the best seamen of the country, for that is a loss against which no assurance can be made, for which no compensation can be obtained, and which is, therefore, a great calamity to the country. But when we say we are sensible to the magnitude of the evil, we cannot shut our eyes also to the magnitude of the remedy that is proposed; and what has passed in this short discussion suffices to show the extent to which the demand would go. The hon. Member who began this discussion urges the claims of the north-east coast of England. An hon. Friend of mine (Mr. Slaney) calls attention to the necessity of harbours of refuge on the Welsh coast. An hon. Member opposite (Mr. Blake) points out how necessary they are on the Irish coast. No doubt, my noble Friend the member for Wick (Lord Bury) would be ready to insist on the extreme advantage of a harbour of refuge in the place he represents. But these harbours of refuge would cost a very large sum of money, and I am sorry to say that the Government are not prepared at present to propose to Parliament to advance out of the public revenue for this purpose grants at all commensurate with the objects in view. At the same time, we did make a pledge last year that we would propose some measure this Session, and my right hon. Friend at the head of the Board of Trade has a Bill ready to be presented for the purpose of taking the first steps in this matter. The hon. Member who spoke first urged that steps should be taken to improve the existing harbours. That is more within the scope of our means than the construction of new works. An hon. Friend who sits behind me (Mr. A. Smith) says that a mistake has been committed hitherto by making all the harbours of refuge too small. It is quite true that, if we are to make new harbours of refuge, care should be taken to make them large enough to meet all demands. As our commerce increases, and as our ships grow larger, we must look forward to new demands of space for this purpose. My right hon. Friend (Mr. Milner Gibson) has a Bill ready which enables the Exchequer Bills Loan Commissioners to make advances, both in England and Ireland, to those parties who are willing to take money under certain conditions for the purpose of improving existing harbours. We have been told that the Committee made a recommendation which I am afraid will not be at all approved—that if the Government advance money for the creation of harbours of refuge, the interest of part of the money so advanced may be repaid by passing tolls. Some hon. Members, I am afraid, will not be at all disposed to agree in that recommendation. I hope it will be satisfactory that enlarged powers should be given to the Exchequer Loan Commissioners for the purpose of making advances on easy terms to those who draw upon them for the improvement of the existing harbours.

BURGH SCHOOLS (SCOTLAND).

QUESTION.

Mr. DUNLOP said, he wished to call the attention of the House to the position of the teachers in the burgh schools of Scotland, under the law as recently declared by the decision of the Court of Session, in the case of the "Presbytery of Elgin *v.* the Magistrates of Elgin;" and to ask the Lord Advocate, Whether he intends to introduce any measure for relieving such teachers from the jurisdiction of the Church Courts, to which they had been thereby declared subject, and generally to free the burgh and parochial schoolmasters from the necessity of signing the Test of Conformity to the Established Church?

THE LORD ADVOCATE said, that he was ready to admit that the subject was deserving of attention. It had, however, been brought more than once under the attention of the House in consequence of the strong feeling on the subject. In the parochial schools of Scotland no one who did not belong to the Established Church of that country could be a master, but until recently that law had only been applied to the country schools, and the burgh schoolmasters were not generally made liable to the test, which it was supposed had fallen into desuetude as regarded them. However, by a recent judgment this was found not to be the case, and that judgment was tantamount to re enacting the test with respect to burgh schools. In reply to the question, he had to observe that for three separate Sessions measures were introduced by the Government for the purpose of throwing open the schools in Scotland, and on two occasions they were successful in that House, but were wrecked in "another place." Without giving any direct pledge, he would simply say that it was his intention to propose to Her Majesty's Government a scheme in relation to education in Scotland. Whether the Bill could be introduced into Parliament would depend, certainly, on the prospect of greater success than had hitherto attended former attempts.

IRELAND.—RESIGNATIONS IN THE CONSTABULARY FORCE.—QUESTION.

MR. DAWSON said, he rose to call the attention of the Chief Secretary for Ireland to the number of resignations which have taken place in the constabulary force of Ireland during the last ten years, and to the duties which have been imposed upon the men without any corresponding increase of pay or emoluments; and to inquire, If any amelioration of the condition of the lower grades in the force is in contemplation? Considering the startling number of resignations that had taken place he thought it was clear that some investigation of this subject was needful. During the last ten years 6,281 persons had left the force in the service of which they had voluntarily engaged, so that nearly one man in twenty had left the service of their country without explanation, and apparently without any advantage to themselves. Looking at the matter financially, and rating the cost of training each recruit at £14 per man, it would be found that upwards of £100,000 had been lost on the expenditure of the nation. He attributed this large defection to the heavy additional duties imposed upon the men without a commensurate increase of pay. Since the appointment of the present Inspector General there had been an increase of the pay of the superior officers, and that official was entitled to thanks for his services. Still the Government might judiciously extend the promotion of these superior officers, not only in the offices of Dublin Castle, but in the general Government Departments of Ireland. But the smallest pittance had been added to the pay of the men under the name of long service money, while heavy additional duties, such as the collection of emigration statistics, the regulation of weights and measures, the execution of decrees for small debts, and other harrassing obligations had been imposed upon them. It was now proposed to put upon them the collection of the census returns. He hoped that some better allowance would be made for that than for the collection of agricultural statistics, for the whole duty of collecting which an allowance had been made of only two shillings to each man. Experience showed that it was impossible to enlist skill and intelligence at the same wages as daily labour; and, owing to circumstances which had lately transpired, it had been suspected that the spirit of Ribbonism was not entirely extinct in the force. He should be sorry to endorse such a suspicion, because he did not believe in it; but he should be glad if the Chief Secretary for Ireland would state that the whole body was free from that fell imputation. The necessaries of life had advanced considerably in price since the constabulary force was first organized. The prices of butchers' meat, eggs, oatmeal, and potatoes had been more than doubled in price, while the remuneration had only advanced by a mere fractional amount. The whole Vote for the constabulary force last year amounted to £707,561. If that sum were supplemented by a Vote of £45,000 a small addition might be made to the pay of the different members of the force according to their rank, which would have the effect of giving satisfaction and confidence to the men. But it was impossible to conceal that much discontent and dissatisfaction now existed. If, however, the long service money was renewed, in addition to some advance in the present pay, such a step would, no doubt, be a fresh incentive to discipline, and would place the force in an efficient state, and more willing to discharge the multiplicity of duties which the executive had, in its wisdom, imposed upon them.

MR. CARDWELL said, it could not be otherwise than a source of gratification to anybody officially connected with the Irish constabulary to be the means of obtaining from Parliament any increase in their pay which it might think fit to grant; but his hon. Friend, who brought forward the subject must, at the same time, bear in mind that the Minister who asked the House of Commons for money for a particular purpose had a duty to discharge as well to the public at large as to those in whose behalf he might more immediately interest himself. When the House remembered that the Vote for the Irish Constabulary, had risen to a sum exceeding £700,000, and when they remembered also that the whole of this force was paid by the vote of Parliament, which was not the case in the other parts of the United Kingdom, they would, he was sure, require him to make out a very strong case before he called upon Parliament for any great or sudden increase in that Vote. He was happy at being in a position to assure his hon. Friend that he had been misinformed, if he thought there was serious discontent in the force, or that there was any difficulty in filling up the numbers of the force, or if he believed there was any of that demoralization prevailing amongst the men which, he (Mr. Cardwell) gathered from the hon. Member's observations, his information led him to believe was the case. Whether he (Mr. Cardwell) communicated with Sir Henry Brownrigg, who had been twenty or thirty years in the force, or whether he communicated with that most distinguished officer, Colonel Wood, who had lately been made second in the force, he found the strongest testimony on the part of those officers to the moral qualities, the high efficiency, discipline, loyalty, and fidelity of the men whom they had the honour to command. If, on the other hand, he looked to the representations which were received from the highest authorities in Ireland; or if he looked to the reports of the Grand Juries or the Fishery Commissioners, or turned to those of the Board of Inland Revenue, he found on all sides the most unmistakable reason to conclude that the services of no force were ever better discharged than were at the present time the services of the constabulary in Ireland. His hon. Friend was mistaken if he supposed that recruiting had fallen off. Perhaps, in the hon. Gentleman's own neighbourhood—in the north of Ireland—increased employment, which was so fortunately the characteristic of Ireland at the present time, and a corresponding rise in the rate of wages induced people at present not to desire employment in the public service; but with regard to recruiting generally, he (Mr. Cardwell) was assured by Sir Henry Brownrigg that never were vacancies more readily applied for or numbers more easily filled up than at the present time. With regard to the remuneration of the men, it must be stated that since Parliament had undertaken the whole of this charge, an increase in the rate of remuneration had been made on several occasions; and, as an instance of the spirit in which the Constabulary had been dealt with he might mention that, according to the Return which had been moved for by his hon. Friend, the salary of the head constable was from £60 to £70, with a residence, clothing, and allowances. As he stated before, they had obtained a body of men whose efficiency was not surpassed—indeed, he doubted whether it was equalled—in any force to be found in the world. He himself had seen the recruits who came to the depôt in Dublin, and he had been astonished by the intelligence and appearance of those men, who had not yet undergone the training of the force. It would, therefore, not be true to state to the House of Commons that the present inducements were insufficient to bring good men into the service; and, with the information before him, he should not feel justified in proposing any large increase in the Estimate of the present year. He held in his hand a Return moved for by his hon. Friend with regard to resignations. In 1853, the resignations amounted to 775; in 1854 to 749, and they varied in the several years. The dismissals in last year fell short of the average, and, notwithstanding the special causes operating last year, the number of resignations and dismissals only exceeded by 40 the number in the previous year. The resignations were 103, the dismissals being 58, and that being taken from 103 left 45. Upon the whole, a more efficient, loyal, and faithful force never existed. With regard to the charge of Ribbonism—without undertaking to say any man could be responsible for 12,000 men, or being at all prepared to say there might not exceptions occur—which unfortunately occurred in the case of Holden, who had paid the just penalty of his crimes—every report made to him enabled him most confidently to refute the charge of disloyalty of any kind, or want of fidelity in the force. He had no doubt his hon. Friend had the best motives in bringing forward the subject, but he (Mr. Cardwell) hoped nothing would go forth which would tend to produce a feeling of discontent in that force, or would lead the House to believe that the liberality with which it had treated that force had not been productive of the most beneficial results.

MISCELLANEOUS ESTIMATES.

OBSERVATIONS.

LORD HARRY VANE said, that in reference to a Question put to him by the hon. Gentleman, the Member for Truro (Mr. A. Smith), he wished to observe that the House would recollect that during the course of the last Session, a Committee had been appointed to consider whether any reductions might not be effected in the Miscellaneous Estimates. He had the honour of being Chairman of that Committee. The advanced period of the Session, however, did not allow time for such a consideration of the subject as was desirable. That Committee adopted a Report which was laid before the House, and which contained a paragraph recommending the re-appointment of the Committee in the present year. If it was the wish of that House that the consideration of this subject should be proceeded with in the present Session, he had no objection to move for the re-appointment of the Committee, and to give it all the services in his power.

CONSULAR SERVICE—QUESTION.

MR. DIGBY SEYMOUR said, he rose to call the attention of the House to the Report of the Select Committee of 1858, on the Consular Service, and to ask the Secretary of State for Foreign Affairs, What steps have been taken to carry out the recommendations of that Committee? He need hardly remind the House that the Committee which sat in 1858 on the Consular Service, contained among its members many hon. Gentlemen, Members of that House, who were eminently qualified to discharge their duty and to throw light upon the question. That Committee was presided over by the hon. Member for Pontefract (Mr. M. Milnes), who had the advantage of having visited many of the places where complaints were made against our consular system, and who, likewise, brought into the Committee the experience of deep study into the whole intricacies of the question. The Committee had likewise the benefit of the assistance of the hon. Member for Horsham (Mr. S. Fitz-Gerald), who exhibited that ability which distinguished him, both in and out of office, in investigating the details of the consular office. The Committee arrived at a conclusion which they embodied in five Resolutions. First they recommended the establishment of such a system of consular education and promotion as might tend to prevent the employment of any but British subjects as consuls, vice-consuls, or interpreters in that portion of the world comprising Northern Africa, Eastern Europe, and the Levant. They had before them them evidence of the great benefit arising from the education given to young men for the Oriental secretaryships and the indefatigable efforts made by Russia to ensure the appointment of proper persons to take care of her interests generally. The Committee were unanimously of opinion that it would be wise to adopt a system of consular studentship for young men, who should go through a preliminary examination for the discharge of the onerous and important duties devolving upon the consular service in the East, especially upon the Grecian shores of the Mediterranean, the Levant, and various portions of the Ottoman Empire. He hoped the noble Lord would assure the House that he was determined, while he was Foreign Secretary, to pay attention to the recommendations of the Committee. The Committee next recommended the prohibition of all consuls to engage in trade, or to accept commercial agencies (except in such cases as the Foreign Office might especially determine to be advantageous to the public interest, with a view to the opening or development of any new trade), and the appointment of respectable persons already engaged in commerce as British Consular Agent in places where the presence of a salaried British officer was not required. With that narrow and limited exception the Committee recommended the prohibition of all consuls to engage in trade. Under the lax system which prevailed, opportunities were offered to consuls to make their profit out of the distress of British shipping, and they departed from that which ought to be the first element of their duty, and to which their attention should be first directed—namely, the relieving the necessities of the British merchant and the British shipowner. Upon this subject much light was thrown by the evidence of Mr. Mitchell, the proprietor of *The Shipping Gazette*, a paper well-known as the able and accredited organ of the British shipping interest. There was also another evil which was very much complained of, namely, that our consuls abroad who were engaged in trade had opportunities in times of war, from their official position, of obtaining priority of information upon various matters, which gave them an undue advantage over other merchants not so favourably situated. The next recommendation was the diminution of the number of vice-consuls at present in Europe, with a view to the gradual abolition of the license to trade. The fourth was a recommendation of great importance, and it was very desirable that the House should know whether the noble Lord was prepared to carry it out; it recommended such an organization of the Consular Service as might divide its members into separate classes, receiving salaries adequate to their position, and without any further reduction than that of the income tax; any augmentation for special service or peculiar circumstances to be made in the way of a special allowance. The Committee proposed that the first class should consist of consuls-general, the second of consuls, the third of vice-consuls, and the last of consular students. They held out the hope to students that by industry, knowledge, and ability, they might rise from £100 a year to the office of consuls-general. With regard to the division into first and second-class, it might be that second-class places might have first-class men, and the object of the Committee was that the consuls should be classified—not so much with regard to the importance of the locality as to the ability of the men. The last recommendation of the Committee was the appropriation of all fees — except in the case of unpaid consuls—to the public account; the expense of the office being regulated and defrayed by the Government. The House would see that nothing was of greater importance than that if the consuls were allowed to take fees they should account for those fees to the public, and not put them into their own pockets. He passed now to the year 1858—when the Earl of Derby was in office—and when the hon. Member for Horsham (Mr. Seymour FitzGerald) had an official opportunity of showing the sincerity of his zeal for consular reform. Nor was that hon. Gentleman long before he exhibited, in a practical manner, that zeal in the cause which he had shown when out of office. He held in his hand an important document, which was arranged in a lucid and logical manner. It contained a report of Mr. Murray, who was of the Foreign Office, and had placed himself in communication with the consuls abroad. That gentleman had informed himself thoroughly on the subject, and possessed a large amount of official experience. He made a Report to the Earl of Malmesbury on the subject. That Report was referred to a sub-committee of gentlemen, amongst whom was the hon. Member for Horsham. The Committee agreed to a number of proposals and gave their reasons for them. They began by advising that no consul should be allowed to trade, with the single exception pointed out by the Committee of 1858, to which he (Mr. D. Seymour) had referred. They then proposed that no fees should be appropriated by consuls to their own use. They then recommended that they should be paid by salaries from the Treasury. They recommended, further, that power should be given to compensate for the distinguished and useful services of those officers abroad. They recommended that the notarial and legal functions of the consuls should be extended, and that the fees should be arranged according to the commercial character of the country and the commercial charges of the port where they were exacted. That all fees should be paid into the Treasury; and that no fees of any description should be taken from any ship in a foreign port. They also recommended that in lieu of this deliverance of the shipping interest from those consular exactions there should be a tonnage tax of one penny upon British and Foreign vessels clearing out or entering into any port of this kingdom. He found by a Minute of the present Board of Trade that those recommendations had been summarily dismissed, and upon grounds that had not been as yet placed before the public. The incidence of that penny, however, so far as foreigners were concerned, would be simply a matter of retributive justice. France had adopted a similar principle, and she exacted a much larger amount. Well, the Earl of Derby went out of office, and with him, he was sorry to say, the hon. Member for Horsham, and the noble Lord (Lord John Russell) came in. He had read a correspondence which had taken place between the noble Lord, the Board of Trade, and some officials of the Foreign Office, the result of which was to show that the noble Lord had made some great and salutary changes; he had raised the pay of some offices, such as that of New York, where the importance of the place made it necessary that the position should be filled by a man of high ability. In other places he had provided for the reformation, and in others for the extinction of the offices altogether. Upon those points he had no complaint to make—quite the contrary; but he would come to the Minute issued by the right hon. Gentleman, the President of the Board of Trade, dated the 16th December, 1859, and purporting to be a memorandum of the official Committee. In that document he submitted to the House there was something like an overruling of the recommendations of the Select Committee. When the House recollected who sat on that Committee, that the representative for Liverpool (Mr. Horsfall) sat upon it, that the noble Lord the Prime Minister sat upon it, and other gentlemen of large official and commercial experience, it struck one at the first blush that it was strange such a Minute should go forth to the world without any explanation. It declared that it was not desirable that a tonnage duty should be levied upon ships for the purpose of defraying the expense of the consular establishments; that it was not desirable that consuls should be restricted from trading; and that it was not expedient to assimilate the British consular system to that of France. He (Mr. Seymour) emphatically entered his protest against those decisions, which had given dissatisfaction and disappointment to the commercial world. When the Committee laid down a recommendation which the commercial community throughout the kingdom were united in supporting, he protested against the annulling of that recommendation without some explanation, at least, of the grounds upon which that decision was arrived at. There was also in the Minute a decision unfavourable to the training of young men in the knowledge of foreign languages with a view to fit them for the consular office, except where it was thought desirable to dispense with the aid of native interpreters. Now, to open the office to young men who might be qualified to fill it, was one of the most popular recommendations of the Committee, and he deeply regretted it should have met with so unfavourable a reception at the hands of the right hon. Gentleman. In conclusion, he trusted the noble Lord would be able to give a satisfactory reply upon the subjects which he had brought under his notice.

TRADE WITH SOUTH CAROLINA.
OBSERVATIONS.

MR. W. E. FORSTER said, that he wished, before the noble Lord rose to reply, to say a few words upon a subject to which the attention of many hon. Members of that House must have been directed. A statement had recently appeared in the public press, that in consequence of the lamentable quarrels which had arisen between the State of South Carolina and the United States, the British Consul at Charleston had been informed that the Custom House functionaries of that port were no longer acting for the Federal Union, but for the State of South Carolina. That intimation was given by gentlemen professing to act on behalf of the Convention of South Carolina. The House would observe that such a notification placed the owners and captains of British vessels in a position of considerable difficulty, inasmuch as the Federal Revenue Laws of the United States imposed stringent penalties upon the non-observance of their regulations. He was not surprised, therefore, to hear that Her Majesty's Minister at Washington had thought it necessary to ask the American Government whether they would hold British shipowners liable for non-compliance, or would indemnify them for any losses arising from compliance with the regulations of the Federal Government. The British trade with Charleston and the other southern ports of the Union was vast and important, and he felt sure the noble Lord would wish to keep all interested in the trade informed as to their actual position. He (Mr. Forster) therefore wished to ask whether there was any objection to lay on the table a copy of the correspondence which had passed between Lord Lyons and Mr. Black the Foreign Minister of the United States? He was not about to enter into the question whether diplomacy should in general be secret or not, but he would say that to attempt to carry out a secret diplomacy with the United States would be unwise because it would be impracticable. If the documents which passed between the two countries were not published on this side the Atlantic, they would be ferreted out by the writers for the press on the other; and, therefore, it would be wise, by publishing them, on our part to correct any erroneous impressions that might have arisen. He should be the last man in the House to desire that this country should interfere in the lamentable dissensions that had broken out between our friends and kinsfolk in the United States. They could not, however, forget that the quarrel had arisen out of the question of slavery, and that we had contracted special obligations with the United States Government, and, therefore, with each State of the Union for the suppression of the African slave trade. He believed that our withdrawal from or relinquishment of those obligations would be as injurious to our interests, rightly viewed, as it would be disgraceful to our honour, and destructive to the cause of humanity. He had the firm conviction that such was the opinion of the country, and it was because he had that firm conviction, and also because he had full confidence both in the noble Lord the Secretary of State for Foreign Affairs, and the noble Lord at the head of the Government, that he was very anxious that they should take counsel with the country in any eventuality which might arise out of the lamentable differences which had arisen in America. He begged, therefore, most humbly and earnestly, that any correspondence which might have passed might be laid on the table.

Mr. MONCKTON MILNES said, that in reference to the subject of the reform of the consular service, he thought it his duty as Chairman of the Committee to which his hon. and learned Friend had alluded, to state that it was not his impression that any encouragement was given by the Committee to the proposal of levying a tonnage duty upon British shipping for consular purposes. Certainly it was not his own opinion that such a duty ought to be levied. At the same time he would remark that the habit which was growing up of appointing official Sub-Committees for the purpose of reviewing, criticizing, and overruling Resolutions which had been come to by Committees of that House after serious deliberation, was very disrespectful to the House in general, and was likely to be very detrimental not only to the authority of that House, but to the public service.

Mr. SEYMOUR FITZGERALD said, he had not intended to say a single word upon this question, but as a Member of the Committee to which reference had been made, he could not allow the remarks of the hon. Member for Pontefract to pass without notice. The hon. Member said that the appointing official sub-Committees to overrule the recommendations of Committees of that House was highly disrespectful to the House, and at the same time detrimental to the public service, and he was sorry to hear that that observation was cheered by several hon. Members. Surely if there was one subject to which more than another it was the duty of the executive Government to attend, it was the organization of the public service; and when the hon. Gentleman said that Sub-Committees were appointed to overrule the recommendations of that House, he begged to tell him that the object of the Sub-committee appointed by the Earl of Malmesbury, of which he (Mr. FitzGerald) was a Member, was not to overrule, nor did they, in a single instance, overrule the recommendations of the Committee of that House. On the contrary, the object of that Sub-Committee was to give effect to those recommendations. It was true that the imposition of a tonnage duty upon ships formed no part of the recommendations of the Committee of that House. No opinion was expressed upon that subject, and it was because there was a matter which was brought before the Committee upon most important evidence, upon which no opinion was offered—it was upon that ground principally that the matter was referred to the Sub-Committee of which he was a Member, and which, after the most careful consideration, and communication with public bodies and others, recommended the plan which was contained in its Report. As for the appointment of such a Sub-Committee being disrespectful to the House, not only did he think that was not the case, but he should consider any Government wanting in its duty which did not give to recommendations from Committees of the House their early and most serious consideration.

Lord JOHN RUSSELL: Sir, I quite agree with the hon. Gentleman who has last spoken, that it is the duty of the Executive Government to consider proposals that may be made by a Committee of this House with regard to the branches of the executive service of the State. Indeed, I do not see very well how the Executive Government could carry into effect the recommendations of a Committee without going into those recommendations in detail, and seeing whether they can be made to harmonize with the public service. The Committee certainly was a very important one, and their Report is of great value. Several of the recommendations which they made ought always to be kept in view by the Executive Government, and carried into effect from time to time. It is, however, impossible for the Executive Government, with a due regard to their duty, to carry out suggestions which would impose a considerable charge on the public revenue, and thereby increase the Estimates presented to this House without entering minutely into the subject. Accordingly we find that the Earl of Malmesbury, very soon after the Committee made their Report, took their recommendations into consideration, and stated to the Treasury that in conformity with the opinions there expressed he had framed a scheme by which the position of many of the consuls would be improved. It was perfectly true that there were many consuls in important places whose salaries were insufficient; but even the moderate increase contemplated by the Earl of Malmesbury would have entailed an increase of £12,000 a year on the Estimates; and he very properly thought it his duty to work out the propositions in detail rather than ask for such a large additional sum. After the Earl of Derby retired from the Government I asked every Gentleman in office to consider the matter, and I requested my right hon. Friend the President of the Board of Trade to preside over the official Committee, which considered the views that were explained to them by other official persons belonging to the Treasury and the Foreign Office, and especially by my noble Friend Lord Wodehouse, the Under Secretary for Foreign Affairs. One of the recommendations of the Committee—that consuls in the Levant should be British subjects—I think is most valuable, and I have endeavoured to carry it into effect. Another suggestion — that the consuls should not trade—if taken in its absolute terms would lead to the imposition of considerable burdens on the country. I admit that in a port where a large British trade exists the objections urged in the Committee to which the hon. Gentleman alluded have their weight. There is an advantage given to one merchant over others, and it is injudicious that one of them should have the power of taking fees and taxing British commerce. But there are other places where there is very little commerce, where merchants of great respectability are residing, and where, if you were to give £500, £600, or £700 to one man on condition that he should not trade, you would find that you were paying a salary disproportioned to the duty to be performed; while on the other hand, if you only offered £150 or £200 a year you would not get men of character to accept the office. But again, you do find men in trade, merchants of the highest respectability, and moving in the leading society of the place, who will readily undertake the duties at a salary of £150 a year in addition to their ordinary business. Such was the case at Rotterdam. The consulship became vacant, and a gentleman who was engaged in trade was recommended to me, and by appointing him it was not necessary to impose a heavy charge on the public revenue. The Committee to which I allude recommended that consulships should be divided into four classes: — First, consuls who should never be allowed to trade; secondly, consuls allowed to trade or not, according to circumstances; thirdly, consulships which should always be held by traders; and lastly, consulships which should be abolished when vacancies occurred. I have acted on these recommendations, and both when the Earl of Malmesbury was in office and during my own tenure many consuls have been appointed to superior offices or employed in the diplomatic service. One of the best recommendations, as I think, of that Committee was that consuls—who, as a rule, are a most valuable body of public servants—should not be without the encouragement given by promotion, and should sometimes be employed in diplomatic duties. Among those who a very short time ago were filling consular offices are—Mr. Colquhoun, consular agent in Egypt; Mr. Wood, diplomatic agent at Tunis; Sir Charles White, Minister at Mexico; Mr. Longworth, diplomatic agent in Servia; Mr. Green, diplomatic agent in Wallachia; Mr. Churchill, diplomatic agent in Moldavia; Mr. Alcock, diplomatic agent in Japan; Colonel Neil, Secretary of Legation in China; and Mr. Mathew, Secretary and Chargé d'Affaires at Mexico. These appointments, some of which were made by the Earl of Malmesbury, and some by myself, show at least that there is no unwillingness in the Foreign Department to give promotion to members of the consular service and to recognize its value. Since the Report of the Committee in 1858 a variety of changes have been made. Seventy-one offices of consul have been improved since July, 1858. When I say improved, I mean that in many of these cases salaries have been given instead of fees; an addition has been made to the salary, and the fees have been transferred to the Treasury. That I think is the right principle; though it very often happens that it cannot be acted on while the same consul continues at the post, but when a change of officials takes place the alteration can then be made with advantage. Twenty-one consulships have been abolished since that date as useless, and seven have been placed on a reduced footing. The increase of salaries given amounts to £13,457, but against that is to be set off the decrease by abolitions, £5,600, and by reductions, £3,400—making altogether £9,000, and thereby reducing the net increase to £4,457. I own that it appeared to me better to make these changes from time to time, and to adopt them in the several localities as consulships became vacant than to sanction any large and immediate increase. By this course, the amount has only been swollen by £4.000, instead of the £12,000 which it would have taken to carry out the suggestions of the Committee. Another recommendation made by the Committee, to which the hon. and learned Gentleman (Mr. Digby Seymour) seems to attach great importance, and which has been much considered at the Foreign Office, is the proposal to have consular students. But when the matter came to be canvassed, it was thought that it would be only placing young men of undoubted ability in a position where they might be for a long time without any chance of promotion; and, as the arrangement, while productive of discontent to them, would, at the same time, considerably increase the charges on the public, it was thought more discreet not to adopt that part of the recommendation. But, on the other hand, in addition to the cases that I mentioned of consuls raised to the diplomatic service, many others have been removed to more desirable positions, and, having performed their duties exceedingly well, have received the proper reward. At the same time, it is impossible to lay down any absolute rule even on this branch of the question, inasmuch as when an appointment falls vacant—and we have consulships in all parts of the world—a case may arise in which you require some peculiar aptitude or some previous knowledge of the country, in order to render the official at that particular point an efficient public servant. I may instance a case in relation to which a deputation came to me the other day, and, as to which I have received memorials from various towns and chambers of commerce. I allude to the proposal to have a consul at Abeokuta. They stated that the cultivation of cotton had increased in that neighbourhood, and that there was reason to believe a trade would spring up. As I see opposite the hon. Member for Warwickshire (Mr. Spooner), who was in the chair at one of the meetings held to promote that object, I will say that I think the deputation had great reason for what they asserted. I stated to a number of those gentlemen that it was the intention of her Majesty's Government to appoint a consul at Abeokuta. I must endeavour to find a man of experience, and one who will be useful in promoting the interests of British trade, for I do not think it would be advisable to send a person there who had no knowledge of the country, however deserving the particular individual might be of consular promotion. I think I have stated generally the points on which the Committee have reported, and upon which they have founded their recommendations. Upon the whole, we have endeavoured rather to meet the spirit of those recommendations, than to follow them exactly and servilely. I am opinion that the Report of the Committee is likely to make a great improvement in the consular service. It has already led in several places to the abolition of trading by consuls, and in various other places to an increase of salary, which was much wanted. I have stated that it is our desire, as far as possible, not to increase the public expenditure; but, at the same time, to introduce improvements into the consular and other branches of the public service. If the Government had only to consider efficiency, we might at once make great improvements; but these would be effected at a very considerable charge to the public, and hon. Gentlemen are aware that the miscellaneous expenditure has increased considerably of late years.

As to the correspondence asked for by the hon. Member for Bradford (Mr. Forster), I shall be most willing to produce it, and I expect to be able to lay it upon the table on Monday next. I think it is highly honourable to the consul at the place. He was placed in considerable difficulty, not being able to acknowledge the new Government that sprang up; but, at the same time, he did not neglect the interests of British shipping.

THE ANDERSON SLAVE CASE.

QUESTION.

MR. HALIBURTON said, that before putting to the Under Secretary for the Colonies the question of which he had given notice, he wished to refer briefly to what had appeared respecting the slave Anderson. He had been an inhabitant of the State of Missouri, and had escaped from slavery. He took the life of a white man, also an inhabitant of that State, who was endeavouring to capture him while he was trying to flee from his master. After that event Anderson succeeded in effecting his escape, and got into Canada. The relatives of the man who was killed, having traced him out, demanded him under a law of the province—not under a treaty, as had been stated in this country—but under a law of the province containing many provisions of the treaty of extradition. Certain provisions of the treaty that had been agreed upon between this country and the United States had been adopted by the province and passed into a law, and it was in that way that the treaty received the only validity which it could have in Canada. Under that law Anderson had been arrested, and the question had been brought before the Supreme Judges whether or not he should be delivered up to the officers of the State of Missouri. It had been inquired into and adjudicated on by that Court. He wished that he might not be misunderstood, for in a case of the kind, which had created so much feeling in this country, he might be misrepresented. He, therefore, distinctly stated that it was not his intention to offer any opinion on the act of the man Anderson, as to whether it amounted to murder, or manslaughter, or justifiable homicide; as to whether he was rightly captured in Canada, or as to whether the judgment of the Court there was right or wrong. On all these questions he had no observation to make. His object was neither to vindicate the rights of the State of Missouri nor to maintain the rights of the prisoner Anderson, but to state that there had been two violations of the rights of the people of Canada during the trial of this case, and before its final termination. After the decision of the Canadian Court had been given, an application was made to the Court of Queen's Bench in this country for a writ of *habeas corpus* to bring Anderson out of the gaol in Canada and before the Court, in order to have his case inquired into. There had been some very singular circumstances attending this case in the Queen's Bench. Here, again, he wished to explain that it was very far from his intention to make any remark whatever disrespectful to the Judges of that Court. Their learning, their very great ability, and the wisdom and impartiality with which they decided everything that came before them, not only entitled them to, but commanded for them, the respect of every one. The country ought to be proud of such a Court, and he should be wanting in self-respect if he made any remark derogatory to its Judges; but at the same time they were not infallible. Appeals from decisions of the Queen's Bench had at various periods of our history been brought before the House of Lords; and in some cases those decisions had been reversed. In the present case he could only suppose that the Court acted on the supposition that they were adjudicating on the terms of a general treaty between Great Britain and the United States, which was within their cognizance and jurisdiction. But, if such was the fact, one would have imagined that some reference would have been made to the law officers of the Crown, and, in the application to the Court, the services of the hon. and learned Attorney General would have been employed. Instead of that the affair was a voluntary one. A man with an unpronounceable name, who he (Mr. Haliburton) believed was a Polish refugee, and in no way connected with the authorities of Canada, or those of this country, made the application. Upon the voluntary affidavit of that gentleman the discussion in the Court of Queen's Bench took place, and the case was dealt with as being a simple and common application for a *habeas corpus*. Several reported cases were referred to in the argument, which had nothing whatever to do with that before the Court. The writ of *habeas corpus* was granted, and addressed to the gaoler who had possession of the prisoner, and to the Governor of Canada, a civil officer with military powers. A writ of *habeas corpus* might with as much propriety be addressed to the Governor of Newgate and the Duke of Cambridge. He spoke the sentiments of the ablest lawyers in this country when he said that the decision of the Court of Queen's Bench had created great surprise here, and he knew that it had caused the greatest consternation in the colony. In these observations he made no reference to the case of Anderson. They would apply equally to any other case. The sympathies of the people of Canada were with Anderson, but, at the same time, they complained that their constitutional rights had been violated. The Court of Queen's Bench, no doubt, founded its jurisdiction on the treaty; but the best authorities in Canada called in question the power of the Government of this country to make any treaty, that was obligatory on them, where its provisions had to be carried out in the colony. The colony had a government and a legislature of its own, and was competent to perform all the acts that were necessary to the government of its people. In all internal matters it was supreme, and its jurisdiction exclusive. There was provision made for appeals from the decisions of its courts of law. If a man was dissatisfied with the decision of any of the ordinary courts, he had a right to appeal to a higher tribunal, and from that again he could appeal to the Privy Council. That was the only mode in which the judgments of the Canadian Courts could be reversed, and a very proper mode it was. Such a constitutional appeal was willingly conceded. It was beneficial to the people, and a great relief to the Courts. For however able and learned the Canadian Judges might be, they were themselves ready to admit that they had neither the experience nor the erudition of the Judges of England. But to send a writ to Canada to take a man out of the country, and bring him over here to be adjudicated upon, was to invade the constitutional rights of the people of Canada, and was a claim on the part of the Queen's Bench that would never be submitted to. The people of the colony, and especially of Montreal, rejoiced to think that they had got rid of the responsibility of this case, and were nearly illuminating their houses from joy, until they found that this relief could only be obtained, at the expense of their own independence. The ordinary course of appeal had been passed over; a writ of *habeas corpus* had been sent out, and an officer despatched with it to receive the man. It was rather a humiliating proceeding to see an officer of one of the superior courts of this country sent on such an errand, considering the answer he was sure to receive. The answer would be that they did not recognize the authority of such a court as the Queen's Bench extending to Canada, which had a responsible Government, and an independent judiciary of its own. He certainly wished that they would deliver the man up under protest as such a case was not likely to occur again. No one pretended to say that there was any intentional violation of the rights of Canada in what had been done. It was regarded as a hasty and inconsiderate but not an aggregate act. He supposed the Judges of the Court of Queen's Bench had some idea that there was such a place as Canada, just as he had learned that the Channel Islands were Guernsey, Jersey, Alderney and Sark. He took it for granted that there was such a place as Sark as it was to be found in the map, but he had never seen it, and never saw a man who had. The Judges of the Court of Queen's Bench seemed to have some such idea of Canada, and to have attached similar importance to it. With regard to the orders sent by the Duke of Newcastle to Canada he should like to know first of all what authority he had to send orders at all. The Colonial Office seldom interfered in the colony at the right time, and when it did interfere it usually did so in a wrong manner. He hoped the correspondence would be laid on the table, that the people of Canada, and of the other Colonies too, might be able to see what these orders of the Duke of Newcastle were, and whether they were justified by the constitution of Canada. As the nominee of the Colonial Office, the Governor of Canada was often in communication with the Colonial Secretary; and there might be many occasions on which it was necessary for the latter to communicate advice to the Governor, and to recommend that he should take such-and-such a course, unnder certain contingengies, and such correspondence as might be inconvenient to disclose. But direct orders were public documents, and as such ought to be made known. The country was not to be governed by orders that were not to be seen. The Government of a constitutional colony was to be carried on by the Governor by and with the advice of his

Council. If, therefore, any order went out which directed him to pursue a certain course without the advice of his Council, it would be a contravention of the constitutional rights of the people. It would place him in antagonism with his constitutional advisers, and be subversive of anything like responsible government. The Duke of Newcastle had been recently in Canada, and had seen there the noble reception given to his Royal Highness the Prince of Wales; he had seen the enthusiasm and heartfelt demonstrations of the people—not demonstrations got up, as in a neigh bouring country by means of spies and police, but hearty honest outbursts of loyalty and affection; he might have seen also from the very different receptions he met with himself, where they conceived themselves injured or slighted, what the character of those colonists was—that they were Englishmen in feeling and principle, and not a people likely to put up tamely with what they considered a slight or an insult. He took it for granted, therefore, that the Duke of Newcastle would be cautious how he addressed them, and that the orders contained nothing that was unconstitutional. But if the production of these orders was refused, he would take it for granted that they were like certain letters which he wrote to the mayors of some of the towns of Canada during his recent visit to Toronto, of which, whether rightly or wrongly, the people made loud complaints. It might be said that this was only bad manner, but bad manner implied bad conduct. They were not people to put up with nonsense, although they would do anything they were asked in civil language. The difficulty arose merely from their having been badly managed. He would, however, say no more on this subject, as it would probably at no distant day be brought before Parliament. He would confine himself at present to asking the Under Secretary of State for the Colonies for information as to the extradition of the American slave Anderson, now in custody in Canada; and if he would lay upon the table copies of all correspondence that had passed in relation thereto between the Secretary of State for the Colonies and the Governor in Canada and for all orders issued thereupon.

MR. CHICHESTER FORTESCUE: There are one or two points in the speech of the hon. Member into which the House will not be surprised if I do not follow him, I do not intend to follow him in the observations which he has thought it right to make upon the conduct of the Duke of Newcastle in his dealings with the Orangemen of Canada. I am glad, however, that an opportunity will be offered to my noble Friend in "another place" of justifying himself; and I am quite content to leave the defence of his conduct in his own hands. But the hon. Gentleman has spoken to-night in terms of complaint, which I trust will not be echoed in Canada, of the efforts made by the Government and by private individuals in this country for securing to the unfortunate man Anderson a fair and full consideration of his rights. The hon. Gentleman represents that a double invasion of the rights of the people of Canada has taken place—the one consisting in the action of the English Court of Queen's Bench, which has deemed it right, upon the application of a private individual, to issue a writ of *habeas corpus* to Canada. It is not my duty on the present occasion to enter into any discussion of the matter. I shall neither discuss whether the Court is entitled to issue the writ, or whether, if it is, that is a fit state of the law. This, however, I will say, that the only step taken by the Colonial Office has been to forward a despatch simultaneously with the writ to the acting Governor General, instructing him that in case any action should be necessary in consequence of the issuing of the writ he is to be guided by the opinion of his Canadian law advisers. The other invasion complained of by the hon. Member consisted in this, that my noble Friend the Duke of Newcastle, with great promptitude, and with a decision which the country appreciated, despatched that instruction to Canada of which the House was informed some days ago by my noble Friend at the head of the Government. I have the despatch here, and I will read the passage bearing upon the subject. My noble Friend had heard a few days previously from Governor Head, who was then in this country, of the decision of the Court of Queen's Bench at Toronto. Now, considerable misapprehension existed with respect to the effect of that judgment. The effect of it was neither more nor less than this—the Court refused to grant the writ of *habeas corpus*, and they remanded Anderson to prison. They did no more. The Court of Queen's Bench said it could do no more. It might have set Anderson free on the *habeas corpus*, or it might, as it did, have refused to do so; but to deliver him up to any foreign Power was not within the competency of any Court of justice. That is fully admitted by Chief Justice Robinson himself. He stated the law accurately when he said that the power of the Governor General, under the statute, to surrender or retain a fugitive could not be affected by anything said or done by the Court. That is the fact. The fugitive, Anderson, can only be delivered up under the hand and seal of the Governor General of Canada, and it was with a knowledge of that fact that my noble Friend thought it right to address those instructions to the Governor General to which the hon. Member has referred. But when the hon. Member talks of it as an invasion of the rights of the people of Canada that the Secretary of State should have addressed such instructions to the Queen's representative in the colony, the hon. Member makes a claim which it is impossible to admit in this House, and which will not be asserted by any reasonable person in Canada. Just consider the nature of the case. The controversy arises entirely out of a treaty concluded, not between the colony of Canada, but between the Imperial Government and the United States. I have now in my hand the despatch of my noble Friend, dated the 9th of January, and it contains this passage—

> "If the result of the appeal should be adverse to the prisoner, you will bear in mind that under the treaty he cannot be delivered over to the United States by mere action of the law—that can only be done by a warrant under the hand and seal of the Governor. The case of Anderson is of the gravest possible importance, and Her Majesty's Government are not satisfied that the decision of the Courts in Canada is in uniformity with the views of the treaty hitherto held by the authorities in this country. You will, therefore, abstain from completing the extradition in any case until further opportunity has been afforded for the consideration of the question."

Such were the instructions of my noble Friend, and I have no further information to give, for the only communication since received from Canada has been a simple acknowledgment of that despatch. Her Majesty's Government have under their consideration what instructions should be sent to the Governor General; but I can assure the hon. Member that the production of the papers in our possession would add nothing substantial to the information I have communicated. At the same time, in a transaction of this delicate nature, which may lead to a diplomatic correspondence, it is not usual or advisable to lay papers before the House. In conclusion, then, let me say, the question is not in the hands of any Court of justice here or elsewhere, but in the hands of Her Majesty's Government, and the House may safely leave it there.

VOLUNTEER MARINE ARTILLERY.

QUESTION.

MR. NORTH said, he rose to ask, Whether the Board of Admiralty persisted in their determination to refuse Marine Volunteer Artillery facilities to practise afloat. There were a great number of seamen wishing to practise artillery afloat, and the Admiralty, by taking them on board a gunboat and giving them gun drill, might thereby assist in manning the navy?

LORD CLARENCE PAGET said, he could assure his hon. Friend that the Admiralty were not behind the rest of the public in admiration of the Volunteers of this country. The question now put had been much considered by the Admiralty. They had received propositions from various parts of the country to send one or two gunboats to the ports in order to embark those who were enrolled as Volunteers, to take them to sea, and drill them in the use of the great guns. No doubt that would be done if the Admiralty could do it without cost to the public; but if they sent gunboats for such a purpose, they must provide accommodation and bedding and comforts such as the seamen enjoyed. It was, therefore, a mere question of expense. That was the reason why the Admiralty, with every desire to further the Volunteer movement, could not comply with the various requests made to them on this subject. But the hon. Gentleman had omitted to mention that every seafaring man in this country had the opportunity of acquiring a knowledge of the drill, besides which, he would be paid for his time and trouble in acquiring it. If he disliked entering into the Naval Reserve, and the consequent liability to be called out for service in the fleet, he might join the Naval Coast Volunteers. The latter force would only be called upon to serve in the immediate neighbourhood of the coast in the event of war, and that would be the precise duty of the Volunteers, whose cause had just been advocated. If they wished to "get their sea legs," and to become useful to Her Majesty in such an emergency, the obvious course would be for them to join the Naval Coast Volunteers; and it would be advisable for Gentlemen who took an interest in these matters, to encourage our seafaring population to enter either this body or the Naval Reserve, with a view to practice heavy gunnery. When the House came to discuss the Estimates, it would be seen that the system of teaching our merchant sailors the use of heavy guns was a very costly one, and it was upon that ground only that the Admiralty, however desirous they might be to forward the Volunteer movement felt bound at the present moment, where the naval expenditure was so large, to refuse these applications on behalf of the Marine Artillery Volunteers. He would, however, convey the wishes expressed by the hon. Gentleman to the Board of Admiralty, and he was sure they would receive due consideration.

INDIA.—INDIGO PLANTERS IN BENGAL.
QUESTION.

MR. W. EWART said, he wished to ask the President of the India Board, Whether, for appeasing the disputes between the planters and the labourers in Bengal, a more prompt and effective system of police and of civil procedure will be adopted, and whether an efficient law of contract will be introduced, and a cheap system of registering contracts? While the free action and enterprise of European settlers deserved every encouragement, the ryots, on the other hand, had a right to protection. It appeared to him, as it appeared to the Committee which considered the subject, that one of the principal remedies for the state of Bengal and India generally was the establishment of a good and efficient police. There should also be a simple and speedy system of procedure with a strict limitation of the power of appeal. A law of contract was also required which should clearly define the position of the two classes, and along with such a law there should be a system for the registration of contracts. He would not enter on that occasion, however, into a lengthened discussion of the subject, but would content himself by expressing a hope that the Government would adopt these and other measures as tending to the security of property, the employment of labour, and the tranquilization of the country.

SIR CHARLES WOOD said, he agreed with the hon. Member that it was not advisable to go into a discussion on that most important subject on that occasion. He had assented to the production of all the papers, which, in the course of a day or two, would be laid on the table, and the House would discuss the question with much greater advantage when it was in possession of all the facts. With regard to the first question he was happy to state that the police of India was at that moment being reorganized on what he trusted would prove a cheap and an efficient system. He agreed with his hon. Friend that one of the greatest misfortunes of India had been the want of an efficient police, and the supply of such a want would, he believed, enable the Government to reduce very considerably the Native Army of India. A more useful reform could hardly be attempted. But the attempt had already been made. The police force would be modelled on the system introduced by Lord Harris in Madras, and partially carried out by Sir Charles Trevelyan; and that system was in course of establishment throughout India. With regard to the civil procedure, that also had, to a great extent, undergone reform; and this reform would contribute largely to the simplification of trials, and the execution of justice without unnecessary expense or delay. The other two questions referred to by the hon. Gentleman had been discussed in the Report of the Commissioners who inquired into the indigo disputes, and a difference of opinion prevailed among them as to the law of contracts and a plan of registration. Both the subjects, however, were under the consideration of the Indian Government.

POSTAL SUBSIDIES.—QUESTION.

MR. BAXTER said, that in rising to call the attention of the House to the state of the packet service between this country and North America, he wished to observe that he was in no way connected with any of the steamship companies trading with the United States, or with the ports from which the vessels sailed; but, as a merchant carrying on business with the United States, he felt a deep interest in securing the most regular and speedy communication possible between the two countries, and as a member of that House it was his duty to see that for the large sums of money granted by Parliament in the shape of subsidies the country got value received. They now paid to the Cunard Company £173,000, and to the Galway Company £78,000—in round numbers, £250,000 per annum—for the conveyance of mails between this country and the United States. Every shilling was money thrown away. Subsidies might be absolutely necessary in many cases, but whenever there was effective competition on any ocean, then the system of subsidies ought to cease. That was the almost unanimous opinion of mercantile men, and it was confirmed by the result of Lord Canning's Committee which, in 1853, arrived at the same conclusion. Upon the North Atlantic such a competition did exist. The Packet Committee of last year also declared their conviction that it was quite practicable to dispense with large subsidies in cases where the ordinary traffic supported several lines of steamers, and that, under the circumstances which had for some years existed in regard to our communication between this country and North America, no such subsidies were required to secure a regular, speedy, and efficient postal service. Now, was the Committee justified in arriving at this decision? They would believe it was, from the fact that on the North Atlantic there were at the present moment no less than ten competing lines of steamers; and it was another remarkable fact that more than half of the whole number of British passengers to America in the past year were carried by an unsubsidized company —the Liverpool, New York, and Philadelphia Line. Large subsidies, instead of encouraging competition, prevented it. Were they withdrawn on the next day from the North Atlantic lines the public generally would be secured all the advantages which a fair field and no favour always produced. The right hon. Gentleman, the Chancellor of the Exchequer, might admit all that to be true; but he would probably say the Government was bound by existing contracts. But let him ask how these contractors performed their obligations. The right hon. Gentleman could hardly be aware of all that was going on, or of the extent to which the companies failed to perform the conditions of the subsidies. The Cunard Company was receiving an annual subsidy of £173,000. He would not say a word in disparagement of that Company; they had performed the service right well in times past. It was stated in evidence before the Committee that for twenty years the Cunard boats had navigated the stormy North Atlantic without a single accident either to the passengers or the mails. But he could not shut his eyes to two ugly facts connected with that Company. First, it had always represented that the large Government subsidy was required to enable it to run the expensive paddlewheel steamers that were better adapted for the mail service than the screw boats; and this reason had been constantly admitted by the Treasury. Secondly, it had always stated that, without the subsidy, it could not afford to go on building the large vessels required to keep pace with the demands of the public and the requirements of the times. Such were the reasons given for keeping up the grant; but at present the Company was acting neither on one nor the other. Sir Samuel Cunard stated that the service could not be performed by screw-steamers. Yet the *Australasian*, that sailed from Liverpool on the previous Saturday, was a screw-vessel; the *Jura* and the *China* were both screw-steamers; and the Company had offered for sale the *Niagara* and the *Arabia*, which were both paddle-wheel boats. In fact, the Company was preparing to adopt the screw system; it was gradually selling off its wheel-steamers, and substituting the screw-boats it had always represented as unfit for the service. As to the other reason it gave for continuing the subsidy, that it was required to enable it to build a sufficient number of new and large vessels—was the Company observing that condition? Why, of the eight Cunard steamers employed in the mail service, four were 13 years, and two more than 11 years old. In the nine years since 1852, the Company had only built one new steamer. In the same period the unsubsidized Liverpool and New York Line had built eight, the Hamburg Company five, and the Bremen Company two. It came to this, that every unsubsidized Company had built more new vessels than the Company to which the Government paid £173,000 annually in order that it might be able to build them. The other subsidized Line was the Galway Company. He was sorry he could not speak of it with the same respect as of the Cunard Company. That was substantial; and though it had been paid a great deal of money it had done good service for it. But he believed the Galway Company had something of the nature of a sham or a hoax. It had obtained a large subsidy of £78,000 annually, on condition of providing a fortnightly communication, commencing with the 26th of June, 1860, and performed in vessels of 2,000 tons and 450 horse power. So far as he had been able to ascertain at that moment, it had not a single vessel that answered the requirements. The *Connaught* broke down, and the *Parana* was to take her place.

No vessel sailed on the 21st of August. On the 28th of August the Government, for reasons which he could not understand, permitted the *Prince Albert* to take her place. The *Prince Albert* made two voyages, but she did not in any way answer the conditions of the contract. The *Connaught* was burned at sea, and since the 23rd of October there had been no service from Galway. He had heard it rumoured that arrangements were being made to transfer all the business of the Galway Company to Limerick. He hoped some one would be able to state whether the rumour was altogether unfounded or not. He understood there was another proposition for transferring that memorable contract to Canada, as the Canadian Government wished to obtain a line. There had been an amount of jobbing about the Galway contract that had stirred up the greatest indignation in the commercial community, and he hoped the Government would not sanction any transfer of the agreement. He wished to ask the Chancellor of the Exchequer, What means there were of compelling the Company to act up to its contract, and what money the Company—if it existed—had received from the public purse? what reasons had induced the Government to take the extraordinary step of extending the contract with a Company that had no ships from June to March? and, lastly, whether it was prepared to accede to the prayer of a memorial from merchants trading between this country and America that the contract be annulled?

LORD DUNKELLIN said, he wished to say a few words on this subject. The general question as to the propriety in the abstract of abolishing these contracts was too large a one for him to enter on, though he might remark that the arguments which the hon. Gentleman brought forward tended rather in favour of some port in Ireland than Liverpool as the port of departure. The hon. Gentleman showed clearly that subsidies had not prevented competition, because he stated that the service across the Atlantic was carried on by ten lines, of which only one was subsidised, and that one of the unsubsidised lines carried more passengers than the one that was subsidised. Since the Galway contract had been entered into the Cunard Line found it worth their while to call at a port in Ireland, which they had never done before, subsidy in this case giving the people of Ireland the benefit of two lines. The mode in which Cunard's Company carried on the service required no praise from him; and with regard to the other line, which more immediately concerned him, he must declare that it was a reality, and not a sham. The hon. Member said that since the Galway Line had been in operation no vessel belonging to what was called the Galway Company of the requisite tonnage had gone across the Atlantic. Now, that statement required some explanation. It would be remembered that the contract was entered into in the month of April, but it was not ratified by Parliament till the 9th of August. Since then the vessels of the Company had crossed the Atlantic; and the *Prince Albert*, one of the Company's ships, had made the quickest passage across that ever was known. She had made it in six days; and news brought by ships from America had been anticipated by vessels of the Galway Company which started subsequently to them. Thus it was shown that some advantage was gained for the public by the direct communication with America through Ireland. It was true that since the contract was signed the *Connaught* was the only vessel of the required tonnage that the Company had started, and she was unfortunately lost after her first voyage. It was said that the Company ought to have had the proper number of vessels; but he hoped the House would take into account the circumstances in which the Company had been placed. Rumours were freely circulated to the disadvantage of the Company, and many of the shareholders in consequence declined to pay their calls, the result of which was that the directors were reduced to such straits that they were unable to get their vessels ready. Then he must say, with all respect to the Government, that the delay and vacillation they had shown in deciding on the claims of the Company exercised an unfavourable influence on their affairs. It was true that more recently they had been treated with considerable forbearance by the Admiralty and by the Postmaster General; but he would venture to say it was not more than the Company was entitled to. He would not detain the House further, except to say that he should be glad to receive a direct assurance from the Chancellor of the Exchequer that the hon. Member's observations respecting the transfer of the Galway Company's packet service from one station to another were as devoid of foundation, as he believed they were, and he could not suppose that Government would sanction such a transaction.

Mr. GREGORY said, that as the hon. Member for Montrose (Mr. Baxter) had alluded to the future circumstances of the Galway Company, he would read a communication which had been put in his hand a short time ago, but which he begged the House to take as coming from the directors of the Company, and not from himself. The House was aware that one boat, the *Connaught*, built at very considerable expense in accordance with the contract, had been already lost. The document he had just referred to stated that two more of the Company's ships would be tried in the course of a few days by the Government surveyors, that the Company were on the eve of completing the purchase of two large ships, and that this fleet of four ships would be amply sufficient to carry out the postal service contracted for; and that another ship, launched some time back, had the greatest part of the machinery on board, and was rapidly approaching completion. According to this statement, it appeared that three of the Company's ships would be ready almost directly, being two more than had been constructed, as the hon. Gentleman had admitted by the great Cunard Company in the space of seven years. He did not understand the purpose of the hon. Gentleman's observations, unless it was to induce the Government to be inexorable in refusing to prolong the time for getting the vessels ready to perform the contract. The Postmaster-General, acting with the best motives, had given a suspension of time until the 26th of March, and he was informed that these vessels would then cross the Atlantic and perform the service regularly. He was surprised that the hon. Member should have made such an attack, considering that for fourteen months the matter of the contract was kept in suspense, and the operations of the Company completely paralysed by the ambiguous attitude of the Government and the House of Commons. It was found impossible to get the shareholders to pay up their calls, and the shipbuilders had no great confidence in a Board which rested on such insecure foundations. He would not ask the Chancellor of the Exchequer for a further prolongation of the time, but he thought the Government had exercised a wise discretion in the indulgence they had granted.

The CHANCELLOR of the EXCHEQUER: My part, Sir, on this occasion is a very simple one. I shall not enter at all into a discussion of the general principles which ought to govern the conduct of Administrations and Parliaments with respect to this matter of mail contracts. In the clear statement of the views of the hon. Member for Montrose (Mr. Baxter) on that subject I quite agree, and on those principles we have acted since we have been in office. Passing from that subject, I shall also be very brief in what I have to say with respect to the Cunard contract, for I am not aware that there has been any case made out to warrant the interference of the Government. At the Treasury we have no direct and standing cognizance of these contracts. They are brought under our notice only when anything of a special character occurs to cause an appeal to us from the Postmaster General. Now, my hon. Friend asks what steps the Government are prepared to take with the view of compelling Sir Samuel Cunard to act up to his agreement or to accept a smaller subsidy; and in reply to that question, without seeking to question or contradict any statement which my hon. Friend has made on this subject, I would refer him to the Report of the Post Office Department, which says:—

> "That the Cunard packet service is being performed in a very satisfactory manner; that the vessels employed in it greatly exceed the power required by the contract, and that they arrive and take their departure with great regularity."

That is the information, and the only information, of which I am in possession on the point. My hon. Friend also asks what sum of money has been already paid to the Galway Company, and I may inform him that although I am not at this moment in a position to state the precise amount, yet that for the small number of voyages which have been performed the payments of the Company have been made under the rules of the contract, subject to some deductions which in certain cases were stipulated for by the instrument itself. The precise sum paid can be stated, but as I was not aware that this inquiry would be addressed to me I have not the figures now at hand. My hon. Friend next asks why the Company was allowed an extension of time for the performance of the contract, from June until the 26th of March. I do not think the Government is at all open to animadversion for having hesitated in the matter. The very first step taken by the present Treasury Board on its accession to office was to move for the appointment of a Committee to investigate the whole transaction. That Committee was appointed. The Government at once acted on its Report, and made a proposition to the House in conformity with their views as to the course which ought to be adopted. I do not think, therefore, that we have done, or so far as I know omitted to do, anything which can fairly be held to render us responsible for the great inconvenience by which this case is characterized. Without, however, entering into any controversy on the subject, I may venture to tell my hon. Friend how we felt it to be our duty to act. We did not think the engagement one which was wise or politic; but we found the contract in existence, and after the decision at which the Committee arrived with respect to it, we deemed it right to ask Parliament for the necessary money, and it was granted. The engagement then became permanent and absolute, and we thought ourselves bound to extend to the Company every indulgence to which, under the most liberal view of the contract, they could lay claim, quite irrespective of any objections to the original arrangement which we might entertain. Indeed, I do not think it would have been fair on our part to have excluded from our consideration the fact that much inconvenience had resulted to the Company from the delay which had inevitably taken place before the mind of Parliament on the question could be fully and formally declared. We thought it, in short, but just to look at the whole facts of the case, and it was after those facts were calmly weighed that the various indulgences which they received were accorded to the Company. Some of these indulgences relate, as my hon. Friend has stated, to the use of particular vessels which did not, strictly speaking, come within the terms of the contract, but as regards the broader facts of the case what occurred was this:—The Company on the 25th of October made a proposal to the Government to the effect that the service should be only monthly till the 12th of March, 1861, and that then a fortnightly service should commence. My noble Friend the Postmaster General informed me that he had stated to the Company he would accede to this arrangement only on certain conditions, and that it was not for some time that he learnt whether the Company would or would not be prepared to comply with those conditions. On the 7th of November, however, the Company, not finding themselves able to accede to them, made the request to my noble Friend to have the contract placed altogether in abeyance until the 26th of March. That application—and the demand was, I must admit, a very large one to make—was taken into consideration by the Government, and we thought it, upon the whole, our duty to grant it upon certain conditions laid down by the Postmaster General. He informed the Company that the required delay would be accorded provided they forthwith executed an agreement stipulating that if they were not prepared to carry on the service at the period named, and otherwise to fulfil the conditions set forth, then the contract was to terminate without any claim on their part to damages. The Company took some time to reply to these propositions, but on the 24th of January they did execute an agreement by which they have undertaken to despatch packets on the line in question on and after the 26th of March. With respect to the means at the command of the Company for the purpose of fulfilling their engagements, I have no other information than that received from the Post Office, which states those means to be considerable. Having made these observations, the House will, I think, concur with me in the opinion that it is better I should refrain from any remarks of a prospective character, avoid referring to hypothetic cases, and thus obviate the danger of giving expression to anything which may lead to misunderstanding. My hon. Friend, however, having stated in the course of his speech that he had heard various rumours with respect to the change of the port of departure, and the transference of the rights of the Company of which I am speaking to another, I deem it right to say that I am in entire ignorance of the existence of these rumours, and that, as far as I know, no such steps as those to which he has referred have been taken or even thought of by the Government. I looked with great jealousy upon a proposal which was made shortly after I acceded to office for the transfer of a contract of this kind. I declined, on the part of the Government, to accede to that proposal; nor can I conceive any circumstances which would be likely to induce the Government to sanction such a transaction. I could, of course, enter into no positive engagement on a matter of the sort without having the particular case fully before me; but I should certainly be disposed to view it *primâ facie* in a spirit of disapproval.

ISLAND OF JERSEY.

QUESTION.

MR. SERJEANT PIGOTT said, he wished to ask the Secretary of State for the Home Department, Whether it is the intention of Her Majesty's Government to bring in any Bill during the present Session to amend the laws or the constitution and procedure of the Courts of the Island of Jersey? He put the Question in consequence of the information which reached him during the last few years, from time to time, that deep and bitter complaints were made with reference to the injustice arising, not only out of the state of the law of that island, but of the administration of it by the Courts. The whole administration of the law of that island was concentrated in one great court, called the Royal Court. That Court was composed of a bailiff, who was appointed by the Crown, and twelve jurats, who were popularly elected. The only person possessing a legal education was the bailiff. The only necessary qualification of a jurat to hold office was, that he should be possessed of land of the value of £30 a year; and the only disqualification was keeping a public-house, or trading as a butcher or baker. The bailiff could exercise no authority whatever in a Court so constituted, and the whole administration of the law and justice was left to the jurats, who had no legal education. Under such circumstances it could hardly be a matter of wonder that there was a maladministration of the laws of that island. The Commission which issued in 1846 to inquire into the administration of the criminal and civil laws of the island, reported that the Court did not possess the confidence of the inhabitants, nor did it deserve it. In 1859, another Commission was issued, of which Sir John Audry was the head, and the Report of that Commission would show to the House that the Court of Jersey combined every bad property and qualification which could belong to a court. Nevertheless, it was the only court in which justice was administered in the island, with the exception of a court for small debts and the manorial courts. They stated that it was sometimes impossible to maintain order in court, and scenes of violence took place which the Court was unable to suppress. Moreover, great uncertainty also prevailed as to what the law was, and the Commissioners wound up by declaring that any reform would be absolutely useless which would leave the duties of the superior court in the hands of a numerous body without professional education, whose attendance was precarious, and for whose nomination no one was responsible to public opinion. With that view, they did not recommend any reform of the laws until reform of the Court had first taken place. He would give a few illustrations of what the law was in the island. Unlike the practice in this country, the law of arrest could be put in motion by any suitor who chose to make a statement, not verified by oath, to an officer of the Court, who immediately issued a warrant. The law of arrest, too, according to the Commissioners, was put in motion for the worst purposes—extortion and oppression. There was the case of a gentleman, who had carried on business in London for many years, and who was appointed one of two trustees under a marriage settlement. That gentleman having gone over to Jersey was seized and thrown into prison, where he was kept for two or three years, on the ground that he was a debtor for the *corpus* of the trust, although he urged that he could not make over the *corpus* without committing a breach of trust, exposing him to attachment by the Court of Chancery in England. Another person resident in Birmingham, who was arrested in Jersey for a debt contracted while temporarily residing in Jersey, was still kept in prison because he could not produce a settlement of property to his wife's separate use, which the trustee in England refused to part with. The absence of any law of uses or trusts, was a most important question for persons who might wish to form themselves into a joint-stock company for gas, water, or other purposes, which could not now be done without the greates risk. Other parts of the law were in an anomalous state; for instance, the law of evidence. A man could not call as witness the husband of his aunt; and there was an instance of a case in which the suitor's wife's former husband's father was not admitted. Neither did the inhabitants enjoy trial by jury in any form. Again, the law of guarantee was so unsatisfactory that the Commissioners reported that it was impossible to acquire an estate free from incumbrances, without limit of time or extent, no matter what the wealth of the purchaser. The Commissioners finally reported that in their judgment legislation was imperatively required to settle those important questions. Not only had these Reports been made by Royal Commissions, but a memorial, signed by nearly 600 inhabitants, had been presented to the right hon. Baronet, stating that they were anxious that the suggestions and recommendations of the Commissioners should be carried into effect, as the best means of promoting the prosperity and tranquillity of the island. He hoped the right hon. Baronet would not be influenced by any representations directed against the Report of the Commissioners proceeding from interested parties, but that he would exercise his own sound judgment upon the subject.

MR. HADFIELD said, that as the first Commission which sat upon the question was appointed as long ago as 1846, it was high time that the matter should be settled. He would recommend the right hon. Baronet the Home Secretary to deal with it according to the dictates of his own sound judgment. He was assured that the value of land in Jersey would increase 50 per cent provided the defects in the laws were removed. The inhabitants, whether of English or French origin, were loyal subjects of the Queen, and they were most anxious for the reforms recommended by the Commissioners.

SIR GEORGE LEWIS said, that notwithstanding the doubts which he had heard expressed on the other side of the House as to the existence of the Channel Islands, he could personally testify—having been an ocular witness not only of Jersey, but also of Sark—that there were such places *in rerum natura*, and that they were unquestionably to be included with the dominions of Her Majesty. With regard to the question just put to him he hardly thought that at that hour, and that extremity of miscellaneous and desultory discussion, the House would expect him to follow the hon. and learned Member in his extensive review of the legislation of Jersey; but he was not at all prepared to deny that there were great defects both in the law of that island and in its administration. Unfortunately, however, it was not the habit of that House to legislate on the internal concerns of Jersey. No doubt, the supreme power of legislation resided in Parliament, but it was not the practice of Parliament to legislate with respect to the internal affairs of the possessions of the Crown, whether as near or more remote than the Channel Islands. As to any suggestion that, instead of referring the question to the consideration of the States of the Island of Jersey, there should be legislation upon it under the simple authority of the Crown by means of Orders in Council, that would certainly be a strong measure to resort to at that early period, and before the States of the island had had an opportunity of examining the Commissioners' recommendations. He, therefore, did not think the Government would be justified in adopting that course. With regard to the defects which the hon. and learned Member for Reading — no doubt an enlightened law reformer—might discover in the institutions of Jersey, perhaps that hon. Gentleman would find, on further inquiry, that many of those defects were pleasing to the inhabitants of the island. The people of Jersey were attached to many of those ancient laws and customs with which time had familiarized them; and it was by no means clear that any act of the Queen in Council making an extensive alteration in their institutions would be hailed with general approbation in the island. It, therefore, behoved Her Majesty's Government to proceed cautiously in this matter. But if he had not gone at as rapid a pace as the hon. Member for Sheffield desired, it ought not to be supposed that he shared that blindness to some of the defects of the institutions of Jersey to which he had ventured to advert.

MR. SOTHERON ESTCOURT said, he was very glad to hear that the right hon. Baronet was determined to prosecute the matter; and that, although there might be further delay in dealing with so nice and critical a constitution as that of the island of Jersey, and with laws to which the islanders were perhaps more attached than the merits of those laws deserved, yet that the Government did not intend to allow the subject to drop. The remarkable peculiarities, not to say abuses, of the institutions of Jersey had been fully and ably set forth in the Report of the Commissioners, who, he must say, had discharged their duties in a very admirable manner.

Motion *agreed to.*

MARRIAGE LAW AMENDMENT.

LEAVE.

MR. MONCKTON MILNES: Although the House is not oppressed at the present moment with very much important business, yet, I think that some apology is due for bringing forward again a question which has been six times debated, and although with great success in this House, has, nevertheless, not yet become the law of the country. There is, too, some apology, perhaps, due to the House for intruding on its attention a question which has no political interest, no claims on party affection, which offers nothing to interest us but the fact that it is a great question of public justice, and concerns the comfort of many thousands of our fellow-countrymen. On this occasion, as I have no reason to believe that any opposition will be made to the introduction of the Bill, it would be inconvenient for me to renew the discussion of those questions of historic and theological interest which have occasionally formed the staple of the previous debates in this House. Whatever may be necessary on those subjects will be much more fittingly introduced on the second reading of the Bill. The Bill which I propose is one which reduces the means of attaining my object to the narrowest limits. The House is perfectly aware of the state and condition in which this question was left by what is commonly called Lord Lyndhurst's Bill of 1835—a designation which is a great calumny on that great jurist and statesman. That Bill was not Lord Lyndhurst's Bill. Lord Lyndhurst, as the noble Lord himself has declared, said nothing in his Bill about annulling marriages. It was for the object of limiting the time during which these marriages might be disputed; and the clauses afterwards introduced were framed in a totally different spirit from that which Lord Lyndhurst had brought in. I may, perhaps, be deemed to have some right to bring forward this question, when it is considered that I presented to night a petition from the county of York—intimately acquainted as I am with the interests and habits prevailing there—signed by 55,534 persons, of whom 21,000 are of that sex that we are repeatedly told is to a woman opposed to the Bill. This petition, coming from a single county, presents a singular contrast to one presented in "another place" by an eminent prelate, the Bishop of Oxford, as from the women of England, which, on investigation, was found to contain only forty-two signatures, a considerable portion of them being apparently written in a male hand. It is impossible to deny that this is a question deeply interesting to many thousands of Englishmen and Englishwomen. The law of the country has been left in a state which, both in respect of justice and legality, is anomalous. There had been going on ever since the time of Henry VIII. a condition of things in which these marriages occurred. They were only avoidable by suits in the Ecclesiastical Courts. But, while any other marriage of an incestuous nature would at once be met by a suit in the Ecclesiastical Court, these marriages occurred with great frequency, without scandal and without injury. Indeed, it appeared from the Commission of 1832 that there was hardly on record a single case in which any action had been brought against these marriages. It was felt that there was something special in these marriages, but nothing repugnant to the religion of a Christian people, and they were practised without any injury to society. It is impossible to determine what number of these marriages took place. We know from the words of that eminent Nonconformist, Dr. Adam Clarke, that large numbers of preachers connected with the Wesleyan Methodist body contracted such marriages without scandal, so far as their congregations were concerned. We know from Miss Edgeworth that her father contracted such a marriage without any injury to his character, and without any disapprobation on her part. We know from all these circumstances, that these marriages were frequent, and that the state of the law was altogether unsatisfactory in regard to them. But there arose a case in which one noble family was most deeply concerned, which brought the matter prominently before the public, while hundreds and thousands of these marriages taking place in other ranks of life passed unnoticed and unregarded. The law was changed, and what is the effect of that change? Was it to the advantage of the general community? No, but to the advantage only of a few—to the noble family in question and to the detriment of the mass of society. This is a law which begins in illegality, in injustice, in that discrimination of classes which is repugnant to the sense of Englishmen, and can never be regarded as a sound basis of legislation in this country or any other. Starting from this invidious and unjust principle it produces nothing but injustice. It declares that up to a certain period the parties having contracted such marriages shall be considered lawfully married, and after that it declares the parties guilty of concubinage and their children bastards. Say, if you will, that such marriages are improper, and that they should be prevented altogether; but do not allow the flagrant injustice to continue by which, on the one hand, a man may sit in the House of Lords in virtue of a law which bastardizes a large portion of our fellow-countrymen. We have, therefore, a *primâ facie* case for bringing this measure forward again and again. I propose to introduce it on the present occasion in the simplest form—in a form which, I trust, will not shock the most delicate conscience. The Bill simply provides that henceforth all such marriages celebrated by registrars in the purest civil form shall be legal marriages. I do not propose to touch upon the ecclesiastical question in any way whatever. I shall leave every man to judge of that matter according to his own conscience. What I contemplate is a purely civil contract. I have only to add that there is a clause which declares that there is nothing in the Bill which shall affect, in the slightest degree, any dignity, title, fortune, or other arrangement which may be dependent upon the present condition of the law. Probably I shall be met on a future occasion with arguments of a religious character. Now, we are not very competent in this House to deal with questions of theology, or questions touching the consciences of men. I believe, however, that in ancient times there was no doubt whatever on the subject. Dr. Adam Clark declares that the opinion of the Jewish rabbis is conclusive as to the correct interpretation of the much-disputed passage in Leviticus. Even that acute controversialist the Bishop of Exeter acknowledges that it ought to be construed simply as a permission of polygamy with certain limitations. Such, moreover, is the opinion, not only of the people of England generally, who interpret the passage according to the natural meaning of the version which they hear read from the pulpit, but of a large majority in this House. Many of the bishops have expressed the same view, though hitherto, at all events, they have opposed all Bills like the present upon ecclesiastical grounds. But it is not my intention to involve the House in a theological argument. In the other House, where the Church is adequately represented, such questions can be discussed with a completeness which is here impossible. All we can say as simple laymen, looking back upon the history of the Church, is that the question which my Bill is designed to set at rest every now and then crops up in theological controversy, in close connection with the celibacy of the clergy. There is not a single writer quoted by our opponents who does not at the same time declare that the clergy ought not to be allowed to enter the marriage state. Moreover, the marriage of a man with the sister of his deceased wife is invariably connected in one condemnation with a number of other unions which are permitted in this country, such, for example, as the union of cousins german, a marriage which is absolutely prohibited by the Greek Church, and for which a dispensation is required in the Roman Catholic Church. But let us leave these thorny questions to be discussed in the other House. I know that reference will be made to the authority of the bench of Bishops; but I know, at the same time, that many of our prelates before they attained their present high position were of opinion that the marriages which form the subject of my Bill ought to be permitted by law. Is it too much to expect from those prelates that they should publicly state that they do not believe such marriages are opposed to Scripture, but that, on the other hand, they are prevented in their representative capacity, as speaking on behalf of the general clergy, from taking an active part in promoting a change in the law? Upon the position taken up by the bishops, and upon the encouragement given to the other House by a strong manifestation of opinion on our part, depends the satisfactory settlement of this question. I know there is a social objection, resting upon the much-quoted passage in Leviticus. It is because many of the people of this country, particularly women, think it would "vex the wife in her life time" that they are averse to legalize the marriage of a man with the sister of his deceased wife. That, however, is a matter of opinion which every one will judge for himself. We may not think, with the poet Cowley, that if a man is to marry a second time the best person he can select is his wife's sister; but that is no reason why we should absolutely prohibit such marriages. Some hon. Gentlemen have argued as if the object of Bills like the present was to force every man to marry his wife's sister. That is a mistake. We simply want people to be allowed to please themselves. You may not think these marriages desirable, but you have no right to interfere with them on the part of others who entertain a contrary opinion. I find that among my own dependents, my own friends, my own constituents, such marriages are constantly taking place. They are not productive of evil consequences; on the contrary, they diffuse a large amount of happiness and comfort throughout the community. The fact is, as stated by the Commission which was presided over by the Bishop of Lichfield, that legality has nothing to do with the matter. Either we must have these marriages, or we must suffer concubinage. The English people have settled the question for themselves. They know that their grandfathers were permitted to do this thing unchallenged by the law, and suffered no injury in consequence; they see their friends and neighbours doing it almost every day; and they find that all who enter into these unions are objects of sympathy. Surely we ought, under such circumstances, to endeavour to change the law so as to bring it into accordance with the habits and feelings of the people. It is because we do so in other cases that the law in England is so highly venerated. Let me mention one case which has come under my own observation. The leading surgeon in a small town in which I feel interested contracted one of these marriages. No objection was made to it, nor did it injure him in character or practice. His second wife died in childbed, and she died before she had an opportunity of leaving her property by will to her child. What was the consequence? The child was deprived of his mother's fortune, which went to a distant relative, and he was left without the means of subsistence. Similar cases are occurring all over England at this moment, and is it for us to say that, in order to consult the selfish convenience of a portion of the upper classes, we shall neglect a common want of the English people? Therefore, I trust, on these grounds, that you will continue not to oppose the measure. Above all, let me entreat you not to allow this question to become a party question. What on earth has it to do with political relations, or political parties? Surely, it is a great scandal to see the division list on this question, and to find one man going into this lobby and another into that, merely because they happen to sit on a certain side of this House. Let each man take this question to his individual conscience; let him consider whether he has a right to perpetuate a state of things which is so miserable for thousands of his fellow countrymen. If each one will do so I cannot but believe that the true spirit of Christianity will induce him to allow a measure of freedom and tolerance, and, though he might shrink from such a union himself, convince him that he ought not so cruelly to forbid it to others. I do hope that the House will consent to put an end to the miserable anxieties and difficulties which, in consequence of the present state of the law, surround the devolution of property, to give peace to those susceptible minds which are now so disturbed and unhappy, and to reconcile the law of the land with the conscience of the British people.

MR. BUXTON said, he begged to second the Motion.

Motion made, and Question proposed,—"That leave be given to bring in a Bill to legalize marriage with a deceased wife's sister."

MR. WALPOLE: My hon. Friend has certainly made a very able speech in defence of the proposition which he has submitted to the House. He said at the beginning of his speech that he understood there was to be no opposition to the introduction of the measure. I believe, Sir, that, with the exception of one single instance, no opposition was ever made to the introduction of this Bill, because, when what is represented to be a large number of people send a measure to be considered, it is only respectful to them that it should be laid on the table of the House, and that the fullest attention should be given to it. For that reason, then, if for no other, I should certainly not rise to oppose the introduction of the Bill; nor, indeed, should I rise to make any objection upon the speech of my hon. Friend, did I not think it right to guard myself, as well as the House generally, against one or two of the propositions which he advanced, but which I do not think he intended to enforce in the latitude and to the extent which his words suggested. My hon. Friend adverted to the Act of that great jurist and statesman, Lord Lyndhurst, which he informed us was not Lord Lyndhurst's Act. Whether it was or not I will not now stop to inquire, but I cannot admit that the scope of that Act and its effect upon the people of this country were fairly represented by my hon. Friend. Down to the time when that Act was passed a marriage with a deceased wife's sister stood in the category of what were called voidable marriages—that is to say, that within a certain period after such an union was contracted, it was in the power of any interested party to apply to the Court to set aside the marriage, and get it declared void, notwithstanding that the parties had cohabited, and that children had been born; but if within the prescribed time no one attempted to set it aside, then the marriage was not void. Lord Lyndhurst's Act made this change in the law—it provided a remedy for those cases where such marriages had been contracted previous to its passing, but instead of leaving the law in an uncertain state, which in the case of marriages of any kind, is the worst state in which the law can be, it laid down the rule, conformably with what had been the precept of the Christian Church, that such marriages, in point of fact, were not sanctioned by the law of God, and would in future be deemed illegal. My hon. Friend seemed to me to represent to the House, by the *argumentum ad invidiam*, that the law to which I have adverted drew a distinction between the rich and the poor—that it was a law in favour of a great duke and not of the people. [" Hear, hear !"] I presume from that cheer that hon. Gentlemen think that the distinction does exist. Is it so ? The Act decided retrospectively that none of these marriages could be set aside down to that period, no matter whether they were contracted by a duke or any great peer, or by any person whatever. Well, did the Act make any distinction between rich and poor prospectively as to these marriages ? Certainly not ; it placed all on precisely the same footing. Whether the law be good or not is not the point with which I am dealing ; but I venture to say, and no one can contradict me, that the law did not make a distinction between the rich and the poor as my hon. Friend, I think, inadvertently and with too great latitude, endeavoured to represent. There is one other point on which I think my hon. Friend was not so guarded as he should have been, and it is a very important one. My hon. Friend used such a latitude of expression in describing his measure, that I am at a loss at this moment to understand the exact nature of it ; and that is another reason why I should be curious to see it. I understood my hon. Friend to say that his Bill was simply to enable persons to contract marriages before a registrar without interfering with any ecclesiastical rule ; but he spoke so loosely that I do not know whether he intended that any person might contract a marriage with any other person, and that provided it was done before a registrar it should be legal.

MR. MONCKTON MILNES : — The scope of my Bill is solely confined to marriage with a deceased wife's sister.

MR. WALPOLE : I am glad that my hon. Friend has explained this point, for his speech suggested the idea that the measure applied to marriages generally. He used the remarkable phrase that persons ought to be at liberty in this matter, and that all he wanted to do was, in the exercise of that freedom, to make that a marriage which would now be concubinage. If that argument is sound I wish to know whether my hon. Friend is prepared to say that a similar freedom is to be given to all persons who are now living with women whom they cannot at present marry, as well as to those who wish to marry their deceased wives' sisters. Is the law to be partial in this respect or general ? Do not argue the question on the ground of general freedom unless you are ready to give a general power. If you are going to make a special exception in favour of a particular class, found your proposal on reason and morality, and then you will substantiate your case ; but if you proceed on the popular notion that there is to be no restriction on personal liberty in such matters, and that, provided the contract is a civil one, a man is to be at liberty to marry whom he pleases, with the condition, I presume, that there is no consanguinity between the parties to prevent a marriage, see upon what a flood of immorality you will immediately launch the people of this country. I entreat my hon. Friend to consider the consequences of this measure before he is so sanguine, as he seems to be, of altering the law of marriage in this country to the extent he proposes, without exposing himself to the argument that, on the same grounds as those he now urges in favour of this kind of marriage, he will be bound to admit as legal other unions from which he now revolts, and which he knows the Legislature would never tolerate. I will not enter further into the discussion of the measure at this stage, nor do I intend on any future occasion to argue this question upon what my hon. Friend conceives the opponents of the Bill will be likely to argue it, on theological, still less on ecclesiastical grounds. I found my arguments on this, and I believe I am right, that the last thing a nation ought to do is to alter its law of marriage, especially when a moral, religious, and therefore the best of all sanctions has been given to it by the usages of the country, by the feelings of the people, and by the high moral tone which the nation has derived from it. I deprecate any alteration of the law of marriage, which has been sanctioned by the usage of so many centuries; but I still more deprecate any alteration of that law unless you are satisfied that you can take your stand upon some intelligible principle, which will prevent the alteration being extended still further hereafter. My firm belief is that you cannot do that. My firm belief also is, that if the people of this country were fairly canvassed with reference to this question, the great majority of them would say, as they have said hitherto, "Leave the law as it is." Give the greatest freedom you can to the people to marriage provided they do not break through those obligations which have contributed more than anything to raise this country to the high position as to morality which it now occupies, but do not peril this upon any imaginary notion of general freedom, unless you can prove upon grounds of morality that that freedom will not deteriorate, as I believe this measure will deteriorate, "the moral condition of the people of this country."

Mr. MONCKTON MILNES said, he wished to explain that he had strictly confined his remarks to the case of marriage with a deceased wife's sister. That was the subject to which, following the usage of the House, he had endeavoured to restrict himself, and he had no apprehension that the provisions of the Bill would be extended to any other relation of life. He wished for no change whatever that was not required by some large body of public opinion in the country.

Mr. VINCENT SCULLY said, he thought the question was eminently a question for the consideration of the hon. Member's countrymen, and still more of his countrywomen. The House ought to be guided exclusively in the matter by the feelings of the women of the country. He had done all that lay in his power to ascertain what were the feelings of his own countrywomen on the subject. They were unrepresented in that House, and he entirely surrendered his judgment to what he might consider to be their feelings and instincts, for, of course, whenever a measure was passed in England it was likely to be extended to Ireland, and he had always found that they revolted against such a law. He had descended amongst the lowest classes of his countrywomen and found that such a measure was as repugnant to them as it was to the higher classes, and he would, therefore, vote against it.

Motion *agreed to.*

Mr. Walpole

Bill to legalise Marriage with a Deceased Wife's Sister, *ordered* to be brought in by Mr. MONCKTON MILNES, and Mr. BUXTON.

Bill *presented* and read 1°.

METROPOLIS LOCAL TAXATION, &c.

SELECT COMMITTEE MOVED FOR.

Mr. AYRTON, who had given notice to move for—

> "A Select Committee to inquire into the local taxation and government of the Metropolis, and the expediency of constituting the Metropolis a county of itself, for the administration of justice and the better management of its affairs."

Said, that in rising to move for the Appointment of a Select Committee to inquire into the Local Taxation and Government of the Metropolis and the Local Administration of Justice therein, he wished at the outset to disclaim any desire, such as had been imputed to him, of absorbing every district authority in the Metropolis, and substituting a single corporation which should administer all its affairs. He entertained no such desire. On the contrary, he adhered to the principle upon which the Local Government of the Metropolis was originally established—namely, that there must be Local Boards for district purposes, and, at the same time, a corporation aggregate which should deal with all those questions which could not possibly be discussed by the Local Boards or Vestries. If that principle had been constantly adhered to as the Metropolis increased, there would have been no necessity for now discussing the subject of Metropolitan Government and Taxation. Unfortunately, it had not; attempts had been made to get over the difficulty by partial Legislation, and during the present century not less than 400 Acts of Parliament had been passed to dispose of small and inconsiderable questions as they had arisen. At length, Lord Llanover introduced a measure which was somewhat comprehensive, and if that measure had given perfect satisfaction, all further trouble might have been avoided. It had not, however, answered the expectations of those by whom it was framed. It had not satisfied the inhabitants in consequence of the manner in which the Metropolitan Board was elected; and it had not satisfied the public because that Board had not sufficient powers to enable it properly to discharge its duties which it ought to undertake. Last Session the House was troubled with a Bill upon this subject of such vast dimensions that it could not pass it, and he supposed that a similar measure would be introduced this year. Difficulties were always arising as to water, gas, or the Thames; but a still more important question demanded attention. The Board of Trade had invited the House to take some steps to prevent the Metropolis being placed at the mercy of a number of railway companies. Another difficulty which was much felt was, that the communication between the two banks of the Thames was in a most unsatisfactory state. Tolls were exacted at one place; in another there was a tottering bridge. The Metropolitan Board of Works, when asked by the Metropolitan Members what they wished to do, presented a schedule of works which they desired to carry out, the cost of which would be £15,000,000. That was a most alarming demand; and this formed one branch of the inquiry which he desired that a Committee should undertake. The second branch of the inquiry related to the administration of justice, which was different on one side of Temple Bar from what it was on the other; and, to the injustice of withdrawing men who lived in the heart of the Metropolis from their homes and business to serve as jurors at Guildford, or somewhere in the middle of Kent. The third head of the inquiry which he desired was the Local Taxation. The inhabitants of the Metropolis complained that the direct taxation levied upon them was increasing year by year, and also that they were subject to a large amount of indirect taxation. The City of London claimed the Metropolis as a private inheritance, and levied from it a sum of £60,000 or £70,000 a-year, which, it said, was as much its private property as was the estate of any individual. A Committee sat on the subject but made no report; he desired, therefore, to rake up the investigation and see whether there were not some abuses arising out of antiquated pretensions no longer applicable to the existing state of things. When such enormous sums were collected from the inhabitants, it became necessary to inquire whether they were justly levied, by whom they were collected and to what purposes they were applied. No one could have a right to levy indirectly a special tax on the inhabitants of the Metropolis, and, at the same time, to be wholly irresponsible as to the application of the funds. He desired to have the subject sifted to the bottom, with the object of procuring the ultimate establishment of an efficient local administration. It was of the utmost importance that in the governing body of the Metropolis all classes should be represented. Not merely ought the respectable shopkeeper to take part in its deliberations, but it should also include men of rank and station; and, by acting on proper principles a local administration would be secured, which would act in accordance with the true interest of the inhabitants, and thus command their respect, at the same time that it would prevent the City from being given up as a prey to schemers and speculators. The hon. Member concluded by moving

> "That a Select Committee be appointed to inquire into the local taxation and government of the Metropolis, and the local administration of justice therein."

VISCOUNT ENFIELD said, he rose to second the Motion, though he could hardly say that he was very sanguine as to the result of the inquiry. The difficulties in the way of satisfactory legislation were enormous, and were every day increasing in magnitude. All those interested in the welfare of the Metropolis, therefore, owed a debt of gratitude to the hon. Member (Mr. Ayrton) for his attempt to grapple with them; and he would no less be entitled to the thanks of the House if through the instrumentality of the Committee they were saved in future from the eternal repetition of metropolitan questions. He had no wish to cast blame on the Metropolitan Board of Works, but from its very birth it had been impossible that it could give satisfaction to the ratepayers. Not one of the extensive questions connected with the gas companies, tolls, the administration of justice, or the direct and indirect taxation of the citizens, had received a satisfactory solution, and he feared this Augean stable hardly admitted of being thoroughly cleansed. The Committee, however, was a step in the right direction, and he hoped that whoever consented to sit upon it would not shirk his share of the work, but would earnestly strive to do justice to all concerned, and to bring about a result satisfactory to the House and to the country.

MR. SPEAKER said, that as the terms of the Motion placed in his hands differed from those of the Motion on the Notice Paper, he wished to draw particular attention to the proposal of the hon. Member. It was, "That a Select Committee be appointed to inquire into the local taxation and government of the Metropolis, and the local administration of justice therein."

Sir WILLIAM JOLLIFFE expressed a hope that the appointment of the Committee would not prevent the consideration by the House of several useful measures respecting the Metropolis of which they had promise. The coal tax, for example, with the authority under which it was levied, and the objects to which it was applied, must shortly come under the notice of the House. That was an indirect tax levied upon the inhabitants of the Metropolis, but those who paid it had not the smallest means of questioning its appropriation. He trusted, therefore, that the Government by assenting to the Committee would not prevent useful legislation on that or any other subject of local interest.

Sir GEORGE LEWIS: The Government of the Metropolis seems to me to be a question by itself: our ordinary institutions for local government, the organization of a county and the organization of a borough—seem equally unsuited to the case of London. With a population now approaching 3,000,000, and with the enormous extent of our Metropolis, the diversity of its interests, and the magnitude of its distances, the attempt would be vain to govern it by a single representative body exercising the ordinary functions of a town council. It therefore becomes necessary to devise peculiar machinery for the local government of different parts of London; and I confess that appears to me a problem of very great difficulty. We start with this anomaly, that we have an ancient corporation representing what formerly was the entire, or nearly the entire, of the City of London, but which now covers only a small portion of its area; and aggregated round that small nucleus we have the principal part of the town which is exempt from the peculiar jurisdiction of the Corporation of London. Under these circumstances, Lord Llanover introduced a Bill for the establishment of a Central Board of Works, created by election from the various districts. It was a considerable advance and improvement on any institution which the Metropolis then possessed. But I am quite aware it was breaking ground for the first time in the constitution of a body representing the entire Metropolis, and, as a few years have passed, I think its operations may well undergo scrutiny by a Committee of this House. I am, therefore, prepared, as far as the constitution and proceedings of the Metropolitan Board are concerned, to assent to the appointment of this Committee. There is, also, a variety of questions connected with the administration of justice in London which may fairly be brought within the scope of its inquiries. Possibly the Committee may have something to say on the Corporation of London; but I confess that, although I do not say it is impossible to propose some fresh changes in the constitution of that Corporation, I doubt if any addition can be made to the facts which are already in the possession of this House with respect to it. To that extent I consent to the Motion of the hon. Gentleman, and think his labours may be attended with useful results. But I do not understand that the appointment of this Committee is to hang up every measure of useful reform affecting this immense Metropolis during the present year, especially a measure affecting the coal duties, with respect to which legislation in the present Session is an absolute necessity. I never understood that the appointment of a Committee took everything out of the hands of the House, or that it was not competent for the House to pronounce an opinion because a Committee of Inquiry was sitting upstairs. I trust I shall not be understood as debarring myself from assenting to any measure which is in progress, although this Committee may be sitting, and its labours may be attended with beneficial results.

Mr. LIDDELL said, he should be very glad if he could extract something in the shape of a pledge from the right hon. Gentleman that he would listen to no deputations on the subject of the metropolitan coal tax until the whole question had been fully considered by a Committee. That tax was not more unjust and odious to the Metropolis than to the producers of the coal in the part of the country he had the honour to represent. He had heard unpleasant rumours abroad that the Corporation of London on the one hand, and the Metropolitan Board of Works on the other, had a strong interest in the continuance of that tax. That tax had been charged with heavy liabilities which would cease in 1868. He hoped the right hon. Gentleman the Home Secretary would tell any deputations which waited on him on the subject that he should leave it to the discrimination of the Select Committee first to determine the question.

Mr. LOCKE said, he thought the proposed Committee would prove of comparatively limited value if its inquiries were confined to the Metropolitan Board of Works. The right hon. Gentleman said that the constitution of a county was inapplicable to the Metropolis; but in point of fact the Corporation of London had a recorder, a common serjeant, a Judge of a Small Debts Court, a militia, an artillery company, and a Court of Lieutenancy—in fact, everything which a county possessed except a Lord Lieutenant. He did not see, therefore, why the Corporation should not be extended, and why it should not be entrusted with those functions which were performed by the Board of Works. The complaints which were made against that Board were owing to the unsatisfactory mode in which it was elected. The City of London should no longer be confined to its present small area but extended, as in ancient times it had been, and for that purpose the Metropolis ought to be divided into wards, and the representatives of those wards elected by the inhabitants directly. The Metropolitan Board of Works was a kind of distillation. The members of it were selected by the vestries of the different parishes out of their own body, and not being elected directly by the people, did not enjoy the confidence which a corporation would enjoy. He did not see why the powers which were given to the Metropolitan Board of Works, should not have been given to the Corporation of the City of London, extending the bounds of the City from time to time as the Metropolis extended, so that there might be one great governing body throughout the Metropolis. He knew that that proposition had been considered over and over again by the right hon. Gentleman, who gave as his reason against it that the Corporation would be so powerful that it would interfere with the Houses of Parliament. [Sir GEORGE LEWIS: He had never said so.] He had not the precise words of the Report of the right hon. Gentleman and his Colleagues, but the reason given was that if the Corporation were extended it would be too powerful a body. The Metropolitan Board of Works was not a powerful body. It was simply a great taxing engine, and taxing engines were not popular. The Corporation of London had this advantage, that it had property yielding it £60,000 a year entirely at its own disposal, which enabled it to make everybody comfortable; whereas the Metropolitan Board of Works had to levy heavy rates which made everybody uncomfortable. He thought the inquiry ought not to be confined, but that the Committee ought to consider whether the Corporation might not be extended to the whole of the Metropolis.

MR. PULLER said, he was in hopes that the right hon. Gentleman would have stated that he intended to carry out the recommendation of the Commission with regard to the coal tax. The concluding part of the Report stated that

> "Looking to the unequal incidence of the coal tax, and to the dissatisfaction which it creates in the district over which it is levied, we strongly incline to the opinion that even if it should not be thought expedient to disturb the existing arrangement for 1862, yet it is desirable to abolish it from that period, and to substitute for it a rate levied on the whole Metropolis."

The principle of taxation was, that those should pay the burden who enjoyed the benefit. That principle was violated by the extension of the coal tax over a radius of twenty miles. He had heard a rumour that it was intended by the right hon. Gentleman (Sir George Lewis) to substitute for the present area of coal taxation the area adopted for police purposes. If the proceeds of the tax were devoted to the payment of the police there might be a reason for such a scheme, but as it was the proposal would not have common sense to support it. The tax, as at present levied, bore oppressively on manufacturers as well as on the poor. Those manufacturers who lived within its area must be placed at a disadvantage as compared with those who had not to pay the impost. He had heard from one firm that it involved a payment by them of £220 a year, and from another that it cost them £400.

SIR MINTO FARQUHAR said, the right hon. Secretary for the Home Department, in January last year, had stated, on the occasion of introducing a Bill for the regulation of the Corporation of London, that it was his intention to deal with the coal duties that Session. The Corporation Reform Bill, however, fell to the ground, and the promised measure in reference to the coal duties fell to the ground also. The same promise was now repeated for the present Session, but he feared that though a measure might be introduced it would fall in the massacre of the innocents if its introduction were delayed to a late period. He hoped that the right hon. Gentleman would take into consideration all that had been said by his hon. Friend (Mr. Puller), and would not permit the coal duty to be levied any longer over an area of twenty miles from the Metropolis. The inhabitants of Hertford felt excessively aggrieved by this tax; and there was one singular circumstance, that coals which went to Hertford, and were there taxed, actually passed through Ware, which being just over the twenty miles from London, did not have to pay the tax. The provision was one clearly unjust in its operation. The coal duty was re-imposed in 1845 until 1862, and therefore this was the proper time to consider the matter. He appealed to the justice of the House whether it was right that towns twenty miles off should still pay for metropolitan improvement. He hoped that his right hon. Friend (Mr. Cowper) would use all his influence with the Government to prevent the continuance of this evil.

Sir JOHN SHELLEY said, that a discussion on the coal tax would be raised more legitimately on the introduction of the Home Secretary's Bill than it was on the present Motion. When that measure was definitely before the House, no doubt many hon. Members would be ready to say it was unjust that the town of Hertford should be made to pay the tax. He did not see that the House of Commons had anything to do with the local self-government of London. It was true that they passed a Local Management Act some time ago, and it was said that the Metropolitan Board of Works had not given general satisfaction. He was not one who condemned them. It must be remembered that that body had had great difficulties to contend with, and there was an old saying about giving a dog a bad name. That was what had happened to the Metropolitan Board of Works. If members of the Board did not do their duty, let others be chosen in their places, but do not let the Act be condemned because the majority of the ratepayers neglected their duty with regard to local affairs. He thought that before they decided on the continuation of the coal tax they should decide who was to have the expenditure of the money. He understood the Government had now appointed a Commission to inquire into the embankment of the Thames, and if that was so he saw no reason why the Government should not grant the coal tax for another year in its present shape.

Motion *agreed to.*

Select Committee *appointed,*

"To inquire into the Local Taxation and Government of the Metropolis, and the local administration of justice therein."

Sir Minto Farquhar

MR. CLARE'S IRON VESSEL PATENTS.

CORRESPONDENCE MOVED FOR.

Mr. HENNESSY, in moving for copies of Correspondence which had passed since November, 1853, to the present time, between John Clare, jun., and the Board of Admiralty and the Surveyor of the Navy, on the subject of Mr. Clare's patents and plans for building iron vessels for the Royal Navy, and of similar correspondence with the Board of Trade and with the Treasury, explained that in 1853 Mr. Clare submitted certain plans to the Board of Admiralty for building iron ships, which were condemned and refused by them. Since then a long correspondence had taken place, and Mr. Clare alleged that the *Warrior* and other iron vessels were now being built on his scheme, and that his patent had been infringed without any remuneration being given him. He understood that the Secretary of the Admiralty objected to the production of the correspondence on account of its length and its irrelevancy, but he should be quite content to have the essential part of it—that which gave the original plans and the decision of the Admiralty upon them, so that the House might be in possession of full information on the subject.

Motion made, and Question proposed,

"That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of Correspondence which has passed since November 1853 to the present time between John Clare, junior, and the Board of Admiralty and the Surveyor of the Navy, on the subject of Mr. Clare's Patents and Plans for building iron vessels for the Royal Navy;

"And, of similar Correspondence with the Board of Trade and with the Treasury."

Lord CLARENCE PAGET said, he felt bound to refuse the production of the correspondence. Mr. Clare's claims had been referred to the Comptroller and the Solicitor of the Navy, and they had decided that they were entirely without foundation. The correspondence was of great length, comprising no less than eighty letters, and was very irrelevant. He, therefore, thought it very unadvisable to produce it. He might add that both the late First Lord and the Secretary of the Admiralty concurred in this course.

Mr. BENTINCK said, he regretted that the noble Lord had thought proper to refuse to comply with the request of his hon. Friend. He need not remind the noble Lord that for many years there had been frequent charges preferred against the Board of Admiralty for condemning, in the first instance, without due consideration, suggestions laid before them for the benefit of the service, which, in many cases, they had subsequently adopted. The object of his hon. Friend's Motion was to establish the fact that the Admiralty had, in the first instance rejected, and afterwards adopted the plan. It was not one charge but a hundred charges of a similar kind that had been brought against the Admiralty, and that should be a reason why the Government should not refuse to accede to the Motion, especially as his hon. Friend was willing to reduce it within the narrowest possible limits—namely, to the correspondence between Mr. Clare and the Admiralty between the years 1853 and 1854.

MR. JACKSON said, he hoped the noble Lord the Secretary of the Admiralty would consent to the suggestion of the hon. Member for Norfolk. Much had been said about Mr. Clare's claims out of doors, and the Admiralty would only be doing a simple act of justice to themselves in producing the correspondence, so that the public might see whether he was right or wrong in his allegations.

SIR JOHN PAKINGTON said, he was not surprised to find that his noble Friend had refused to accede to the Motion as it had been proposed. But he thought his noble Friend might fairly adopt the suggestion that he should give the correspondence which had passed upon that subject in the years 1853 and 1854.

LORD CLARENCE PAGET said, he would consent to do so.

Motion, by leave, *withdrawn.*

Address for

"Copies of Correspondence which has passed in the years 1853 and 1854 between John Clare, junior, and the Board of Admiralty and the Surveyor of the Navy, on the subject of Mr. Clare's Patents and Plans for building iron vessels for the Royal Navy."

Agreed to.

POOR RELIEF (IRELAND).

COMMITTEE MOVED FOR.

MR. CARDWELL said, he rose to move for a Select Committee to inquire into the administration of the relief of the poor in Ireland under the orders, rules, and regulations issued by the Poor Law Commissioners, puruant to the provisions of the Poor Law Acts, and into the laws relating to the relief of the poor in Ireland. Last year he moved for a Bill to make certain changes in the administration of poor relief in Ireland. Soon after he received a communication from a large body of the representatives for Ireland requesting that the Poor Law Commission should not be continued for five years, but for a shorter period, and that a Parliamentary inquiry into the operation of the Poor Law in Ireland should take place. The answer he gave was, that if the Government saw nothing objectionable in such an inquiry it would be granted. The Bill was subsequently passed continuing the Commission for only two years; and now, in compliance with the desire so strongly expressed he moved for the appointment of a Committee. He did not, however, believe that any important changes in the Irish Poor Law were likely to result from this inquiry. The Poor Law system of Ireland was, he believed, founded on principles of wisdom, and in the main it had been administered with great ability and wisdom by the Commissioners. The law had stood the test of very trying seasons and had been found adequate to every occasion; its operations had tended materially to the relief and well-being of the poor of Ireland.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the administration of the Relief of the Poor in Ireland, under the Orders, Rules, and Regulations issued by the Poor Law Commissioners, pursuant to the provisions of the Poor Law Acts, and into the operation of the Laws relating to the Relief of the Poor in Ireland."

LORD NAAS said, he thought it was unnecessary to appoint a Committee on the subject. There had been no failure of the law, there had been no statement of extravagant expenditure on the one hand, or of insufficient relief to the poor on the other. Nor had any great change been demanded. He was not aware that any charge had been made against the Poor Law Commissioners for any maladministration on their part. On the contrary, he thought the general feeling of the people of Ireland was that those gentlemen had administered the law with great ability, and with as much satisfaction to the public as could be expected from gentlemen in their position. Ample information, in the shape of the voluminous details that were printed every year, was already before the House, and in possession of the country. The inquiry, therefore, was unnecessary, and might be mischievous in raising delusive hopes.

Mr. POLLARD URQUHART said, he tendered his thanks to the right hon. Gentleman for the appointment of this Committee, as he believed an inquiry might lead to a good result, and be the means of assimilating the law of England and Ireland.

Mr. MAGUIRE observed, that the people of Ireland were not so much enamoured with the administration of the Poor Law Commissioners as the noble Lord (Lord Naas) seemed to think. On the contrary, they had given great dissatisfaction to the gentry by the supercilious and insolent way in which they conducted themselves, and to the people generally, by the manner in which they had administered the funds for the relief of the poor. The workhouses were no proof of the state of the labouring population, for the workhouse relief fell far short of the intention of Parliament and the public. But for the religious and charitable associations in Cork, which distributed about £3,000 a year in out-door relief, the squalor and wretchedness of that city would be greatly intensified. He believed that a judicious administration of out-door relief would be a great improvement on the present system. The whole subject required careful inquiry by a Select Committee.

Mr. VINCENT SCULLY said, he considered that the inquiry would be useful, because it would give the Poor Law Commissioners an opportunity of vindicating themselves. In order that the inquiry might be less restricted, he would move the omission of the words, "under the orders, rules, and regulations issued by the Poor Law Commissioners."

Mr. HENNESSY seconded the Amendment, as he thought the inquiry ought to be as general as possible. He held that the Irish Poor Law was one of the worst Acts upon the statute book.

Amendment proposed, to leave out the words "under the Orders, Rules, and Regulations issued by the Poor Law Commissioners."

Mr. VANCE said, he could not agree that it was desirable to assimilate the Poor Law in Ireland to that of England. A vast mass of pauperism existed in that country, which would render the application of the principle of out-door relief most dangerous. He could not see that the inquiry was required from any misconduct on the part of the Poor Law Commissioners. There might have been some error in the administration of the law, but there had been no case of misconduct alleged against the Commissioners. It had been the rule in England that deserted children should be brought up at the expense of the State, but the right hon. Gentleman introduced a Bill last year which would altogether alter that wholesome rule. He did not at all think that the Bill of last year was worthy of the commendation which had been passed upon it. He did not object to the appointment of the Committee, because he believed that if honest evidence was brought before it, the effect would be to keep things in Ireland, in respect to the Poor Law, precisely the same as they now were.

Mr. GREGORY said, he thought the Secretary for Ireland ought to accept the Amendment. He could not agree in the advantage to Ireland of assimilating the law of the two countries; for having sat as a member of a Committee up stairs to consider questions of immovability and settlement, he thought it most fortunate that Ireland had escaped the evils of a law of settlement.

Mr. CARDWELL said, his object was to impose no limitation whatever upon the inquiry of the Committee.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Select Committee *appointed,*

"To inquire into the administration of the Relief of the Poor in Ireland, under the Orders, Rules, and Regulations issued by the Poor Law Commissioners, pursuant to the provisions of the Poor Law Acts, and into the operation of the Laws relating to the Relief of the Poor in Ireland."

METROPOLIS LOCAL MANAGEMENT ACTS AMENDMENT.

LEAVE. FIRST READING.

Mr. TITE, in moving for leave to bring in a Bill to amend the Metropolis Local Management Acts, said it was, in point of fact, the same Bill which was brought into the House rather late last year. A difference of opinion then arose as to the apportionment of some debts which had been left by a former commission, and, in order to avoid the difficulty, he had divided the measure of last Session into two Bills. It had been said that the Board was a great taxing machine, but it should be remembered that they had the whole drainage of the Metropolis to attend to, and had to spend £3,000,000 for the purpose, as well as to pay off large debts which they did not themselves incur. He moved for leave to bring in the Bill.

VISCOUNT ENFIELD said, he wished to ask whether the hon. Member intended to refer the Bill to a Select Committee, as was done last Session?

MR. CAVE hoped the hon. Member for Bath in his Bill of this Session had provided an appeal for those who might feel aggrieved at the decisions of his Board. They were told last year that the Bill could not be worked with such a provision, which meant, he supposed, that the action of the Board would be so oppressive as to drive a number of people to the unprofitable venture of attacking a strong body who would defend themselves with the plaintiff's own money. In spite of the panegyric of the hon. Baronet the Member for Westminster (Sir John Shelley) the public were not, he thought, sufficiently satisfied with these irresponsible Boards to wish their powers to be increased without some better remedy against injustice, or to deliver themselves up bound hand and foot without the means, however small, of striking a blow in self-defence.

MR. TITE said, it was not his intention to ask that the Bill should be referred to a Select Committee. The expenditure in the Committee of last year had been some £12,000, of which the Board had paid £4,000. He proposed that the second Bill which he was about to introduce should be so referred.

MR. LOCKE hoped that the House would watch narrowly the course adopted with regard to these two measures, particularly after their experience of the course pursued during the last Session.

Leave given.

Bill to amend the Metropolis Local Management Acts, *ordered* to be brought in by Mr. TITE and Mr. BRISTOW.

Bill *presented* and read 1°, to be read 2° on *Friday* next, and to be *printed.*

REGISTRATION OF BIRTHS, &c. (IRELAND)

LEAVE. FIRST READING.

LORD NAAS, in moving for leave to introduce a Bill in order to provide for the registration of births, deaths, and marriages in Ireland, stated that this Bill was similar in its provisions to one which he had introduced last year when he had the honour of being Chief Secretary for Ireland; the only alteration being that he proposed to pay the registrars by salary instead of fees, and to make a considerable diminution in the number of superintendent registrars. He hoped eventually that they would be able to do with one in each county. He did not wish to conceal from the House that the difference between his Bill and that of the Government was as wide as possible; and, therefore, he hoped the House would fairly examine them both. But to whichever of the Bills the House gave the preference, he hoped that Session would not pass without one of them being adopted; for it was a crying disgrace that Ireland should have remained so long without some statistical information on these points—information which was obtained in every other country in Europe except Hungary and Turkey.

Leave given.

Bill to provide for the uniform Registration of Births, Deaths, and Marriages in Ireland, *ordered* to be brought in by Lord NAAS and Mr. WHITESIDE.

Bill *presented* and read 1°, to be read 2° on *Tuesday* next, and to be *printed.*

On the Motion for nominating the Select Committee,

POOR RELIEF.

SELECT COMMITTEE NOMINATED.

SIR JOHN PAKINGTON said, he objected to the large number of Members, twenty-one, named as the Committee. The former practice of the House was to limit the number of Select Committees to fifteen, and it would be better rather to diminish that number than increase it; but lately, and especially in the present Session, the practice of appointing Committees of much larger numbers had grown up. A Committee had already been appointed of twenty-one Members. That under consideration would be the second of the same number, and he had seen the list of a Committee, not yet named, that was to consist of thirty. Such a practice led to great inconvenience. There were fewer to choose from, the attendance was less regular, and he believed the business was not so well done as by a smaller number.

MR. C. P. VILLIERS said, the investigation to be undertaken by the Committee was not an ordinary one. It was desirable to include hon. Members who had had experience of the operation of the Poor Law system in all parts of the country. A great number of hon. Members had applied to have their names put on the Committee, and two former Committees on the same question, had consisted of twenty-one. The number, therefore, was not without precedent, and he had heard regret expressed that the Committee was not larger.

Ordered,

That the Select Committee on Poor Relief do consist of Twenty-one Members:—Mr. SOTHERON ESTCOURT, Mr. BAZLEY, Mr. AYRTON, Lord FERMOY, Mr. VILLIERS, Mr. WALPOLE, Mr. EDWARD PLEYDELL BOUVERIE, Sir ARTHUR BULLER, Mr. KEKEWICH, Colonel PENNANT, Lord STANLEY, Lord ROBERT CECIL, Sir WILLIAM JOLLIFFE, Mr. LOWE, SIR JOHN ACTON, Lord EDWARD HOWARD, Sir GEORGE BOWYER, Mr. CAIRD, Mr. ALDERMAN SIDNEY, Mr. LYALL, and Mr. MONCKTON MILNES:—Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at a quarter after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, February 25, 1861.

MINUTES.] PUBLIC BILL. — 1ª Lunacy Regulation.

LUNACY REGULATION BILL.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR said, he rose to present to their Lordships a measure to provide for the better management of Lunatics under the care of the Court of Chancery, and the more inexpensive application of their property. In doing so he remarked that they formed a very numerous body, and that, though their condition had been much improved of late years, there was room for still further improvement. The first object of the Bill was to facilitate the application of the property of lunatics to their maintenance; and it provided that in cases when a person has been properly certified to be a lunatic, and whose property does not exceed £500, the Lord Chancellor shall be enabled to apply it for his benefit in a summary manner and without inquisition. Again, a lunatic had now the right of traversing the inquisition finding him a lunatic, and the result was that he was often made the tool of persons whose object was only to multiply costs. The Bill proposed that after the first inquisition it should be in the discretion of the Lord Chancellor to grant a second inquiry. Another object of the measure was to render more efficient the inspection of lunatics by the visitors. The noble and learned Lord then *presented* a Bill to further diminish the expense of Proceedings in Lunacy, and to provide more effectually for the visiting of Lunatics and for other Purposes.

Bill read 1ª

SYRIA.—PAPERS MOVED FOR.

VISCOUNT STRATFORD DE REDCLIFFE said, it was in the interest of both Houses of Parliament, and consequently in that of the nation at large, that he proposed to move for papers connected with the late transactions in Syria. In Her Majesty's gracious Speech at the opening of the Session, three very important subjects connected with our Foreign Affairs were mentioned—namely, those of Italy, of China, and of Syria. On the subject of Italy, a Correspondence showing the amount of interest taken by the Government in the Italian question, had been laid upon the table of the House. The Treaty of Peace with China had also been communicated in that and the other House of Parliament, in addition to the copious blue book which issued from the Foreign Department at the close of the last Session. The war with China having terminated in a manner so creditable to the Government and so satisfactory to the whole country, one could not be surprised that so little public curiosity should prevail with respect to any Correspondence on that subject not yet communicated to Parliament. Syria stood in a different category. No Correspondence had been presented this year to Parliament relative to the transactions in that country. The substance of the Convention was laid in the form of a protocol upon the table of their Lordships' House before the recess, and the public had never ceased to take a lively interest in the progress and results of the interference of the Allied Powers. Six months had elapsed, during which both Houses of Parliament had been kept in utter ignorance of what either the Turks or their Allies had been doing in Syria. Now, thanks to the public press, their Lordships were aware that a Conference was opened at Paris, and that its object was to determine whether the occupation of Syria by French troops should or should not be prolonged beyond the term of six months prescribed by the treaty. Nothing was further from his intention than to embarrass Her Majesty's Government, but if any objection were made to the production of the Syrian Correspondence on the ground of the Conference, he should feel himself at liberty to inquire whether a distinction might not fairly be drawn between such papers as related to bygone occurrences and those which were immediately linked with the question now under discussion at Paris. But though a jealousy might naturally exist against raising a discussion on events with which that Conference was connected ; still there were some documents, sufficiently detached from the special question with which that Conference would be occupied, that could be laid upon the table. Military operations of a decided character had been carried on by the Turks; and, indeed, it would seem that, under the guidance of their active and intelligent Commissioner, Fuad Pasha, tranquillity had been restored to Syria before the disembarcation of a single soldier from France. Judicial proceedings, involving the lives and fortunes of many of the natives, had also been carried on in the presence of agents appointed by the Allies, not without a serious responsibility on their part. Moreover, a Commissioner was sent out to Syria about six months ago by the noble Lord at the head of the Foreign Department, with little diplomatic experience and important duties to perform. Having the honour of a personal acquaintance with Lord Dufferin he had full reliance on his capacity for discharging those duties with effect, and the little he had heard of his proceedings confirmed him in that favourable impression; but he could not shut his eyes to the propriety of enabling Parliament to form a judgment of his qualifications and official conduct founded on a knowledge of the Correspondence. Then, again—what was of far greater moment—there was the conduct of the Sultan and of his Government during so many important transactions. Surely, on these grounds, and on others which might be added, were he not fearful of wearying their Lordships' patience, Parliament was entitled to ample and early information on subjects of such important and extensive interest. Surely, it was highly desirable that both Houses of Parliament should be allowed an opportunity of declaring their opinions on matters so deeply important without any unnecessary delay. The condition and destiny of Syria could never be indifferent to England. Such an opinion might be justly entertained of other countries and of other transactions, but it applied emphatically to Syria. That country was held by competent judges to be the key to Egypt. That alone was a consideration of which the importance could hardly be exaggerated. Particulars would be superfluous; the mere name of Egypt was sufficiently suggestive. Our trade with Syria, as no inconsiderable branch of our extensive and growing trade with the Levant in general, had also no small claim upon our attention. Be it also remembered that our neighbours had claims which, if not strong in right, had, by traditions of long standing, a powerful hold upon their sentiments, and such ties were, as their Lordships well knew, but too likely to degenerate into movements of ambition fraught with danger to the peace of States and to the balance of power. Last, but not least, in the titles of Syria to our sympathy, was the recollection of its history and the numerous events connected with our religion and our literature, of which, from one period to another, it had been so frequently and remarkably the witness and the theatre. For one, he should be glad to hear that the present occupation of Syria was to cease with the terms assigned to it by the treaty. Not that he would willingly entertain, without clear and irresistable reasons, any mistrust of the Power whose troops were acting on behalf of the Alliance. He should be very slow to believe that any Sovereign would risk his honour and position for the gratification of a shortsighted ambition, in defiance of express engagements contracted with the chief Powers of Europe. But it was due to the independence of the Sultan, and, in some respects, to the feeling of the country itself, that a foreign occupation of Syria should not be extended beyond the limits of a strict necessity. At the same time their Lordships would perhaps agree with him that in withdrawing the protection of an allied force from that country other and less doubtful securities ought, if possible, to be obtained for the maintenance of peace and the prevention of fresh disorders. The inhabitants of Mount Lebanon were entitled to an independent administration combined with the payment of a fixed annual tribute. With the exception of the Egyptian occupation under Mehemet Ali their mountains had always resisted the Turkish power with success; but their blood feuds and religious animosities exposed them to the danger of frequent collisions, and to the effects, more or less of that mutual ferocity which had shocked and disgusted Europe last year. Unfortunately the rival populations were in some districts so intermingled, that the administration of justice was continually impeded, and provocations to quarrel and murder, on a larger or a smaller scale, were unhappily most frequent. Under these circumstances the problem to be solved was not an easy one, and it might be doubted whether even a forced separation of the adverse races would sufficiently meet the case. It had been thought of heretofore, and the magnitude of the evil, as developed in the late massacres, might possibly justify an extreme measure, especially if it were true that the great high road from Beyrout to Damascus separated the Christian population from that of the Druses and other tribes circumstanced as they were. Disarmament had been already tried, but with no permanent result; though it would seem desirable, on the whole, under present circumstances, to repeat the measure. But his impression, which had no merit but that of being founded on considerable experience, was, that if Her Majesty's Government would seek to apply a comprehensive and lasting remedy, they should not consider the disease as wholly local, but as part and parcel of those infirmities of the Turkish empire, which had sapped its strength for centuries, and which were a frequent source of anxiety and danger to Europe, and more particularly to England, from its intimate connection with the welfare, the independence, and the commerce of Turkey. By the last Treaty of Peace we entered for the first time into a positive guarantee of the integrity and independence of the Turkish empire. It was evident that if England were at any time called upon to redeem her pledge in that respect she would have to repeat the risks and sacrifices of the Crimean War, and in these times of rapid change and of new international principles the danger which a few years back might have been deemed eventual, and even speculative, now hung over our heads, and threatened to rush in upon us at any moment without preface or admonition. He regretted the more what would seem to be in some degree a coldness and indifference to this danger on the part of Europe, and even of this country, because the prestige of the Sultan's authority was still full of vitality, because that Sovereign's general dispositions were favourable to reform, and because he had of late made a considerable sacrifice of his private interests to those of the empire; at the same time that the empire itself, while wearing out its remains of strength in consequence of its defective administration and other causes of weakness, with an army inadequate to the wants of so vast a territory, and a want of credit and sound system in financial matters, was still found equal to the repression of local disorders, and capable of improving its revenue to a considerable amount, notwithstanding its difficulties and the vices of its administration. That the Turkish Government required some friendly pressure from without in order to enable it to meet the just expectations of Europe could hardly be denied. But, in fact, that pressure had been long occasionally applied with the consent of the Sultan, who justly distinguished between the interested intervention of any single Power and the counsels, however urgent, of Europe, represented by the principal Powers acting in concert for the welfare of Turkey. Those Powers who joined in the guarantee established by the Treaty of 1856 had surely a right to call upon the Porte to give effect without further delay to those reforms which had been proclaimed by the Sultan, recorded by the treaty, and adopted by the best of the Turkish statesmen, and by none more than the present energetic and uncorrupted Grand Vizier. He could not sit down without expressing a hope that their Lordships would join with him in regarding these circumstances as so many facilities for urging with effect upon the Sultan and his Ministers a more prompt and efficient execution of the measures proclaimed in that great charter which was better known in the East by the name of the Hatti Humayoun, as the only means of warding off those perils which the continued decay and demoralization of the Turkish empire could not fail to bring nearer to us with every succeeding year. The recent occurrences in Syria traceable, as they were, for the most part, to those more extensive sources of evil of which he had given a hasty outline, afforded, in his opinion, an opportunity, and imposed an obligation, which, he trusted, would have due weight with Her Majesty's Government. Taken in their real connection with each other, they might justly be alleged to justify the length at which he had trespassed on their Lordships' indulgence, and to substantiate his claim to the papers for which he was prepared to move. The noble Lord then *moved* That there be laid before this House Correspondence respecting certain Events in Syria.

LORD WODEHOUSE said, he did not think Her Majesty's Government had been slow to give information on Foreign Affairs to Parliament; his noble Friend at the head of the Foreign Department had always furnished information as soon as he found it consistent with his duty to do so; but in the present state of affairs in Syria his noble Friend thought it would not be advisable to produce the papers for which the noble Viscount had moved. A Conference of the representatives of the great Powers and of the Porte was at this moment sitting at Paris, considering affairs connected with Syria, and to give to the House the Correspondence which had taken place up to the present moment upon the question would obviously lead to great embarrassment. It was impossible to separate different parts of the transactions, and it would not be of much service to produce merely a portion of the Correspondence; and, therefore, whilst he fully admitted the great importance of Parliament receiving ample information on this subject, he regretted to say on the part of the Government that he could not consent to the Motion. But he assured their Lordships that there should be no delay in furnishing them with the amplest information when the papers might be produced without detriment to the question. He did not think it necessary at present to enter into a discussion of the general state of Turkey; but as a considerable time had elapsed since anything had been said in their Lordships' House on the subject of Syria, he might mention one or two facts which might be interesting to their Lordships respecting that country. The facts were simply these, that the course taken by the Turkish Government, and by the Governments of the great Powers, acting through the French Government, for the purpose of restoring order in Syria, had not been without effect. It was only due to the Turkish Government to say that they had shown great energy in punishing those who were guilty of the horrible massacres that had taken place at Damascus. Out of 720 persons accused of these massacres 56 had been actually executed, including the commander of the Turkish troops in Damascus, and three other Turkish officers of high rank who had been shot. This proved that the Turkish Government were certainly not slow in inflicting upon those who were guilty of these horrible massacres the punishment which they deserved. After punishment had been inflicted at Damascus, measures were taken to capture the Druse chiefs who were principally guilty of the outrages that had taken place. A considerable number of these chiefs unfortunately escaped owing to mismanagement; but some of the most important surrendered themselves, and they had been put on their trial at Beyrout and condemned to death. Those sentences had not been executed, because the matter was still under discussion. The Lebanon had been occupied by Turkish troops, and a portion of the country had also been occupied by French troops. He could not help mentioning with regret that during that occupation the Christians took advantage of the presence of those troops to inflict wanton cruelties upon the Druses. Many men, women, and children belonging to the Druses had been murdered by the Christians. To show further the vindictive spirit of the Maronites against the Druses, he might mention that the Turkish Government having requested the Maronite bishops to deliver to them a list of the Druses who were guilty of the massacres, those bishops gave them a list of no less than 4,500 male Druses whose execution they demanded; the whole number of the male Druses in that part of the country not being more than 11,000. The matter was referred again to those bishops, who were requested to moderate their demand. They delivered a second list of those who they thought should not suffer a less punishment than death. That second list contained the names of no less than 1,200 persons. And when the Turkish Commissioners required witnesses to come forward to prove the charge against the persons accused they were told by the Maronite bishops that no witnesses were necessary. He mentioned these facts to show the bitterness of the feuds that existed between these tribes. Under these circumstances their Lordships would perceive that the work of restoring order in Syria had been no easy one. He trusted that as the Conference at Paris had not yet come to any decision, and it would, therefore, be inconvenient to produce the papers at present, the noble Lord would not press his Motion.

VISCOUNT STRATFORD DE REDCLIFFE said, that what had just fallen from his noble Friend appeared rather to supply him with a reason for persevering in his Motion, inasmuch as his noble Friend felt himself at liberty to make a recital—limited, indeed, but still a recital—

of the transactions to which he had referred while introducing the Motion proposed by him to the House. He was ready to receive most respectfully the statement of his noble Friend; still, he could not admit it to be entitled to as much weight as documents selected from the official correspondence, and presented to Parliament on the responsibility of Her Majesty's Government. He was, nevertheless, in the hands of the House, and if it was the wish of their Lordships that the Motion should be withdrawn he was ready to acquiesce in that wish on a distinct understanding that the required information should not be withheld longer than was absolutely necessary.

The Marquess of CLANRICARDE said, before the Motion was withdrawn he desired to say a few words. Seeing how anxious their Lordships naturally must be to have correct information on this subject, he trusted no opportunity of furnishing it would be lost. As they stood at present, the only information given them in reference to the matter presented two different views; the one being the British, the other the French view. Her most Gracious Majesty, in the Speech delivered from the Throne at the commencement of the Session, told them She had reason to hope that tranquillity would soon be restored in that part of the world; but the French Government with less reticence, had published in the newspapers a despatch which he supposed was correctly given, in which M. Thouvenel expressed a very different opinion, and gave for it very long reasons which he would not trouble their Lordships by reading at this moment. As regarded the political part of the question this was all the information they had, and of course they should like to be informed on what ground the view taken by Her Majesty's Government differed from that of the French authorities. He certainly should have thought that they might have had some narrative of events, which would not have interfered with the proceedings now going on; but the noble Lord (Lord Wodehouse) having told them this could not be done, he hoped that at the termination of the labours of the Conference they would know to what this country had been committed and what had been done; because it appeared to him that the Government of this country was as much compromised as that of France in respect of the occupation of Syria. However, he hoped their Lordships would soon be in possession of the fullest information on the subject, and would, therefore, say no more at present.

Motion, by leave of the House, *withdrawn.*

House adjourned at a quarter before
Six o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 25, 1861.

MINUTES.] PUBLIC BILLS.—1° Affirmations.
2° Appropriation of Seats (Sudbury and Saint Alban's).

NEW ZEALAND GENERAL ASSEMBLY.

QUESTION.

LORD ALFRED CHURCHILL said, he wished to ask the Under Secretary of State for the Colonies, Whether he has received official intimation of the passing by the General Assembly of New Zealand of a Bill constituting a Council to advise the Governor on all questions connected with the management of the Natives; and whether Her Majesty's Government have yet come to any determination in reference to the allowance or disallowance of such Bill?

MR. CHICHESTER FORTESCUE said, intimation of the passing of a Bill of the nature referred to had been received. The measure was one of great importance as it altered the power and position of Her Majesty's Government, and, likewise, of the Governor of New Zealand. It had received and was receiving the anxious consideration of the Duke of Newcastle; but owing to its important nature, and forming, as it did, only a portion of a very wide subject it was doubtful whether any confirmation of it would be sent out—by the mail leaving to-morrow. At all events, he thought that any communication on the subject should be made through the Governor; and that the first intimation ought not to be given to the colonists through the public press.

SALVAGE LAWS.—QUESTION.

CAPTAIN JERVIS said, he would beg to ask the President of the Board of Trade, Whether Her Majesty's Government have considered the advisability of entering into

Negotiations with Foreign Maritime Powers, with a view to a reciprocal recognition of claims for salvage of life occurring beyond the jurisdiction of the High Court of Admiralty; and whether the Mercantile Marine Fund would admit of larger rewards being given in cases of salvage attended with danger to the salvors?

MR. MILNER GIBSON said, that the subject of giving rewards for saving life had been under the attention of the Government. So far as our own law was concerned it might be effected by Act of Parliament; and it was proposed to insert a Clause for that purpose in a Bill for the Amendment of the Merchant Shipping Act which would provide for giving rewards for salvage of life in cases which at present were not within the law, and where foreign maritime Powers were willing to recognize the claims for salvage of life occurring beyond the jurisdiction of the Admiralty. There was a general disposition on the part of Her Majesty's Government to be liberal in such matters, but it was necessary that some rule should be laid down for the guidance of those who had to grant those rewards. The National Life Boat Association had certain rules upon that subject which had been adopted as the basis of their regulations by the Board of Trade, but in special cases much larger rewards were given. In cases where loss of life had occurred in the efforts of men to save others they gave a large sum to the families of the sailors who had lost their lives. In the recent case at Whitby, which must be in the recollection of the House, they gave to the families of those boatmen who perished in the Whitby Life Boat something like £220. He did not know that he could give any further answer than that there was every disposition on the part of the Government to be as liberal as possible.

SUBMARINE TELEGRAPH CABLES.
QUESTION.

MR. GORE LANGTON said, he wished to ask the President of the Board of Trade, When the Report of the Commission upon Submarine Telegraph Cables will be laid upon the Table of the House?

MR. MILNER GIBSON said, he had made inquiry and found that the Report and Appendix were in the hands of the printers and were undergoing revision. He hoped they would be ready for circulation in a very few days.

TRADING COMPANIES BILL.
QUESTION.

MR. MURRAY said, he wished to ask Mr. Attorney General, Whether it is the intention of the Government to introduce this Session the Bill brought from the House of Lords last Session for the Incorporation, Regulation, and Winding-up of Trading Companies and other Associations; and, if so, whether he does not consider it will be advantageous to the House to discuss such Bill in connection with the Bill for Amending the Law of Bankruptcy and Insolvency?

THE ATTORNEY GENERAL said, he regretted very much that the Bill alluded to by the hon. Member had not been laid on the Table of the House. The measure was one which had been prepared the year before last under the direction of the Board of Trade, which naturally claimed a special property in the Bill. His right hon. Friend the President of that department was very unwilling to trust the result of so much labour out of his hands, but he had no doubt that he would very shortly bring it forward, and would recommend it to the House with that ability for which he was distinguished.

CORRUPT PRACTICES AT ELECTIONS.
QUESTION.

MR. T. DUNCOMBE said, he wished to ask the Secretary of State for the Home Department, When he intends to lay upon the Table his Bill to amend the Corrupt Practices Act? He put this question more especially in relation to the case of the boroughs of Gloucester and Wakefield.

SIR GEORGE LEWIS said, he apprehended it was quite competent for any Member to make a Motion respecting the issue of Writs for Wakefield and Glocester; the only impediment consisted in the Resolution agreed to by the House requiring a week's notice of any such Motion. As regarded the particular Bill to which the hon. Member referred, he had to state that the Parliamentary draughtsman of the Government was at present so much occupied with other business that he had been unable to take it in hand. He hoped, however, that it would soon be in his (Sir George Lewis's) power to ask leave to introduce it.

FRENCH OCCUPATION OF SYRIA.
QUESTION.

MR. EDWIN JAMES said, he would beg to ask the Secretary of State for

Foreign Affairs, Whether it has been decided in Conference on the Affairs of Syria at Paris that the Occupation of Syria by French Troops shall be prolonged beyond the period stipulated originally by the Convention; and, if so, for what period; and whether the Representative of the Ottoman Porte present in such Conference protested against any longer Occupation?

LORD JOHN RUSSELL: Sir, it has not been decided that the occupation of Syria by French troops shall be prolonged beyond the period originally stipulated by the Convention; and, therefore, with respect to the second part of the Question, as to the period of such prolonged occupation, it is not necessary that I should give any answer. The Representative of the Ottoman Porte has not protested against any longer occupation, but I will state shortly what passed on this subject. The Representative of the Ottoman Porte stated in Congress that in the opinion of the Sultan's Government it was unnecessary to prolong the occupation of Syria by foreign troops; but he also stated that if the Powers of Europe thought the defined period of occupation should be prolonged he would refer the matter to his Government. No decision was taken on that statement, but the matter has been referred to the several Governments concerned.

MR. LAING AND THE GREAT WESTERN OF CANADA RAILWAY.

QUESTION.

MR. VANSITTART said, he would beg to ask the Secretary of State for India, Whether his attention has been drawn to the Report of the Committee of Investigation appointed by the Great Western of Canada Railway Company, in which charges have been made affecting the character of Mr. Laing, the Financial Secretary of the Legislative Council of Calcutta; and, if so, whether it is the intention of Her Majesty's Government to cause inquiry to be made as to the truth or otherwise of the charges in question?

SIR CHARLES WOOD: Sir, in answer to the Question of my hon. Friend I have to state that my attention was called on Thursday to the Report of the Committee of shareholder in the Great Western Canada Railway which appeared in *The Times*. I can only say that it took me as much by surprise as I believe it did everybody else in London. I had taken pains before Mr. Laing's appointment to learn if there was any reason from his having been connected with railways why he should not be appointed to India. Two members of my Council, more or less connected with the City, made inquiries at my request; and the result was that he bore a high character amongst those connected with railways as elsewhere. Of late years he had constantly been a referee between railway companies who sought his advice, and that with the fairness and impartiality of his decisions they were perfectly satisfied. Therefore, I can only say that I was as much surprised as any one at the announcement that appeared on Thursday. Certainly, it will be my duty to inquire further into those circumstances. Indeed, I have, to a certain extent, inquired from several persons connected with those transactions. It is obvious, from the Report itself, that further investigation—legal investigation—is considered even by them to be necessary. Information which I have received from the chairman and directors leads me to the conclusion that the statement is very much of an *ex parte* character. At present, and until further information is received, it would be very unfair to the House, and especially unfair to Mr. Laing, to pronounce any opinion on the subject; and, therefore, I would beg of hon. Gentlemen to suspend their judgment until both sides of the case are before them.

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

Clause 118 *agreed to.*

Clause 119 (Meeting of Creditors).

THE ATTORNEY GENERAL said, he wished to propose an Amendment which should have the effect of leaving it open to the majority in value of the creditors to resolve that the proceedings in Bankruptcy should be transferred to any County Court. He wished it to be competent for Creditors to take the case into any County Court that might be most convenient for themselves.

Amendment *agreed to.*

MR. SCHOLEFIELD said, he would propose as an Amendment, the insertion of the words "number and" before the word "value," in the 14th line; the object of his Amendment being to give the majority in number as well as in value of the creditors the powers proposed to be conferred by the clause.

MR. BAINES stated that the Chamber of Commerce of Leeds were of opinion that the majority of creditors, as well as the value, should be taken into account; and he, therefore, should support the Amendment.

LORD HENLEY said that he had been waited on by several members of Chambers of Commerce who wished this alteration to be made. But, after mature consideration, he had come to the conclusion that it would be better if the alteration were made in the next clause.

MR. MURRAY said, he was of opinion that it was very desirable that in some instances the number of the creditors should be taken into consideration. It very often occurred that in small bankruptcies a father, brother, or some other relative turned up as a creditor to a large amount, when if there had been no bankruptcy no such debt would have been demanded. The proposal was that the majority in value of the creditors should have the disposal of the assets and the regulation of the proceedings in bankruptcy; but he thought that in small bankruptcies, where the assets did not exceed £2,000 or £3,000, and where an uncle or relative came forward and claimed to be the largest creditor, regard should be had to the number of the creditors. He thought it desirable that in the clause under consideration the word "number" as well as the word "value" should be inserted, but that in the other parts of the Bill it should be value only.

THE ATTORNEY GENERAL said, that the principle of the Bill was to include numbers as well as value wherever a choice such as that of assignee was to be made, but to give to value the preponderance where anything connected with the disposal or the administration of the estate was concerned. A question might arise as to what tribunal should have the administration of an estate. He would take a case in which twenty creditors had debts to the aggregate amount of £1,000, and two or three other creditors with debts amounting to £8,000 or £9,000, the proportions being as nine to one. The smaller creditors might be desirous to have the estate administered in the County Court; while the larger creditors might be anxious to put it into the hands of a superior and more efficient tribunal. The question was should the men who had £8,000 or £9,000 of debts prevail over those who had only £1,000; or should the numbers who made up the sum of £1,000 preponderate over the smaller numbers who represented the larger sum? Acting on the principle that the estate ought to be regarded as the property of the creditors, it appeared to him that those creditors who had the largest interest in the estate ought to have a predominating voice in determining what tribunal ought to administer it. It was a question, however, for mercantile men to decide, and he should be ready to adopt any decision the Committee might come to which was not a departure from the general principle of the Bill. It had been said that a relation of the bankrupt might bring in a large debt, but it should be recollected that debt would not be admitted without examination; and if a relation was entitled to rank as a creditor, he did not see that he should be deprived of his right merely because he was a relation.

Amendment *agreed to.*

MR. BOVILL then moved the insertion, in line 20, after the word "shall," the words "be at liberty to;" the object of the Amendment being to give the Court a discretionary power of sending cases to the County Courts, instead of making it obligatory. In the transference of proceedings in bankruptcy being transferred to the County Courts they ought to consider well the position of the County Court Judges. There were many bankruptcy cases of great importance, which it might be expedient to consider before the Court above.

THE ATTORNEY GENERAL remarked, that if the resolution of the creditors were to be followed up by a contested application, the result would be that litigation would probably arise out of every one of these meetings. He could only repeat his feeling of regret that new duties of a laborious character were to be thrown upon the County Court Judges without their receiving additional remuneration.

SIR FITZROY KELLY said, he was unavoidably absent when the question just alluded to by the hon. and learned Attorney General as to the necessity for granting additional remuneration to the County Court Judges was considered, but he (Sir FitzRoy Kelly) should certainly feel it his duty to take a vote of the Committee as to the amount at which the salaries of the County Court Judges should be fixed. He begged to recommend the subject to the attention of the hon. and learned Gentleman and his colleagues, so that the Committee might be relieved from a very painful discussion on the subject.

Amendment *negatived.*

Clause, as amended, *agreed to.*

Clause 120 (Option to Creditors).

Mr. HADFIELD proposed to add to the end of the clause the words "and the bankrupt shall be entitled to an order of discharge."

The ATTORNEY GENERAL said, that great inconvenience would be felt from the adoption of the words proposed, because the alteration would enable the bankrupt to go away and leave the creditors without the necessary information. He had no objection to substitute for the Amendment the words "and the bankrupt, having made a full discovery of his estate, shall be entitled to apply for a certificate of discharge." Security would, then, be taken that the bankrupt should be in attendance on the creditors until the estate was wound up.

Mr. HADFIELD said, he would withdraw his Amendment, on the understanding that the clause should be altered in accordance with the suggestion of the hon. and learned Gentleman.

Amendment, by leave, *withdrawn*, and the Amendment proposed by the Attorney General was *adopted.*

Clause, as amended, *agreed to.*

Clauses 121 and 122 *agreed to.*

Clause 123 (Creditors' Assignee when and how chosen),

Mr. MURRAY said, it would be desirable that the creditors should choose whom they pleased to be assignee, and not be restricted in their choice to one of their own body. He moved an Amendment accordingly to that effect.

The ATTORNEY GENERAL said, he had introduced the words objected to by the hon. and learned Gentleman in deference to the opinion of the House. It was thought that no person should be an assignee who was not a creditor. He should, however, prefer to alter the clause according to the Amendment of the hon. and learned Member.

Mr. BAZLEY supported the Amendment.

Amendment *agreed to.*

Clause, as amended, *agreed to.*

Clause 124 (Duties of Official Assignee to cease on appointment of Creditors' Assignee),

Mr. MOFFATT proposed after the words "assignee" to insert "as creditors' assignee."

Sir FitzRoy Kelly

The ATTORNEY GENERAL said, he should perhaps meet the hon. Member's views by leaving out after the words "upon the appointment of the creditors' assignee" the words the "powers and duties of the official assignee shall cease and determine; and"

Mr. VANCE said, that it often happened that the most desirable man could not be chosen, or would not take the duties. In the north of England commercial men would prefer that it should be left to the determination of three-fourths of the creditors in number and value whether the estate should vest in the creditors' assignee or the official assignee. He had no Amendment to propose, however, as the Bill was being hurried through Parliament so rapidly that the Chambers of Commerce and solicitors in bankruptcy had had no opportunity of considering its provisions.

Mr. MALINS said, he was very much of the same opinion. He had that morning received twelve or fifteen communications from Chambers of Commerce and others interested in the Bill in different parts of the country, but he had been engaged all day, and had not had time to look at them. The Attorney General's Bill was only introduced on the 12th of the month, and had been pushed on so rapidly that hon. Members were at the greatest disadvantage, because they did not know the opinion of their constituents and of commercial bodies. A great feeling, however, existed against the trade assignee; and many advantages had accrued from the appointment of an official assignee, who could devote his whole time for the benefit of the estate.

Mr. MOFFATT said, that the Bill had met public approval, because it gave the creditors the management of the property. Very sufficient precautions were taken against abuses by trade assignees. He would be willing to accept the suggestion of the hon. and learned Attorney General.

Mr. GLYN said, he was sorry to see any objection raised to the clause. With regard to cases of malversation, so many portions of the Bill protected the public against them that no distrust need be entertained. The mercantile community, while giving due praise to official assignees, were very desirous that in the management of estates a little more should be left to the control of the trade assignees than was the case at present. What they complained of was that after a man was made a bankrupt, and the official assignee appointed, the trade assignees were very little consulted, and the management of the estate passed away from them almost entirely.

Amendment by leave *withdrawn*, and the Amendment of the Attorney General *agreed to*.

Clause *agreed to*, as were also Clauses from 125 to 128.

Clause 129 (Security by Creditors' Assignee),

MR. MURRAY said, the question was again raised by this clause whether it was intended that a majority of the creditors in number or a majority of creditors in value, or both, should require certain things to be done. Now, following out the principle of the Bill, he apprehended that the proper course would be to state the major part of the creditors in value. He should therefore propose, in line 24, after the word "the" to insert the words "major part in value of the."

MR. COLLIER said, he thought the Amendment was unnecessary, as the words proposed had been already inserted.

Amendment *agreed to*.

THE ATTORNEY GENERAL said, he had received a number of letters suggesting alterations in the Bill which the writers would have found they needed not to have written if they had read the Bill or the interpretation clause. With respect to the expression "creditors present at a meeting," hon. Members would find, by reference to the interpretation clause, that it would include creditors represented by any person duly authorized in writing, and that the authority would not require a stamp.

MR. ROEBUCK asked if it would not be better to give the power to represent an absent creditor to some public officer.

THE ATTORNEY GENERAL promised when they came to the passage in the interpretation clause to add the words "official assignee."

MR. MOFFATT said, that the Bill would not work if the conditions imposed on trade assignees by this clause and Clause 185 remained. It was difficult without such penal restrictions to get persons to act as trade assignees. Their object, he thought, was to obtain men of standing and of high credit and reputation; but such men would never accept the office with the conditions proposed. This clause required that the trade assignee should give security for the amount of the debts he collected; but, in the commercial world it would be considered a great offence to ask any one to give security where he voluntarily took an office for the benefit of others as well as himself. He proposed to strike out from after "assignee" to the end of the clause, and insert

> "And if they shall so determine, the creditors' assignee may appoint any person to act as such manager, with such remuneration out of the estate as the majority shall think fit."

THE ATTORNEY GENERAL said, the hon. Member read the clause as if it were a matter of obligation that security should be given by creditors' assignees, whereas there was no obligation. Under the clause creditors had power to choose certain persons, not being creditors, to be managers of estates, and to remunerate them for their trouble; and it was deemed a very wise thing that they should be enabled to impose conditions on those persons. It would be better to leave the clause as it stood, as it conferred very wholesome power; and could not, he thought, give offence to any gentleman, and he hoped the hon. Member would consent to withdraw the Amendment.

MR. MOFFATT reiterated his belief that if the clause and Clause 185 remained the Bill would be utterly worthless. He had proposed his Amendment at the suggestion of a number of influential mercantile men, and if the Attorney General would promise to adopt it when they came to Clause 185, which was still more objectionable, he would withdraw it now, but otherwise he would press the question to a division.

THE ATTORNEY GENERAL said, that if, when they arrived at Clause 185, the majority of the Committee were in favour of the hon. Member's Amendment he would defer to their opinion.

Amendment *negatived*.

MR. BOVILL thought that the clause giving power to appoint a manager was one of the most important clauses of the Bill, and that it could scarcely be too much appreciated. He would, however, suggest the alteration of the wording of the latter part of the clause so as to correspond with the Amendment already agreed to.

MR. VANCE said, that as far as his own experience went, he believed that if any creditor were asked to become creditors' assignee, and thus to confer a great obligation on the rest of the creditors, and, at the same, told that he must give security, although he would receive no remuneration whatever for his services, he would spurn the offer with the greatest indignation. The clause, he was quite sure, would never work well, and would not satisfy the mercantile community, but, as the Attorney General seemed determined to insert it, he could say no more.

MR. STEUART said, he thought the hon. and learned Attorney General was asking the wrong person to give security. The clause did not provide that security should be taken from the manager, and yet the manager was likely to be the dangerous person, and not the creditors' assignee. He would have the custody of the property to a considerable extent, the collection of the debts, and the winding-up of the whole estate.

MR. BEECROFT said, he was of opinion that, instead of appointing a manager, it would be far better to pay the creditors' assignee and make him responsible.

THE ATTORNEY GENERAL said, the principle of the clause in that respect was borrowed from the law of Scotland where it had worked admirably. In that country an official factor was appointed over an estate, and received remuneration; a committee of creditors controlled and advised him in the execution of his duty; and, according to the best information he had been enabled to get, the expense of winding-up a bankrupt estate in Scotland was about 13 or 14 per cent, whereas, in England, it was between 33 and 34 per cent. There was a great concurrence of opinion in the mercantile community in favour of the clause. He had no objection to insert after the words in the thirtieth line, "called for the purpose," the following, "a majority in value of the creditors present." It would be the fault of the creditors if any improper person be appointed manager.

Amendment *agreed to.*

Clause, as amended, *agreed to:* as was also Clause 130.

Clause 131 (Removal of Creditors' Assignee),

THE ATTORNEY GENERAL said, he thought it desirable to insert the words "or manager" after the word "assignee," so as to give the creditors power to remove the manager for any misconduct. He moved the addition of the like words throughout the clause.

Clause, as amended, *agreed to.*

Clauses 132 and 133 *agreed to.*

Clause 134 (Duties of Creditors' Assignee),

MR. SCHOLEFIELD said, that the clause restricted the payment of monies by creditors' assignees to the Bank of England, to which there was this objection—that the Bank of England allowed no interest to depositors as other banks did. He should, therefore, move to insert, after the words "Bank of England," "or such bank as the creditors at their first meeting shall direct." No harm could be done by such a provision. The creditors were dealing with their own money, and it seemed but fair that they should choose where it should be invested.

MR. MURRAY said, he would propose an Amendment which would come before that of the hon. Member. He proposed to leave out the words "not necessarily retained for current expenses." He thought that all money received should be paid in, and that all the money required for expenditure should be drawn out. Retaining those words would leave a loophole for the assignee keeping money in his hands which ought to be in the Bank.

THE ATTORNEY GENERAL said, that the words "necessarily retained for current expenses" imposed a great check. The inconvenience of striking out the words would be, that the creditors' assignee would be compelled to pay every small sum he received, even down to £5, into the Bank, and he would not be able to get anything out without going to the official assignee; and the result would be that costs would be incurred for getting out £5, £10, or £20, as it might be required. The words "necessarily retained" throw on the assignee the onus of proving the necessity.

MR. GLYN said, there was much observation abroad as to the large balance which would be kept at the Bank of England on this account. He was not prepared to say that some commission ought not to be charged by the Bank; but, at the same time, it ought to be regulated.

MR. ALDERMAN SALOMONS said, he had always heard in the City of London the opinion that for commercial service there should be a commercial remuneration, and he could not see why the creditors' assignee should not have some remuneration for his services. The great objection made to that was on account of the large sums carried off by the official assignee, and creditors had felt that it would be better if some of their own body had the management of their own affairs. He thought it was better that the money should be paid into the Bank of England, as the fact that no interest was allowed would probably cause the assets to be collected and divided with all possible expedition.

Mr. AYRTON said, he was of opinion that the manager would be the person who would interfere on all occasions respecting the estate. He doubted if the assignee would undertake any duty, and if so, the necessity for the course recommended by the hon. Member for Greenwich (Mr. Alderman Salomans) would not arise.

Mr. ROEBUCK said, he agreed with the remarks of the hon. Member (Mr. Ayrton). There would be a manager in place of an official assignee, and that manager would be appointed by the attorneys to the estate.

Amendment *negatived.*

Mr. SCHOLEFIELD said, he would then propose his Amendment.

Mr. MURRAY said, he wished to draw attention to the state of the account with the Bank of England. For 1859 and the four or five preceding years, the Bank of England had an average balance of between £80,000 and £100,000, and for keeping the cash accounts they charged between £3,000 and £4,000 a year. There was no charge for receiving the money, but there was a charge of one-fourth per cent for paying it: so that, in point of fact, every creditor who was entitled to £100 of dividend had *5s.* to pay to the Bank of England in addition to other charges. The Report of the Commission, of which the right hon. Gentleman the Member for Cambridge University (Mr. Walpole) was chairman, drew attention to the necessity of making some alteration, and he thought that a good time for effecting a diminution in the charges. The Bank of England having a balance of from £50,000 to £100,000 a year, a running fund, it struck him that the least they could do was to receive the money and pay it without any charge whatever. He trusted the hon. and learned Attorney General, during the progress of the Bill, would take the matter into his own consideration.

The ATTORNEY GENERAL said, that in introducing the Bill of last Session he drew the attention of the House in a pointed manner to the charge made by the Bank, and stated that he had no doubt an arrangement could be made with the Bank, by which he hoped at least that two-thirds of the charge might be saved to the creditors. He had no doubt that some such arrangement might now be made. At the same time, it was only fair to the Bank that he should call the attention of the Committee to the fact that these payments were made in different parts of the country, and that might be a reason for allowing some percentage to the Bank for making these payments. The hon. Member might feel assured that the subject would not escape his attention; and, undoubtedly, great care would be used in endeavouring to make a more advantageous arrangement with the Bank for the future. With regard to the Amendment proposed by the hon. Member for Birmingham (Mr. Scholefield), he was sorry that he could not assent to it. When the alteration was made by which official assignees were appointed, the system of having private banks was entirely put an end to, and he thought most judiciously; for, under the old system, when the creditors chose the bank, they were never able to ascertain whether certain sums of money might not be left in the banker's hands undistributed. Accordingly, when the new system was introduced, the official assignees exerted themselves, and they found that very large sums of money were retained by different bankers throughout the country, who had profited by the detention of these monies for an indefinite period of time, and which might have been held until the crack of doom if it had not been for the new system. He could not by any means consent that money should be left in the hands of private bankers. When paid into the Bank of England, and it was carried to one account, it was impossible that it could be lost sight of. He thought it would be a very injurious thing to permit banks to bid, as it were, in competition for creditors' money by offering them a certain amount of interest. He hoped the Committee would adhere to the present practice, which ensured the payment to the whole body of creditors of every shilling of the estate, which might not be the case if the money were paid into private banks.

Mr. SCHOLEFIELD said, he should not press his Amendment against the opinions of the hon. and learned Attorney General.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 135 (The Official Assignee to Collect Debts under £10),

Mr. PAGET said, that the clause in its present shape limited too much the functions of the official assignee. He would leave it to the creditors' assignee to state what debts should be recovered by the official assignee. He should, therefore, move to insert in the clause the words, "All such debts due to the estate which the creditors' assignee may require."

MR. BAGLEY seconded the Amendment.

MR. MURRAY said, he hoped the clause would be allowed to remain as it was. The Amendment would at once put an end to the principle of the Bill, which was to leave the collection of the debts to the creditors' assignee.

MR. EDWIN JAMES remarked, that the adoption of the Amendment would lead to much confusion and expense in the management of estates.

MR. AYRTON suggested that the clause might be made a little more elastic.

THE ATTORNEY GENERAL said, that the Amendment proposed would never answer the purpose for which it was intended. Let them take a debt of £150, and suppose the creditors' assignee should direct the official assignee to get in that debt, resort must be had to the services of a solicitor. In that case, he would much rather it should be done under the immediate control of the creditors' assignee than that the debt should be handed over by him to the official assignee, who, in his turn, would have to resort to legal assistance. But in the case of small debtors the official assignee had a number of clerks, and as soon as a man was made bankrupt he would send round a printed circular requiring them to pay their debts. If that was not done the official assignee could then have resort to summons before the Commissioner, or to proceedings in the County Court, and he would discharge the debt much more readily and economically than it could be done by a solicitor.

MR. PAGET said, he would not press the Amendment, but he hoped the clause would be postponed, as there was a general feeling in the country in favour of the proposal he had made, and it would be well to give time duly to consider the matter.

The ATTORNEY GENERAL said, that it would be competent for the hon. Member when the Report was brought up, to move the omission of the clause, and to substitute any well-considered clause which he might have arranged in the meantime.

MR. ROLT observed, that such postponements had rarely any other results than shifting the period of discussion on the substance of clauses; but he ventured to think that these clauses would require alteration at some future time. To pass the clauses in their present shape would be to add chaos to the present confusion. If the proposal in the Bill were some well-defined scheme of making the official assignee, paid by salary, act under the supervision of the creditors it would be intelligible. But as the Bill stood, with the divived functions of the two assignees, he was afraid it would not be found to work well.

THE ATTORNEY GENERAL said, that there never had been more prophecies of failure than with regard to the Testamentary Jurisdiction Bill; and yet no law had been found to work more quietly or more efficiently than that. He thought there ought to be an efficient audit of both assignees' accounts; and it was a simple process for obtaining that audit which excited the alarm of the hon. and learned Gentleman.

MR. AYRTON suggested that some difficulty might be experienced under the clause in case of a business being carried on by the creditors, and he therefore recommended the insertion of the words "if the assignees should so require."

MR. COLLIER said, he thought the clause was better as it stood.

Amendment *withdrawn.*

Clause *agreed to.*

Clauses 136 to 140 *agreed to.*

Clause 141 (Pay, Half-Pay, and Pensions of Bankrupts to be Applicable for Creditors),

MR. AYRTON said, he should propose the omission of the clause. Clause 163 gave power to make the future property of a debtor available for the payment of his debts if he had misconducted himself towards his creditors; but Clause 141 was an absolute clause. It was confined to persons connected with the public departments; but he did not see why, if its principle was sound, it should not be equally extended to the servants of the Bank of England, of railway companies, and other private establishments. The Bill provided that any person surrendering his property to his creditors, and who had conducted himself honestly, should receive an entire discharge for past debts, but under the clause persons in the employment of the State would be subjected to an exceptional treatment, their future incomes being proposed to be made available for past debts.

He did not desire to withdraw such a power from the Court in case of fraud, but he was anxious to see equal justice done to all classes of the community, and he maintained that there was no ground for making this distinction between the *employés* of the Government and other persons. He would, therefore, move the omission of the clause.

THE ATTORNEY GENERAL said, the clause was taken almost *verbatim* from the Insolvent Act, 1 & 2 *Vict.* c. 110, s. 56. Certain discharged bankrupts were in the enjoyment of half-pay, retiring pensions, or settled salaries for life. Their pensions or allowances were, in point of fact, their life estates, and undoubtedly some portion of them ought to be taken for the payment of their debts. It frequently happened, however, that these allowances partook of the nature of retainers for future services, and in such cases only such a proportion of the income ought to be taken for the creditors as would leave the public *employé* a sufficient maintenance to enable him to discharge the duties of his office. If a man, for example, had a retiring pension of £800 or £1,000 a year there was no good reason why a certain part of it, after providing him with a sufficient livelihood, should not go to his creditors. His hon. Friend asked, why not make the clause universal? But the servants of private employers were in a very different position from the servants of the Government. They held their situations only *durante bene placito*, and their earnings could not, therefore, be dealt with as a settled permanent source of income. The only question was whether the clause went far enough; because, in the case of retiring salaries, it was doubtful whether the whole ought not to be taken like any other life interest.

MR. AYRTON said, the hon. and learned Gentleman had not answered his main objection to the clause. It was true the provision existed in the Insolvent Act, but the principle of that Act was overturned by the principle of this Bill. The Insolvent Act only gave the non-trader exemption from arrest, all his future property being liable till the day of his death for the payment of his debts. This Bill, on the contrary, declared that the non-trader on surrendering his property at the moment should be entirely discharged from his debts, unless he had been guilty of fraud; but the liability of a bankrupt's future earnings for past debts was to be kept alive by the clause under consideration against a particular class of the community only. He asserted that what a man earned by his exertions in the public service could not fairly be distinguished from what a man earned in the service of the Bank of England, where his situation was as permanent as any under the Government. If a man's income was in the nature of a life estate it would pass to the assignees; but if it arose from services to be rendered, then it in no respect differed from the salary given by a public company. The clause was, therefore, not applied impartially.

THE ATTORNEY GENERAL said, that retiring pensions would not pass under a general assignment in bankruptcy, and therefore had to be dealt with under some such special power as that given by the clause. Under the present law of insolvency, if a man were discharged having a salary of this kind he might be brought up *de anno in annum*, and so much of his salary be assigned to his creditors as the Court might think right. What the Court could now do annually he proposed by the Bill that it should do once for all on the discharge of the bankrupt.

Clause *agreed to.*

Clause 142 (Sequestration of Profits of Benefice may be Obtained),

MR. AYRTON said, he objected to this clause also, by which the salary of a clergyman might be applied to the payment of his debts after his insolvency. A clergyman would be ill qualified for the performance of his duties if the stipend which was attached to his office was taken away from him. The clause was an injurious one, and he hoped it would be struck out.

MR. COLLIER said, he did not see any reason, on the ground of religion or morality, why the property of a clergyman should be protected after his bankruptcy any more than the property of other people. If a clergyman obtained credit upon his known possession of a fixed income he ought to be liable to the same consequences as other people. The clause, in fact, was only an extension of the preceding clause relating to pensions.

THE ATTORNEY GENERAL said, he was pleased to find that the hon. Member for the Tower Hamlets (Mr. Ayrton) was so great a friend to clergymen. He thought the clause would be beneficial rather than prejudicial to the clergy, by not creating any invidious inequality, such as that suggested by the hon. Member, in their favour. The clause proposed that if a clergyman had an income of £2,000 or £3,000, and ran into debt so as to bring himself into bankruptcy instead of afterwards keeping his carriage, and living at a proportionate expense, he should dispense with such luxuries for a time, live humbly, and pay his debts; and it could not be doubted that his ecclesiastical duties would not be worse performed in consequence of such a mode of living. The clause, however, introduced but little novelty, for, according to the present state of the law, the Bishop was permitted to step in and demand a certain portion of the income for the payment of a curate to perform the duties of the living. The clause proposed that the Bishop might select the bankrupt clergyman as the person to perform the duties, and receive the pay thus appropriated by the Bishop from the assets.

Mr. AYRTON said, his observations applied to clergymen with small incomes; and, if the Attorney General had given the Bishop a power to remove from his post a clergyman who should become bankrupt he should have been much obliged to him. But he thought that the income which was intended to pay for duties to be performed in a parish or district, ought to be appropriated solely to that purpose. He did not desire to give clergymen a power to contract debts with impunity, but thought the parishioners ought to be considered as well as the creditors of a bankrupt clergyman.

Mr. MALINS observed, that the clause was but the re-enactment of the existing law.

Mr. EDWIN JAMES said, if the Bishop was to be compelled to remove a bankrupt clergyman from having his living, so as to prevent him from any future means of paying his debts, it would be better to pass another Act of Parliament making the Bishop pay the bankrupt's debts. He thought that his hon. and learned Friend had misconceived the effect of the clause. Clergymen were often subscribers to banks and other institutions, which sometimes failed. In fact, clergymen might become bankrupt by misfortune, and it would plainly be a great injustice to deprive them altogether of their livings on that account.

Clause *agreed to*, as were Clauses 143 to 145.

Clause 146 (Removal of Creditors' Assignee),

Mr. SCHOLEFIELD suggested that there was an apparent inconsistency between the clause and Clause 131. By Clause 131 it was provided that a majority of the creditors should have power to remove an assignee; but by the clause before the Committee any two or three creditors might apply to the Court, which could remove the assignee without the concurrence of the majority of the creditors.

The ATTORNEY GENERAL said, he thought the two clauses were perfectly consistent. Clause 131 rendered the removal of the assignee a matter of course, where a majority of creditors in number and value desired it; but this clause gave power to the Court, upon complaint of any creditor, to remove the assignee upon proof of misconduct.

Clause 147 *agreed to*, as were also Clauses up to 159.

Clause 160 (How Proof may be Expunged or Reduced,

Mr. EDWIN JAMES suggested, that the provisions of the Bill would be improved if they were extended to meet the case of a bankrupt who had effected insurances, thereby rendering himself liable for future premiums, though he had relinquished all his property. In point of law this was admitted to be an evil; and to such an extent was the hardship felt that a case had come to his knowledge in which a man regularly took the benefit of the Insolvent Act and was put into prison every year when the premiums became due.

The ATTORNEY GENERAL said, his hon. and learned Friend had but anticipated his feeling. Any clause introduced with the object he had in view might also be extended to the case of bankrupts who, having taken shares in companies, though discharged by the Court, had been held to be liable for future calls.

Clause *agreed to*, as were also Clauses 161 and 162.

Clause 163 (Rules as to granting Orders of Discharge),

Mr. MALINS said, he wished to ask the learned Attorney General if he had any objection to abolish the disqualification at present existing that a bankrupt should not receive a certificate after it had been once refused by the Commissioner? He knew of two cases where persons were exiles because they could not obtain certificates; and in one case the bankrupt had written to him to say that the cause of his failure was that of giving too much credit to certain customers; that he had no certificate, no protection, and no means of obtaining a livelihood. He (Mr. Malins) thought power should be vested in the Judge to enable him to give certificates to a bankrupt without the consent of the creditors.

THE ATTORNEY GENERAL said, that according to the existing law, a most severe power was given to creditors. If the discharge or certificate of any bankrupt was refused, any creditor who had proved a debt was entitled to go to the Commissioner and demand a certificate of that debt, and upon such certificate he could throw the debtor into prison. The same process might be repeated by each creditor who had so proved. The Commissioners of 1854 reported against that power as extremely severe, and by the present Bill it was proposed to repeal the clauses which allowed of these proceedings; and in consequence of that repeal he ventured to ask that the Chief Judge should, under certain circumstances, be empowered to commit the bankrupt to prison for twelve months. He thought it right that if the bankrupt was to be imprisoned, the Judge, and not the creditor, should imprison him, and perhaps this arrangement would effect the object which his hon. and learned Friend had in view.

MR. WALPOLE said, the clause provided that any bankrupt charged with a misdemeanour should be tried by a jury if he should require it. He wished to move that the words "if the bankrupt should require it" should be omitted. He thought that in all cases where a bankrupt was put upon his trial for a misdemeanour he should have the benefit of a jury as a matter of course. He believed that that would be a great protection to the bankrupt; and he also thought that all cases of misdemeanour would be better tried by a jury than by a single Judge.

THE ATTORNEY GENERAL said, that he had been induced to adopt the clause as it stood for these reasons. In a great many cases they could not possibly have a trial by a jury without great inconvenience and expense. It constantly happened that in bankruptcy the matter turned upon a great mass of accounts and trade transactions, which it would be very difficult to bring to the mind of a jury; but which the Judge or the Commissioner might be perfectly familiar with in consequence of antecedent proceedings under the bankruptcy. If bankrupts were necessarily tried by juries it would cast upon them the very onerous duty of obtaining the assistance of counsel, and he believed many bankrupts would prefer having the charge investigated by a Judge alone.

MR. ROEBUCK suggested that if a bankrupt were to demand a jury he would put himself in opposition to the Judge, and he feared would bring into play an element of antagonism between the bankrupt and the person who was to try him, which ought not to exist. One of the great faults of continental procedure was that the Judge was put in opposition to the prisoner.

THE ATTORNEY GENERAL said, his fears lay in the opposite direction; for if he himself were the Judge he knew he should prefer that there should be a jury in all trials for crimes, because it would relieve him from the unpleasant necessity of finding the prisoner guilty. He preferred to leave the clause as it stood rather than to adopt the Amendment proposed, for he had no fear that the Judge would be influenced by any feeling of anger towards a prisoner because he had demanded a jury.

MR. MELLOR asked if it would not be desirable to give the assignees as well as the bankrupt the power of demanding a jury. There might be reasons also which would induce the assignees as well as the bankrupt to prefer to have the charge tried by a jury.

THE ATTORNEY GENERAL replied, that the Judge had at all times the power of directing a trial by jury, which he thought would provide for the case suggested by the hon. and learned Member.

Amendment *negatived.*

MR. GREGSON moved as an Amendment that there be inserted in that part of the clause which declared it to be an offence in the bankrupt to carry on business "by means of fictitious capital," the words, "or by means of accommodation bills for which no value has been received."

MR. ROEBUCK said, he would ask the learned Attorney General if trade could be carried on without accommodation bills. He believed not; and if they put an end to accommodation bills they put an end to the whole system of trade.

THE ATTORNEY GENERAL said, he could not agree to the Amendment. Accommodation bills might to a certain extent be perfectly innocent, and were in many cases very necessary. But it was different where they were used in excess, as in a recent flagrant case, where a firm and many satellite firms had carried on business by means of accommodation bills transferred from one to the other. Where a firm depended mainly upon such fictitious capital it would come within the operation of the clause as it stood; but it would be impossible to treat as an offence that which within a certain limit might be perfectly right and innocent, and which was wrong and criminal only in excess.

Mr. SCHOLEFIELD said, that one of the offences declared by the clause was the wilful omission to keep proper books of account with intent to conceal the true statement of his affairs. It was at all times difficult to prove a wilful intent, and he would submit whether under any circumstances a trader ought not to be punished who had not kept "proper books of account." The absence of such books afforded great facilities for fraud, and he did not think that a bankrupt who had failed to keep them should be free from blame, or even punishment. He would, therefore, move that the words "with intent to conceal the true state of his affairs wilfully," be omitted from the clause.

The ATTORNEY GENERAL asked who was to determine what were "proper books of account." A simple form of books might be quite sufficient to show accurately the extent of his dealings, and yet a professional accountant might say that they were not "proper books of account." "Proper books of account" became, therefore, a thing so exceedingly indefinite, that he could not for a moment admit the Amendment.

Amendment *withdrawn.*

Mr. MALINS said, he hoped that the hon. and learned Attorney General would very seriously consider the propriety of lessening the severity of the rule in reference to the imprisonment of bankrupts and the order of discharge. Great injury might be inflicted upon the future prospects of the bankrupt, and his family be ruined while no material benefit accrued to society.

The ATTORNEY GENERAL said, that when a man was discharged from prison after undergoing punishment for an ordinary offence it was not thought necessary to give him a written character. Persons became bankrupt five or six times. They rose from the ground as often as they fell with new vigour, new means, and new prosperity. It was high time that more stringent powers should be put into the hands of the Judge, and, he had for that reason, vested supreme power in a Chief Judge, to whom this discretion might very properly be left.

Mr. ROLT said that a question arose on the sixth paragraph of the clause, which was connected with the distinction between traders and non-traders. He entirely agreed that there ought to be no distinction between the obligation of the trader and non-trader to pay debts. A distinction, however, there must be, greater than was made in the Bill as to the remedies for enforcing payment. But the whole question of abolishing the distinction between traders and non-traders had been argued on the assumption that it was in favour of the non-trader. It was always assumed that the non-trader escaped an obligation which was imposed on the trader; and it was forgotten that under the laws of bankruptcy there was a boon or privilege by which the bankrupt's future estate was released from liability. In that respect he protested against the abolition of the distinction. The result of his observation was that the explanation of a great deal of commercial dishonesty was to be found in the trader knowing that if he speculated recklessly and successfully he kept his gains, and that if he failed his future property was safe. He was not speaking of any one class being more or less dishonest than another, but he felt strongly that the result of a wholesale abolition of the distinction between the trader and non-trader would be to bring to the latter incentives to dishonesty of conduct which were at present wholly wanting. The clause gave the Court power to grant an order of discharge, subject to any condition or conditions touching after-acquired property of the bankrupt, But he held that it was not sufficient that the Judge should have power in certain given and expected cases, nor was it just that when a young man got largely into debt he should be discharged from it by bankruptcy, and that his expectations, whatever they might be, should be realized without the payment of his debts. The effect of such a proviso would only lead to dishonesty among the non-trading community. Although he did not propose to move an Amendment to the clause, he thought it necessary to call the attention of the Committee to the question.

The ATTORNEY GENERAL said, he could not concur in the observations of his hon. and learned Friend; but as no Amendment was moved it was not necessary to continue the argument. Still he could not help expressing his surprise that his hon. and learned Friend, who had been familiar for so many years with Courts of Equity, should speak of a creditor as a person entitled to the benefit of the expectations of a non-trader. The creditors were entitled to nothing more than the surrender of all the property actually held by the bankrupt. If persons were to be at liberty to give credit to a young man because he was known to be heir to a great estate, that would only encourage him in extravagance and a profligate course of life. A striking illustration was given in the Report by one of the Commissioners of the difference in the state of the present law between bankruptcy and insolvency. A country gentleman might collect a large sum of money, say to pay off the incumbrances upon his estate, and deposit it at a banker's. If the banker stopped payment he might get his certificate in bankruptcy, and a few weeks afterwards might be riding in his carriage. The country gentleman would, perhaps, become insolvent, and would resort to the Insolvency Court; but, unlike the banker, when he came out of it his debts hung round his neck for ever after. Was it right and just that the future property of the debtor should be taken in one case and not in the other? The present Bill removed this anomaly, but gave the Judge a discretionary power which would be sufficient to protect creditors against fraud.

MR. SELWYN said, that at present when an insolvent debtor obtained the benefit of the Act he had to give security for the future payment of his debts, if he ever had the power. The warrant of attorney given for that purpose, however, could not be put in motion by any vindictive creditor, but remained in the discretion and under the power of the Court, and if he at any time acquired property it was within the discretion of the Court to say whether it should be made available for the payment of his past debts. He had never heard any general complaint of the abuse of that power; and if the power so vested in the Insolvent Debtor Commissioners had been exercised with discretion, it might, he thought, be safely intrusted to the Chief Judge of the new Court. There was a wide distinction between a trader and a non-trader; for if a non-trader having an income of £,2000 a year spent £3,000 any future sum to which he might become entitled could not be said to be fairly and properly his own. In exceptional cases, such as those referred to by the hon. and learned Attorney General, let the Judge have the power to give an unconditional discharge; but, as the Bill was now worded, in ninety-nine cases out of a hundred, there was to be an unconditional discharge of the non-trader.

THE LORD ADVOCATE said, that in Scotland they had had for about five years a system similar to that about to be introduced by his hon. and learned Friend, and they had found none of the disadvantages which had been spoken of. No extreme cases of hardship or persecution had occurred. In discussing these matters he thought they were too apt to deal with abstract cases, and not with the real practical cases to which the law was to be applied. The extreme cases on one side and the other were exceptional, and the ordinary cases of bankruptcy law lay between them. The real object of the bankruptcy law was not to punish persons for contracting debts by lavish extravagance—that was the exception—but to make the whole estate of the debtor available for the payment of his debts equally among his creditors; and that matter had been very much lost sight of during the discussion on the Bill. Other objects were the discharge of the honest debtor and the punishment of the fraudulent debtor; and in the case of fraud the Court was armed with the necessary power to punish. He could not conceive any benefit to society in tying round a man who had been unfortunate this chain perhaps all through his life, simply for the chance that he might possibly earn something for the benefit of his creditors. On the contrary, it was for the benefit of the creditors themselves that the debtor, on giving up to them all his property, should be exempted from any condition respecting his future property. The debtor might ultimately succeed in the world, and, from a regard to honour, might pay what he never would have paid if he had been kept in fear of his future property being seized for the payment of past debts.

MR. MALINS said, in all cases it was desirable to proceed on general principles. He agreed with the general principle laid down by the learned Lord Advocate, that the object of a bankruptcy law should be to produce a *cessio bonorum* for the creditors, and a discharge from his debts for the debtor. Creditors should take care whom they trusted. In that respect he did not see that there should be any distinction made between traders and non-traders. When persons gave credit to non-traders they had the opportunity of knowing the means of the debtor, to a greater extent perhaps than they had even in the case of traders. There were reckless creditors as well as reckless debtors; and creditors ought not to be encouraged by law to give credit, not on the existing means of the debtor, but on the expectation of property to be hereafter acquired. Nothing could be more abominable than the system of giving credit to extravagant young men with large expectations in use amongst money lenders; and the greater the discouragement that could be given to those speculators on property in reversion or expectancy the better it would be for society. But the fact was that the Bill as it now stood did give power to the Court in certain cases, where the transactions of the debtor had been tainted with fraud, to make any future acquired property liable for the payment of his debts. As to the supposed or alleged hardship in the case of non-traders, those who were conversant with the actual practice of the Courts knew that nothing was so easy as for non-traders to get up a colourable and fictitious trading, and thus entitle themselves to all the benefits of the Bankruptcy Act. A few years ago the son of an Earl entitled to large property in reversion, in order to get rid of his debts, made himself a brickmaker—that was he turned over some clay, made a few bricks, and sold them, and then came before the Court of Bankruptcy in the character of a trader, and received a discharge from the whole of his liabilities. The law of debtor and creditor ought to be the same for all, whether traders or non-traders.

Mr. MELLOR said, he supported the clause as it gave the Court just the power it ought to have of imposing conditions on the discharge of a debtor analagous, in fact, to that now possessed by the Insolvent Debtors' Court.

Clause *agreed to.*

Clause 164 (Criminal Prosecutions by Order of Court),

Mr. WALPOLE said, he had given notice to move the omission of the clause which gave power to the Chief Judge to send cases of misdemeanour for trial in the Criminal Courts. That appeared to him to be contrary to the general principle of the Bill, and to the principle of legislation lately followed, of making every Court sufficient to try out to the end all the cases which were brought before it. On that simple ground he trusted that his hon. and learned Friend would consent to the omission of the clause.

The ATTORNEY GENERAL said, the clause not only referred to the Chief Judge but also to the Commissioners ; and it was thought better to give to District Commissioners the discretionary power of sending cases of misdemeanour to the assize courts, for this, among other reasons, that the persons so dealt with would not in the country be able to obtain the services of counsel to defend them. He thought, therefore, the clause was a very proper clause, and that it was necessary to adhere to it.

Mr. ROEBUCK remarked that a person committing perjury either in the Court of Chancery or in courts which had no criminal jurisdiction, were constantly sent for trial to the courts of assize. The clause created no anomaly.

Mr. WALPOLE said, he must frankly admit that the reason given by his hon. and learned Friend in favour of this discretionary power had made a strong impression upon him ; and he would, therefore, withdraw his Amendment. Still he thought that, in the generality of cases, the Court of Bankruptcy should begin and end the investigation into the charges against the bankrupt.

Amendment *withdrawn.*

Clause *agreed to ;* as were also Clauses up to 175.

Clause 176 (Appeal against Orders of Discharge),

Mr. MALINS expressed his opinion that the clause ought to give a power of appeal to a bankrupt as well as to the creditors.

The ATTORNEY GENERAL said, he had considered this matter a great deal ; and it had occurred to him that where a case was tried before the Chief Judge, accompanied by the Commissioner, it was not desirable to give the bankrupt whose discharge had been refused a right of appeal ; but in a case where the Commissioner heard and decided alone the bankrupt should have the right of appeal to the Chief Judge.

Clause amended accordingly and *agreed to.*

Clauses 177, 178, and 179 *agreed to.*

Clause 180 (Assignee not to keep Money in his Hands),

Alderman SALOMONS said, he would take occasion to reiterate his opinion that the assignee ought to receive remuneration. The duties and responsibilities cast upon him were enormous, while no return was made to him. At all events the penalty of 20 per cent was too high a rate to charge him for retaining money in his hands.

The ATTORNEY GENERAL said, 20 per cent was the rate charged in the Bill of 1810; and he really saw no reason for mitigating the penalty in the present Bill.

Clause *agreed to.*

Clause 181 to 184 *agreed to.*

Clause 185 (Creditors to pass a Resolution on the Conduct of the Creditors' Assignee, after which the Creditors' Assignee may apply to the Court for a Discharge),

Mr. MOFFAT said, he objected to the enactment of a series of pains and penalties against the creditors' assignee. That person was not to be remunerated; he was to incur a great deal of trouble, and then, at the end of his trust, he was to appear before the creditors almost in the position of a delinquent, to submit the whole of his accounts to them, and to ask humbly for his discharge. No gentleman would accept an office burdened with such humiliating conditions. He would move the omission of the clause altogether, and the substitution of the following:—

"At a meeting for the declaration of a final dividend the accounts of the creditors' assignee shall be audited by the official assignee, in the presence of the Registrar or of the County Court Judge, as the case may be, and thereafter the creditors' assignee shall be entitled to his discharge, unless cause be shown to the contrary."

The ATTORNEY GENERAL said, he would remind his hon. Friend that the Committee had already given power to the creditors to appoint to the office of creditors' assignee a person who might have nothing whatever to do with the estate. He maintained, moreover, that no honourable man, who had a trust to perform, would hesitate to do towards those who had confided in him precisely the things described in the clause—namely, call a meeting of the creditors, and lay before them all his books and papers of accounts. There was nothing in the clause to alarm any man who desired to discharge his duty properly.

Mr. FORSTER said, that the language of the clause would deter any commercial man from accepting the office of trade assignee. Owing to the exceeding energy with which the Attorney General was pressing the measure the people in Lancashire and Yorkshire had hardly been able to form an opinion upon many parts of the measure.

Mr. MONTAGUE SMITH said, he would support the clause for the reason which the two hon. Gentlemen opposite had given for opposing it. In his opinion, the official assignee would do the work much better than a creditors' assignee, but if there was a creditors' assignee stringent regulations would be necessary.

Mr. BAZLEY observed, that traders ought to be allowed to manage the estate by appointing, if they thought fit, an assignee from among their own body, and no derogatory conditions ought to be attached to the performance of this duty.

The ATTORNEY GENERAL said, the clause directed that the creditors' assignee should convene a meeting of creditors, and submit to them his books of account. If it were thought desirable, he would omit the part of that provision which empowered the creditors to come to a resolution expressing their opinion of the conduct of their assignee, who would then merely lay before the creditors his books of account, and would afterwards apply to the Court for an order of discharge. He would move the omission of these words accordingly.

Mr. HENLEY asked, whether it was intended that the Court should consider the conduct as well as the accounts of the creditors' assignee? Every three months he was to submit his accounts to the official assignee; and not only to submit but to swear to them. But, after his accounts had been examined and sworn to, he did not get his acquittance. He might have to go on appearing from three months to three months for seven years. But at the end of three months he might come under the cognizance of the Judge. He thought when the accounts of the creditors' assignee had been examined, he ought to have an acquittance. But it was clear that the Bill was drawn to discourage any wish of the creditors to have an assignee, so that the business might go to an official assignee after all. The Bill was so framed that no merchant or tradesman would undertake the duty of creditors' assignee. If it was intended to lessen the work of the official assignee it might be fair to cut down his salary; but as most of the business would be turned over to him again it was not fair that his salary should be reduced.

Mr. ROEBUCK thought, that after having displaced the official assignee it would be found they had increased the expense by the change.

The ATTORNEY GENERAL said, the clause required no more than was demanded of every trustee before he was released from his trust.

Clause, as amended, *agreed to.*

Clauses 186 to 196 *agreed to.*

Clause 197.

The ATTORNEY GENERAL said, it was his intention to move that the Chairman should report progress.

Mr. BARROW said, he would take that opportunity of expressing the satisfaction with which he had heard the other night the suggestion for withdrawing small transactions from the operation of the Bill. He believed the learned Attorney General was not fully aware of the great number of small transactions. He thought it would be very desirable, and would save great expense, to exempt altogether from the operations of the Bill every case where the debts did not exceed £500.

House *resumed.*

Committee report progress; to sit again on *Monday* next.

APPROPRIATION OF SEATS (SUDBURY AND ST. ALBAN'S) BILL.

SECOND READING.

Order for Second Reading read.

Sir GEORGE LEWIS, in moving the second reading of this Bill, said the only principle involved in this Bill being the filling up the four vacant seats, no Member, in giving his vote in favour of the second reading, would, he conceived, be expressing any opinion as to the particular destination of any one seat, or be in any way bound to vote in favour of the particular arrangement proposed in the Bill, or against any Amendment which might be proposed in Committee. Therefore, unless there were Gentlemen who thought that it would be advisable to keep these four seats open, or wished to negative the Bill proposed by Government, and allow other Bills which it was known were to be proposed by Members to have a priority of consideration, they would be prepared, he should suppose, to give their vote in favour of the second reading of this Bill. If that were the case, he thought very little advantage would arise from discussion at that stage. If Gentlemen were prepared to assent to the principle of filling up these seats, it would be more convenient, would save time, and be better for the valuable arguments Gentlemen might be ready to employ, to reserve them until the Bill was in Committee, or at all events until the Motion that the Speaker do leave the chair. He trusted, therefore, that hon. Gentlemen, if prepared to give their votes in favour simply of the principle of the Bill to fill up the four seats, would postpone discussion till they arrived at the next stage.

Mr. BAXTER said, there could be no objection to the principle of transferring the seats of Sudbury and St. Alban's to larger and purer constituencies; but, at the same time, he could not concur with the right hon. Gentleman that this Bill should be permitted to pass *sub silentio.* He had understood the right hon. Gentleman to state that the Government were not particularly wedded to the plan of allocating the seats as proposed in the Bill, and that, no doubt, would facilitate the passing of the second reading. His (Mr. Baxter's) purpose in rising was merely to state that in his humble judgment the claims of Scotland to at least one of the Members were altogether paramount, and to express a hope that the Scotch Members would unite on an Amendment to be proposed in Committee for substituting the Universities of Scotland for the borough of Chelsea and Kensington. His hon. Friend the Member for Perthshire (Mr. Stirling) had given notice of a Motion to that effect, and the question could not possibly be in better hands; and he (Mr. Baxter) hoped that the Scotch Members, altogether apart from political or party considerations, would give the hon. Member for Perthshire their support. The Universities of Scotland were utterly unrepresented, and yet they had a constituency very nearly as numerous as the University of Oxford, and nearly double that of Trinity College, Dublin; and every one would admit that the Scottish Universities were celebrated in all branches of literature, science, and art. He hoped, therefore, that the House would have little hesitation in assenting to the reasonable demand of his hon. Friend. The House, however, must not be under the impression that if this demand were granted the people of Scotland would be satisfied. He stated that freely and fairly, because he wished it to be understood that great injustice had been done to Scotland. The people of Scotland looked forward to a large increase in their representation by a gradual disfranchisement of boroughs that were every now and then convicted of bribery, and declared unworthy of electing Members to Parliament. He hoped the House of Commons would not be slow to deal with Berwick-upon-Tweed in precisely the same manner as they had dealt with Sudbury and St. Alban's. [An hon. MEMBER: Gloucester.] Yes, and with Gloucester, too. No doubt the House would see the justice of transferring from such a miserable constituency as that of Berwick-upon-Tweed the seats to such large constituencies as Dundee and Aberdeen, each containing more than 100,000 inhabitants, and yet only returning at the present moment one Member. Look, again, at the Scotch counties. He believed that not one-half the Members of the House of Commons were aware of the fact that not one Scotch county, however populous or rich, at this moment returned two Members to the House of Commons. He saw the hon. Member for Dungarvan (Mr. Maguire) in his place, and he had given notice of an Amendment to transfer two of the vacant seats to Ireland. Well, Ireland had just claims, and he (Mr. Baxter) would be the last man to refuse them; but he thought in this matter they had to look to the interest of the United Kingdom, and not to the people of Scotland or Ireland separately. But he rather thought that the hon. Gentleman could not have seen the Return which was presented to the House in March, 1859, scarcely two years ago. That Return contained a calculation of the number of Members returned by the three kingdoms, based upon population and taxation, which he thought was a fair basis. According to that Return Scotland should return 73 Members; but she only, at the present moment, returned 53. Ireland returned 105; but, according to this statement, she should only return 101: so that at the present moment, calculating on the just basis of population and taxation, Ireland was returning 4 more Members than she ought to do; while in Scotland the return was 20 less than she ought to return. But Scotchmen were not unreasonable men. They were not going to ask for 20 additional Members. Their reasonable claim at present was to have one of the four vacant seats for their University, and they highly approved of the plan of gradually disfranchising rotten boroughs. He hoped the House of Commons and Her Majesty's Government would go on in that policy, and in proportion as those boroughs fell in they should be appropriated to independent and incorruptible constituencies on the other side of the Tweed. He trusted that his hon. Friend would, in Committee, persist with his Motion, and that all the Scotch Members would support him.

MR. BENTINCK said, he thought it was tolerably clear from the number of hon. Members who rose to address the House, that the pacific proposal of the Home Secretary was not likely to lead to a settlement of the question of Parliamentary Reform, and that there was every probability of a list of grievances on a large scale being laid before the House, similar to the last one submitted by the hon. Member for Montrose. He (Mr. Bentinck) did not, therefore, see why, amongst all those grievances, the only real grievance existing should not be considered. The hon. Member for Montrose, in urging forward his own grievance, had, it appeared, found out that Scotland had too few Members and Ireland too many. He (Mr. Bentinck) was much mistaken if raising that question would not tend considerably to protract their debates. But leaving that question aside he should like to say a few words in regard to the chief grievance, as it appeared to him, which was contained in the new Bill of the right hon. Gentleman. He viewed the proposal of the right hon. Gentleman as entirely unjust, for this reason—namely, he did not propose to bestow the whole of those seats upon the places that had the strongest claims to them. But, without wishing to find fault with the right hon. Baronet's motives, he was willing to admit that, like almost all the other zealous Reformers, the right hon. Gentleman was labouring under a great difficulty; and that difficulty was occasioned by a total misapprehension as to the real position of the question of Reform, and as to where the real grievance lay. They had heard many speeches from below the gangway as to what was called the rights of the Six Millions of unrepresented people. Those claims had been put forward in such a stentorian voice that for a time they appeared to be wholly irresistible. But nothing was said of the claims of a much larger class of the people, the millions who had not their fair share in the representation. There was an invisible stumbling-block in its way—and, somehow or other, invisible as the block was, Reform stumbled over it, and never was able to recover its fall—the real grievance had never as yet been dealt with, and, until it was properly dealt with, no Reform Bill would get over it. That grievance was the rural grievance. He contended that the real existing grievance in this country was the very inadequate share in the representation now enjoyed by the inhabitants of the rural districts. The fact was simply this: the rural districts had not within one-third of the representation to which they were entitled. The disinclination of hon. Gentleman opposite, who wanted to make great and magniloquent speeches on Reform, to admit the fact which he had just stated, compelled him now to submit the proofs of his assertion, and he dared them, if they could, to disprove them. The question was one simply of figures. [" Oh, oh !"] He did not wish to bore the House with figures, and should only read a short extract from the book he held in his hand. The facts connected with those figures were so important that they could not be too often repeated. Those facts had been stated before by an hon. Member who was not now in his place. He (Mr. Bentinck) should take the liberty of repeating them in order to impress them the more on the attention of the House, and to invite hon. Members on the other side to refute them if they could. The case was simply this. He was now assuming that which he ventured to state on a former occasion—a sentiment that was much cheered by the Gentlemen below the gangway—namely, that taxation and representation were convertible terms. He contended on that ground that taxation and representation were convertible terms; that the figures he was about to submit to the consideration of the House were conclusive as to the fact that the rural districts of this country were denied their fair share of representation. The annual value of the property in counties of England at the last census was considerably above £60,000,000; the number of inhabited houses was nearly 3,000,000, and the population was upwards of 10,000,000. Let them now go the boroughs. The annual value of the property in boroughs was £42,000,000, as against £60,000,000; the number of inhabited houses was 1,200,000, as opposed to 3,000,000; and the population was 6,400,000, as opposed to 10,000,000. Now, those figures were easy of recollection; the calculations were simple enough, and unless hon. Gentlemen were prepared to upset Cocker himself, they must admit that the figures led to the conclusion he had stated. The simple fact was this, that, according to the numbers he had stated, the rural districts of this country ought to have nearly 140 more Members than they had at present. But that was not the only test. There was another grievance — namely, that in addition to the inadequate number of Members for the rural districts returned to that House, there was a large proportion of the electors of those districts which he would term, by way of distinction, urban voters. There could be no doubt that the result of recent legislation had been to create an antagonism of feeling between the rural and the urban population, arising from an antagonism of interests which had been created by that legislation. They made the rural population feel every day that they required a distinct representation, and yet every proposal for Reform tended to make a still larger increase of the existing injustice, and to add to the disproportionate representation which the urban population had at present. Now, if that were not admitted to be as good a grievance as any that could be put forward in favour of Scotland he should confess he had not made out his case. He would appeal to hon. Members from the rural districts to recollect that this was not a party question—that it was simply a question whether those whom they represented were to be over-ridden by an overwhelming amount of unjust taxation. Every county Member who should vote for giving another seat to any borough in England, no matter how important, until the just demand of the counties had been satisfied, would go in the teeth of the interests he was supposed to represent in that House. But there was yet another point to which he claimed the attention of the House. It was proposed to increase the number of metropolitan Members. Now that appeared to him to involve a very serious principle; one which he thought the House should deliberate much upon before it gave its assent to it. He trusted that nothing should fall from him that could be considered disrespectful to those hon. Members. He could assure them that nothing was further from his intention than to say anything personally disrespectful to any one of those distinguished men who represented the Metropolis. He admitted them to be men of great ability and distinction—men who generally took an active part in many of the questions which were discussed in that House. Nor was he going to blame those hon. Members for what he was about to complain. But, taking them in the aggregate, he must say that they were so great an inconvenience in that House—not to employ a stronger term—that he thought it was high time that that inconvenience should be abated. He did not think he had expressed himself too strongly respecting the metropolitan Members. The grounds on which he held this opinion he would shortly state. As he had before said, he did not blame them for the course they often took. They no doubt firmly believed that they were doing that which was required of them in furtherance of the rights and interests of those whom they represented. But he thought that the House of Commons and the country at large were bound to take a more general and enlarged view of the question. What did they always find to be the case? He would appeal to all the other hon. Members whether it was not a fact that they were constantly met in the lobby by an urgent demand on them to come into the House to put down a metropolitan job, and prevent another inroad being made on the pockets of the people for the carrying out of some measure which interested exclusively the Metropolis. There was probably no Gentleman present who did not recollect having read in early life the exploits of that charming person Morgiana, who undertook to save the life and property of her master by destroying a great number of troublesome and dishonest men who had intruded themselves into the said master's premises. Now, let hon. Members but picture to themselves the dismay of that worthy spinster if, at the moment she was about to put her resolution into force, she found that the number of the forty thieves had been largely increased. What must that good woman have felt under such circumstances? In the same way, could they understand the feelings of hon. Members who, coming down to the House to do their best for their constituencies, and to save their pockets from spoliation, were suddenly horrified at hearing that there was to be a large increase of metropolitan Members? Those hon. Members saw at once it was utterly hopeless to contend against the representatives of the Metropolis, who had all the advantages of constantly meeting together and of concocting their plans. Why, the whole of the House of Commons were scarcely able to maintain a fair struggle against them, inasmuch as the metropolitan Members were a packed body, united together by what they conceived to be their vested interests. Now, he protested against such a system. The right hon. Baronet very fairly said, that the details of this measure ought to be discussed in Committee. He (Mr. Bentinck) was not disposed to contest the suggestion so properly put forward. But as other hon. Members had put forward their own respective grievances, he (Mr. Bentinck) thought it was only right and just that he should submit the grievance of the rural districts to the consideration of the House. He hoped that before they assented to the provisions of the Bill they would insist upon having some better reasons than had as yet been offered for giving any of those seats to a borough; and he trusted that they would hear more forcible arguments than had as yet been laid down before they would assent to the proposition of increasing the number of that very dangerous body of men the metropolitan Members.

MR. CARNEGIE thought the Bill did not go far enough, and that it ought to dispose of the seats now filled by Gloucester, Wakefield, and Berwick. The country would never believe that the House was in earnest in its desire to put down political corruption until the principle was adopted that wherever a borough or county was found to be corrupt it should be disfranchised, and the seats given to whatever constituency in the United Kingdom could show the best claim to it. If that were done it would enable the House to satisfy the just demands of large constituencies which were at present inadequately represented or wholly unrepresented. He did not deny the claims of any of the places mentioned in the Bill, but neither could he deny the claims of other places, such as Salford, Lanarkshire, Cork county, Staleybridge, Dundee, and Aberdeen. It had been said that the numbers of Scotch Members had been fixed by the Reform Act of 1832; but so also had the number of representatives of the West Riding and the Metropolis been fixed. If a Member was taken from the centre of England and given to the West Riding, why should not one be given to any place which could show a just claim to it? He certainly thought that the Scottish Universities had put forth a very modest and very just claim when they asked for one Member. With a constituency nearly equal to that of Oxford, and exceeding that of Dublin University, they were entitled to have their claim considered.

MR. PEACOCKE said, he did not rise to oppose the second reading of the Bill, but he agreed with the hon. Member for Forfarshire, who had just sat down, that those seats should be given to those electors who could show the best claim to them: and on that ground he regretted that the Government had allowed the opportunity to pass which this Bill afforded them of conferring direct representation on the working classes. He certainly would not reproach this House with being indifferent to the welfare of the working classes, for every one who had watched the tendency of modern legislation must allow that its aim and object was to elevate their condition and to promote their welfare; but he felt it was a practical grievance, of which they had a right to complain, that they had no direct representation in this House by which they might make known their wishes and bring forward their grievances. On the occasion of the second reading of the Bill of last year he threw out a suggestion that a fair way of settling the question would be to concede to some of the large towns, which might be regarded as the chief hives of industry, a more extended suffrage than that which was conceded to the other constituencies of the kingdom. He was then met by the objection, that if an extended suffrage was to be given to the working classes, what would become of the representation of the middle classes already existing? He thought the House had now an opportunity of dealing with the question by leaving intact the representation of the middle classes, while they granted additional representation to the working classes. He would take the two largest towns—Liverpool and Manchester—and he asked the House what objection would there be to give additional Members to those towns to be returned by persons living in tenements of a rental below £10, leaving the present Members for those towns to be returned by those occupying tenements above that value? He understood that the great object of the Constitution was to obtain as great a variety of opinion and of class interests as possible. It was the great fault of the Reform Act of 1832 that it destroyed the traditional variety of franchises which previously existed, and that it reduced the representation of the country to the dead level of a £10 uniformity by which too great a preponderating power was given to one particular class. He did not ask the House to subvert the political class, nor to submerge the existing constituencies beneath a flood of new electors; but he did ask them to allow the representatives of the working classes to sit in this House side by side with the representatives of the middle class. He for one considered that no political system could be safe or secure which excluded from all share of political power a large, and, as they were now, an influential and intelligent class, such as the working men of this kingdom. If they could not make their wishes known or their grievances heard, except by monster meetings and by platform agitation, then they might depend upon it that in times of distress the country would witness monster meetings and platform agitation. He could not see why, on the other hand, if the working classes had their special representatives within this House, they should not bring their grievances to be calmly discussed within its walls, instead of resorting to violent agitation without them. He was confident that if such a plan were adopted the working classes would return Members to this House as valuable as any that were likely to be returned by Chelsea and Kensington. He believed there was a deep-rooted feeling, not in this House only but in the country, that the number of metropolitan Members ought not to be increased. He did not speak with the least degree of discourteous feeling towards any of the metropolitan Members; but every one must have felt that their influence was not adequately measured by the mere numerical strength of those Members. If any metropolitan grievance arose the House was sure to have it brought before them within the space of twenty-four hours, and if it had a semblance of reality for its foundation it was immediately redressed. If they gave a Member to Chelsea and Kensington, that would be for all practical purposes to add one to the Members for Lambeth and Southwark; the new Member would represent no new class, no new feeling, no new interest. But Members directly representing the working classes would represent in this House a new class, a new feeling, a new interest. He had a strong feeling on this subject, and if any hon. Gentleman would bring forward a clause embodying such a plan it should have his hearty support.

Mr. LOCKE said, he would not have risen but for the attacks on the metropolitan Members. The hon. Member for Maldon (Mr. Peacocke) was very generous to the working classes. He proposed to give new Members to Liverpool and Manchester, but how would that benefit the working classes if he kept up the present franchise?

Mr. PEACOCKE: I beg the hon. Gentleman's pardon—I said just the contrary.

MR. LOCKE: Well, but if the hon. Gentleman thought the working classes, who, according to the hon. Member for Norfolk, amounted to 6,000,000, would be satisfied with such a flimsy boon as four Members to themselves, he could assure him he was very much mistaken. The hon. Gentleman, and also the hon. Member for Norfolk, had opposed the giving any more Members to the Metropolis on the ground that they not only made any metropolitan grievance heard, but it was immediately redressed. That fact had certainly not been brought home to his apprehension. For his own part, he thought that the Government paid less attention to metropolitan grievances than to any others. Of this he was quite sure, that metropolitan grievances did not receive so much attention as Irish grievances, and that the metropolitan Members did not combine together so well as the Scotch Members. To these latter gentlemen it did not matter who was in and who was out. Whether the Lord Advocate was a Whig or a Tory he dined down at Greenwich with the other Members for Scotland; they were all banded together as one man, they acted as one man, and they got at least as much as they were entitled to. The hon. Member for Norfolk had talked of the greater population of the counties; but of what did that population consist? Of the working classes whom the hon. Gentleman would not enfranchise. The hon. Gentleman had also referred to taxation. Now, on the ground of population, or taxation—both or either—the Metropolis was entitled to a greater number of Members. The Metropolis contained 3,000,000 of inhabitants, and the taxation amounted to a far higher proportion than that of any other district. On this question the hon. Member had not done justice to his own principles; for, if he drew the correct inference from his own figures, he would find that on the ground of its population, on the ground of taxation, and on the ground of the multiplicity and variety of interests which were included, the Metropolis, instead of twenty Members; eighteen for the boroughs and two for the county —ought to have at least forty.

MR. BLACKBURN said, that if the Government had taken the same course on the first reading which they had taken on the second, there would have been no occasion to make any observations. The Home Secretary and the noble Lord at the head of the Government had then compared the population of Scotland with that of England, and had argued on that ground that as the seats to be disposed of were English seats they ought to be given to England. But it was evident that if the number of Members was to be kept up always to 658, and the English seats were to be given up to England, the Scotch to Scotland, and the Irish to Ireland, there could never be any fair redistribution of seats. He (Mr. Blackburn) wished to treat this question as an imperial one, and he should, therefore, prefer to talk of the seats north and south of the Tweed, instead of talking of them as English and Scotch seats; and he accused the right hon. Home Secretary of unfairness, inasmuch as when he spoke of Scotland, he took the census of 1851 as his guide; but, when speaking of seats south of the Tweed, he relied upon the estimated population in the forthcoming census. The district south of the Thames, including Middlesex, had one Member for every 34,751 inhabitants; while that north of the Tweed had only one Member for every 84,000 of the population; so that if they took the population of Scotland into account, it was entitled to all the four seats, though it asked but for one. He admitted that when they looked into the proposition of the Government to give additional Members to West Yorkshire, South Lancashire, or Birkenhead, the proposition was not objectionable on account of the great manufacturing and agricultural or commercial interests of those places; but when they proposed to give an additional seat to the Metropolis it was quite a retrograde step. Hitherto the custom had been to give the disfranchised seats of the south, formerly the seat of wealth, to the new and populous constituencies of the north. Why, then, should they go back and give an additional seat to the Metropolis. The county of Lanark, with its population of 237,000 inhabitants, and but one Member, had a far better claim to an additional representative than Middlesex, because if they took away the Metropolis from Middlesex they would find that the population did not exceed 287,000. As far as material interests went, he believed it would be found that Chelsea and Kensington grew nothing but asparagus and cauliflowers. Would anybody say that six Members returned by the English and Irish Universities were not worth a dozen representatives of such mushroom constituencies? At all events, he considered that if one seat were given to a Member for the Scotch Universities he would be a worthy colleague of the four representatives of the English Universities. He claimed one of the seats for Scotland, and if the hon. Member for Perthshire persevered in his Motion he should certainly support him, and he thought he would be supported unanimously by the Scotch Members.

VISCOUNT ENFIELD said, that there was one point remarkable in the debate, and it was this—that, although there had been an exchange of personalities in the course of the discussion, no exception had been taken to the proposal of the Government for the allocation of these seats by any Member on either side, although they objected to the particular constituencies which had been mentioned. It was always a difficult matter to deal with when one had to compare the rival claims either of counties or of boroughs. He could assure the hon. Member for Norfolk that he fully concurred with him in feeling that the rural districts had a full right to fair representation; but when he talked of the great amount of taxation on the counties, he would ask the hon. Gentleman if he included Schedules A and D in his calculation? He confessed that he had been struck by his figures; but he could not help thinking that the hon. Gentleman had only included Schedule B in his calculation, and not the other two. Recalling the opinion which the right hon. Gentleman the Member for Buckinghamshire expressed in 1852, that the duty of filling up the numbers of the House devolved on the Government, and not on any private Member, he must express his satisfaction that the occupants of the Treasury Bench had thought fit to deal with the question themselves, and had undertaken the difficult and invidious task of deciding on conflicting claims. The claims of the Scotch Universities had been urged to some of the seats. He would frankly confess that were not his sympathies engaged elsewhere there was no claim which he would more gladly advocate than the claim of the Scotch Universities to representation—he should rejoice to see an increase of the unostentatious business-like element in that House from that part of the United Kingdom—but when they had four English borough seats to fill up, he could not help thinking that there were important boroughs in England which had a prior claim. With regard to the metropolitan Members as a body, it was true that they were not always very popular with the House, but he knew from experience that whenever they had a fair case to bring forward, they received the same courtesy and indulgence which other Members experienced; and he therefore hoped that for the future hon. Members would not begin with a compliment to the Metropolitan Members, and then end with assuring the House that there was no class, the addition to whose Members they looked forward to with greater horror. But the claims of Chelsea and Kensington could not be overlooked, and though under this Bill it was only proposed to allocate to them jointly one seat, he flattered himself that in Committee he should be able to make out a case for giving them two Members, as was proposed both in the Bills of 1854 and 1859, as he believed that from population, rateable value, rental, and contributions to direct taxation, no other unrepresented borough in the United Kingdom could fairly compete with them.

MAJOR CUMMING BRUCE said, that the reason for taking away the four seats from these boroughs having been on account of corruption, the proper course for the Government to adopt in selecting the new constituencies would be to give them to places in which they could expect to find the greatest amount of independence; and with all due respect to Kensington or Marylebone, and the other boroughs and places which it had been proposed to enfranchise, he thought the claim advanced by the hon. Member for Perthshire in favour of the University of Scotland ought to be considered paramount. Even in the larger boroughs of England there were mostly rumours of bribery and corruption having taken place, although no Parliamentary investigation was asked for. No such charges had ever been brought against the Universities of England or Ireland with respect to their choice of representatives, and he did not think that it was at all likely that such a charge would be brought against any Member elected for the University of Scotland. The constituency in that case would be highly intellectual, and altogether above the imputation of being actuated by unworthy motives in their choice, while they would probably send a Member who would do great credit to the constituency and the House. The Government and the House ought to take into consideration the great *prestige* which would be given to the cause of education in Scotland if the University of Scotland were recognised through returning a Member to Parliament. They ought to abolish all rival distinctions, and consider that they were a united empire on both sides of the Tweed, having only one desire, that of promoting the interests of the whole country.

COLONEL DUNNE said, he was anxious to address a few words to the House, to show why he should oppose this Bill at the present stage. He agreed with the hon. Member for West Norfolk, who had said that the agricultural and landed interests were not adequately represented in that House; they never had been. The agricultural interests of England, Ireland, and Scotland were not represented — indeed, the population of Ireland might be almost said to be entirely agricultural—and all the legislation at present was addressed to commercial and manufacturing interests. Two grounds of representation, valuation and population had last year been taken; and whether they made the calculation on the one basis or the other they would find the boroughs had an undue share of representation. In point of valuation the boroughs had three times the representation of the counties, for whilst one Member represented a valuation of £127,274 in the boroughs, a county Member represented a valuation of £380,906 in the counties. Again, as to population, a borough Member represented 1,292 electors, while a county Member represented 3,186 electors and pnrsuing this calculation it would be found that a borough Member represented 22,088 persons, and a county Member 64,800 persons. Thus, it was obvious the number of borough Members 337, was too large a proportion to the county Members who were only 159, in England and Wales. He would not enter into the question of taxation, as the hon. Member had fully entered into it, and he need not assure them that on that ground also they would find the counties were worse represented than the towns; and what made the matter still stronger was that the county Members did not only represent the counties which sent them, but were frequently more intimately connected with, and anxious for the interests of the working population residing in the towns. Much was at times said by hon. Members on the Opposition benches as to representing the working classes; but it was not those hon. Gentlemen who had passed the measures most for the benefit of the workingman. Who was it passed the Ten Hours Bill, the Fencing Machinery Bill, the Factories and the Bleaching Bill? Why, it had undoubtedly been the hon. Gentlemen who sat on his (the Opposition) side of the House. Truly, there was one or two brilliant exceptions, the hon. Member for Sheffield (Mr. Roebuck), who had from time to time raised his voice in the interest of those people; so did the hon. Gentleman the Member for Oldham, and so had Mr. Fielden; but taking the mass of the measures that had been passed for the amelioration of the inhabitants of the large towns it would be found that they were not carried by those who represented the towns, but by the county Members. The fact was that master manufacturers and the operatives were considered by the former antagonistic, and they preferred their own while the representatives of agricultural constituencies knew their own interest and those of the working classes to be identical. They had heard a great deal said by hon. Gentlemen opposite on the subject of extended franchises, and of liberties they would give to those operatives engaged in manufacturing districts; and this reminded him of the present doings and objects of the seceding States in America. There the Southern States seceded to get liberty, and that liberty they desired only to perpetuate slavery. Their cry was not at all unlike that of the hon. Gentlemen opposite. He protested against the arrangement not to give additional Members to Ireland. Two were promised to it when the Reform Bill was last under consideration; and what difference was there in its circumstances now? Surely if it were just to give Ireland two more Members last year it was not less just now, and that it was just then must have been the deliberate opinion of the framers of that Reform Bill, or they would not have asked the House then to consent to give Ireland additional Members, and he scarcely thought it could be asserted that since that period there had been any changes in the proportionate population. How those who proposed to give Ireland two additional Members could now oppose the same proposition, and he (Colonel Dunne) intended to make it in Committee, he could not possibly conceive. As to valuation, he did not think it could be regarded as a test between two countries; it might be all very well to apply it where the comparison was between different parts of one country; but there could be no justice in applying the test of valuation when they were comparing Ireland, a poor country, and England, a rich one. No doubt Scotland was entitled to increased representation—whether by means of giving Members to her Universities or not he could not say; that was a matter for Scotland itself; but he must say that he almost doubted the advisability of giving Members to Universities to any greater extent than was done now, and he would prefer giving a seat to some Scotch county. But the hon. Member for Montrose (Mr. Baxter) had said Ireland was over represented. Had the hon. Gentleman paid any attention to the population he would have seen this could not be the case, for, although in England there were one Member to every 36,612 persons, and in Scotland only one to every 54,014, yet Ireland had but one Member to every 65,034. How, then, could the hon. Member state that Ireland was over represented? They had a right to demand for Ireland, he thought, at least one of these seats, they having already been promised two, and for this reason he should vote against the details of this Bill. He could show at greater length the propriety of this course, but at so late an hour would not trouble the House further. There would be sufficient opportunity when the Bill came into Committee of doing so, and he would give notice before it did so. That this would prove the omissions of the proposed additions to the metropolitan Members of whom there were already sixteen, a number which he felt sure the House would consider more than sufficient.

Mr. JACKSON said, that having a deep interest in what he hoped would be the future borough of Birkenhead, he trusted he would be excused in saying a few words in its favour. He believed that the claims of Birkenhead to have a representative were much stronger than those stated by the Home Secretary when he introduced this Bill. He had carefully examined the rate-books of the various places comprised within the intended borough of Birkenhead, and he found that the number of persons who would be entitled to vote in the event of the Bill becoming law to-morrow, was 5,319, of whom 2,500 occupied tenements above £20. The population of Birkenhead was between 50,000 and 60,000 persons, and it was progressing at a rate not equalled by any other part of the kingdom. Under those circumstances, so far from not being entitled to have a representative, he thought that Birkenhead might very fairly claim two Members.

Colonel Dunne

Mr. HORSMAN said, that he desired, in consequence of the remarks of the hon. and learned Member for Southwark (Mr. Locke), to draw the attention of the House to one point which had not been adverted to in the debate. He wished, however, at the outset to say, that he could not join in the disparaging opinion which had been expressed with reference to the metropolitan Members. On the contrary, he thought such opinions not only invidious but unjust, and he was ready to bear his testimony to the high character and efficiency of the metropolitan Members. A paper, however, had been put into his hand, which led him to think that the conclusions which his hon and learned Friend had arrived at upon his statistics would lead the House to an erroneous result. The hon. and learned Member stated that there were twenty metropolitan representatives, and that, taking wealth and population into account, there ought to be forty. He (Mr. Horsman) doubted whether they ought to take the number of representatives by those who theoretically sat for these constituencies in that House. He held in his hand a list of no less than seven very eminent London bankers, all of them representing other constituencies, but whose business, residences, and interests were all in the City of London, and whenever the political or the commercial interests of the Metropolis were affected, those Gentlemen were as much available as the champions or advocates of those interests as were those Members who happened theoretically to represent it. Then, again, there were no less than eight Bank Directors, who also had seats in that House as the representatives of other constituencies. There were four Aldermen of the City of London, who represented rural constituencies, and there were in addition to those five eminent merchants and capitalists representing other places; but no man in that House would say that where the interests of the Metropolis were concerned, they would not be representatives as accessible and as efficient as any of those who had been returned for metropolitan boroughs. There were likewise six very eminent shipowners, whose commercial and local interests were in the City of London; and without going more minutely through the list, he might say that there were no less than forty Members in that House, in addition to the twenty Gentlemen who represented the metropolitan constituencies, all of them eminent men in different classes of commercial life, and all as available and efficient for the representation of metropolitan interests as its own proper representatives. That was putting out of the question a great many others who, like himself, were electors for the metropolitan districts, having property in those districts, who were entitled to assist in all matters of local interest, and who were more or less representatives of metropolitan constituencies. Therefore, so far from there being only twenty metropolitan representatives in that House, there were more than the number of forty, which was the number demanded for the Metropolis by his hon. and learned Friend. He ventured to say that there sat in that House at least from forty to fifty Members unconnected with the representation of metropolitan districts, who still were as directly and as intimately connected with all metropolitan interests as any of those who had been elected by those constituencies to the House. There was another point also, which was very much lost sight of, which was that in the claim of any constituency to representation, the question of locality and vicinity should be considered. He held that any borough within the vicinity of the Metropolis, having two Members residing within the Metropolis, and who are at all times accessible, did not require so many representatives as a district in Ireland or Scotland of the same population. The Members from those kingdoms were far removed from those whom they represented, and had frequent occasion to be absent from London, and though, perhaps, representing equal wealth and numbers, could not exert in their behalf the same influence as a metropolitan Member, or one representing a place in the vicinity of the Metropolis could exert on behalf of his constituents. For these reasons he thought it was a question of very grave doubt whether the Metropolis was not represented far more in proportion to its wealth and population than more distant constituencies who might possess greater claims.

LORD JOHN MANNERS said, he was not disposed to follow the right hon. Gentleman in his discussion as to the merits of the metropolitan Members. The question before them was whether they should fill up the vacant seats :—as to that there was no question ; — but, beyond that, there was the further question, on what principle the vacant seats should be distributed. He presumed the proposal of the Government was to distribute a part of them to counties, and a part to boroughs; but he did not think the Government had effected that proposal in a satisfactory manner. He could not understand why the great West Riding of York should be put in the invidious category of some of the smaller counties, and that it should only be thought deserving of a third seat. He thought the experience of "unicorn" counties had not been very satisfactory; and if, instead of giving one additional Member to the West Riding, and another to South Lancashire, they had divided the West Riding into two, and so distributed the seats, they would have acted on a sounder principle. When the Government had made up their minds as to which of the non-represented boroughs should have the seats, they would, probably, be assented to, unless, indeed, the Scotch Universities found favour in their sight and got them. But at this stage of the Bill he would not enter further upon that argument, but he was now anxious at this moment to guard himself against being supposed to be in favour of that part of the scheme which simply gave a third Member to the West Riding of Yorkshire.

MR. ROUPELL said, that many of the objections which had been raised by hon. Gentlemen to the Bill, might be far more fitly made in Committee. He desired to express his entire dissent from the opinions which had been expressed by the right hon. Gentleman the Member for Stroud (Mr. Horsman). It did appear to him (Mr. Roupell) a most extraordinary notion that the Metropolis should be considered as possessed of forty or fifty representatives, who were returned by other constituencies, simply because they were more or less interested in the Metropolis. Surely the noble Lord the Member for Marylebone (Lord Fermoy) could not be considered as representing an Irish borough or an Irish county, nor could a Scotch Member be supposed to represent any other portion of the Kingdom than that for which he was returned. Nothing could be more absurd than to say that the Metropolis was represented by forty or fifty Gentlemen, who were supposed at the same time to represent the special interests of those constituencies by whom they were elected. Did they represent the Metropolis, or did they represent their own proper constituencies? They might represent the general interests of the country—but it was idle to say that those seven or eight bankers, those six Bank Directors, and those Gentlemen connected with the shipping interest, were sent to that House as representatives of the metropolitan constituencies, rather than of the general interests of those constituencies by whom they were elected.

Lord WILLIAM GRAHAM begged to remind the House that the Bill of last year was withdrawn on a Resolution which proposed to postpone legislative measures with regard to the representation of the people until the results of the census of the present year should be known. If the Government agreed with that Resolution, it would be unwise to proceed at present with this Bill, because the result of the Census might show a great alteration in the proportion of population. The hon. Member for Finsbury, also, had given notice of a Motion with respect to the seats for Wakefield and Gloucester. The Government must have made up their minds whether they intended to oppose that proposition or no; and it was desirable that the House should be put in possession of their views.

Mr. COLLINS said, that as hon. Members seemed all agreed as to the principle of the measure they ought to read it a second time at once, and leave details to the Committee. He must say, however, that he did not think the West Riding had had justice dealt out to it. Considering the large amount of its population and the importance of the district, it was entitled to a larger share of the representation. The West Riding, irrespective of the boroughs, contained a population of 800,000 persons; and the boroughs 400,000 more. It was sixty miles long and seventy broad, and, what was material, it could not be contested at a less cost than £15,000 aside. In the present state of political apathy he believed it would be utterly impossible to procure candidates. Considering the present state of the county the seat was virtually confined to a few leading families. At the last election every shilling of the Conservative candidates' expenses was subscribed by the gentry of the district; but they could not always rely upon that. There was a great desire that the county should be further divided, and he thought that two additional Members should be allotted to it. He hoped the Home Secretary would spare them the annoyance of having a contest hanging over them for the next nine months. He saw no reason why the writs for these seats should not be issued immediately the measure was passed.

Mr. VINCENT SCULLY said, he was not going to raise a discussion as to the respective claims of England, Ireland, and Scotland at that hour. He only wished it to be understood on the part of Irish Members that silence did not give consent. He did not think this was the proper time to re-distribute these seats. They had four seats to dispose of and some forty or fifty applicants. It was convenient to have a few vacant seats to distribute when they had a Reform Bill; and it would also be well to wait till they were in possession of the forthcoming census. He objected altogether to this system of bit-by-bit Reform and to this miserable Bill—this *ridiculus mus*—a sorry substitute for the comprehensive measure they had so long expected.

Major WINDSOR PARKER proposed to read to the House a letter he had just received from the Mayor of the ancient Borough of Sudbury. The mayor stated that at the time the borough was disfranchised it possessed the right of returning Members to Parliament—a right which it had exercised for three centuries. The charter was originally given for special services rendered to the Crown; that the borough was situated in the Western Division of Suffolk, which returned only nine Members to Parliament; while Sussex, with the same population and the same area, returned eighteen. Wiltshire, with a much smaller population and area, returned eighteen; while Buckinghamshire, with less than half its population and area, returned eleven Members. The hundred in which Sudbury stood contained 40,000 inhabitants. The mayor added that since the disfranchisement of Sudbury, numerous other constituencies had been convicted of the grossest practices of bribery and corruption, and yet had been allowed to return Members to Parliament. Even at the present time the writs for Gloucester and Wakefield were suspended, although apparently without any ultimate intention of their being disfranchised. The Report of the Berwick Election, just issued, contained more astounding facts than had ever been alleged against Sudbury. On these grounds the Mayor of Sudbury claimed that one of the seats should, at all events be restored to it. He (Major Parker) should be much influenced in his vote by the Government declaring that the smaller delinquents should not be treated with a greater measure of punishment than the larger ones. If the House in its wisdom should not think it prudent to restore to Sudbury her two seats, perhaps it might give it one. But at any rate he thought he had made out a claim for two more Members on the part of Suffolk.

Bill read 2°, and *committed* for *Thursday*, 7th March.

House adjourned at a Quarter before Twelve o'clock.

HOUSE OF LORDS,

Tuesday, February 26, 1861.

HOUSES OF ILL-FAME BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE BISHOP OF OXFORD in moving the second reading of this Bill said, that the object of the measure was of the simplest possible character. It did not propose to alter the aspect of the law with regard to those places in any respect, but merely to make the existing law more easily effectual than it was at present. By the existing law houses of this kind could be indicted, and upon the order of the Judge the expenses thereby incurred could be charged upon the county fund. But the proceedings, which must be taken under an old Act of Parliament, were of such a description that it was exceedingly difficult to carry the law into effect. For example, it was necessary that two householders should prosecute, and they could only do so as common informers, receiving a reward of £10 each upon obtaining a conviction. Of course, this gave a character to the proceeding of a very different kind from that which ought to be attached to it, and a strong and general objection was entertained to undertaking any such prosecution. The offence was, indeed, one of a series of misdemeanours in which the costs were allowed by statute, and the law had provided ways by which when an evil of the kind became unbearable the parties should be indicted. He, therefore, proposed to add no new ground of indictment, but only so to simplify the process that the existing law should be carried out and made more practically effective, and the costs allowed by proper authority be recovered. He need not enter into the general question which was dealt with by the Bill. Hitherto the law had regarded these wretched houses as evils which were in one sense "necessary evils"—that was to say evils that could not be altogether suppressed. Our Legislature, however, had avoided the great moral evil which attends in other countries the licensing of those houses and bringing them under the direct shadow of the law; but it had considered that since those houses could not be altogether suppressed they should be discouraged to the utmost, and that the law should be ready whenever those houses pressed themselves on public notice to bring its penalties to bear upon them. He did not ask them to make any difference whatever as to the status of those houses, but merely to simplify the mode by which the majesty of the law should be properly upheld. As he had no reason to anticipate any objection would be made to the second reading of the Bill he had only briefly stated its details.

Moved, That the Bill be now read 2^a.

THE LORD CHANCELLOR was sure that the House felt greatly indebted to the right rev. Prelate for having directed his attention to this question with the view of suppressing what was undoubtedly a serious evil. The existing law did not deal with these cases effectually, and it was desirable that it should be amended. But whilst there was no objection to the principle of the Bill, he apprehended that as it would involve a charge upon the public revenue, it would be considered a taxing Bill, and the House of Commons would decline to receive it if it originated in this House. He would, therefore, recommend its withdrawal: if not, he should feel it his duty to move that it be read a second time that day six months.

THE BISHOP OF OXFORD said, he had not been aware that there was any such technical objection against the measure; but if it was the opinion of the House that it ought not to originate there he would accede to the request of the noble and learned Lord and withdraw it.

Motion (by Leave of the House) *withdrawn;* then the Bill (by Leave of the House) *withdrawn.*

PROTECTION OF FEMALE CHILDREN BILL.—SECOND READING.

Order of the Day for the Second Reading read.

THE BISHOP OF OXFORD moved the second reading of this Bill, which, he said, was similar to one that passed their Lordships' House two years ago, but too late in the Session to go to the other House. The Bill consisted of but one clause, and was of the simplest kind. At present the law gave protection to young girls between the ages of ten and twelve, and the seduction of such children was declared a misdemeanor. The object of this Bill was to extend the age by one year, so that it should be thirteen instead of twelve; and the only argument against it, he believed, was that by the old law of England females were enabled to marry at the age of twelve, and that, therefore, it was something of a contradiction to extending the protection beyond that age. But the evil was practically a very great one. Young girls were sent forth from the unions at thirteen years of age perfectly ignorant of the way in which they would be tempted, and of the life that was before them. He thought the law would, therefore, do well to extend its protection to them as female children, until they arrived at the age when they would be fit to be set free from it.

Lord CRANWORTH felt that such cases as had been alluded to by his right rev. Friend were indeed very deplorable, but he doubted whether they could fix any age at which there might not be some cases from which the same argument might be drawn. It appeared to him extremely desirable to avoid discussions of this kind, which were not only unpleasant but extremely detrimental to morality.

Moved, That the Bill be now read 2^a.

Lord DENMAN thought that the Bill should fix the age at fourteen instead of thirteen.

Earl GRANVILLE, agreeing with the noble and learned Lord below that these discussions were more mischievous than otherwise, moved that the Bill be read a second time that day six months.

Amendment *moved*, to leave out ("now") and insert ("this Day Six Months.")

On Question, That ("now") stand part of the Motion, their Lordships *divided*:—Contents 27; Not Contents 48: Majority 21; and Bill to be read 2^a *this Day Six Months.*

CASE OF MR. TURNBULL.

MOTION POSTPONED.

On Notice of Motion (the Marquess of Normanby) respecting the resignation of Mr. Turnbull;—

Lord MONTEAGLE hoped that the noble Marquess would not proceed with the Motion that evening. The subject to which it had reference was a very interesting one. It involved a question of personal character as well as of a public principle of considerable importance, and he submitted that it would be unfair to press its discussion until their Lordships had time to read the papers in reference to it. Those papers had been presented only at five o'clock that evening. They were not even printed, and he doubted whether there was a single individual in the House who had read them. He could say for himself that he knew nothing whatever of their contents, and he did not think that, in justice to the subject itself the noble Marquess should proceed with its discussion that evening. It involved not only a question of personal conduct and character, but also of freedom of conscience, and the conduct of an eminent Judge and of the Government—to say nothing of the important public question that was connected with the matter; but not knowing what the contents of the papers were, he should say that he was not prepared to give a vote on the Motion. On that ground he appealed to the noble Marquess to postpone his Motion until the papers were printed, or until the House had the opportunity of reading them.

The Marquess of NORMANBY said, that he was placed in a position of considerable difficulty by the appeal which had been made to him by his noble Friend. In the first place it was impossible not to yield attention to any suggestion coming from the noble Lord whose whole political life, if he had not assured them of that fact, was a guarantee of the very great and deep interest which he took in such questions. But before he acceded to the request of his noble Friend he should make one or two observations. He thought himself that the papers were very important to the proper discussion of the subject, and that it would be a disadvantage to himself, although well knowing their contents, if it were to be entered on before their Lordships had read them. He believed also that some other very important documents which the Protestant Alliance had not thought expedient to publish in their last monthly Report, though then in their possession, would be presented to the House, and that they were documents which contained the opinions on the subject of many important official persons in the Record Office. With regard, however, to the postponement of the Motion he was in this difficulty. Their Lordships would recollect the sort of attack to which he had been exposed the other day by the noble Earl below the cross benches (Earl of Shaftesbury), who then told him that he had acted in a most unfair manner because he had postponed the Motion of which he had given notice a few days before. He had given that notice in consequence of the number of letters which he had received directing his attention to the public correspondence between Mr. Turnbull and the Master of the Rolls, after he had called the attention of the House to a very singular and extraordinary use made of the appellation of "Christians" in a memorial which had emanated from the self-same Protestant Alliance in reference to some alleged persecution of Protestants in Spain, and in regard to which the noble Earl gave a very imperfect explanation. He had been charged by the noble Lord with having acted unfairly in postponing that Motion; but he had previously stated to the noble Earl his intention to postpone it long before he had publicly done so in the House. The reason why he postponed the Motion was that he was informed that a certain memorial, signed by as many as 800 Protestants was about to be presented to the Prime Minister, praying that Mr. Turnbull's resignation might not be accepted; and Mr. Turnbull's friends suggested that the Motion should be postponed until they saw the result of the appeal to Lord Palmerston. The noble Earl then said that he knew what his motives were, and that the object was that meanwhile another Gentleman in "another place" should attack him behind his back. He (the Marquess of Normanby) protested his entire ignorance that any such Motion was contemplated in the House of Commons, and that any such formidable champion of Mr. Turnbull was about to attack the noble Earl there. But these facts placed him now in a delicate position as to again postponing the Motion, since he had assured the noble Earl that he would bring it forward at the earliest opportunity. At the same time, he felt that it would not be fair to refuse compliance with the appeal just made. As this was a matter which he had been told affected personal character he could not delay it a day later than was necessary, and would, therefore, postpone until Monday his Motion on Italian affairs and bring forward this subject in its place on Friday. He could not, however, help complaining of the delay which had taken place in the production of these papers. He moved for them on Thursday. They were ready in the Rolls Office, as he was informed, on Friday, and yet the requisite order for their presentation never left the Home Office until after the House adjourned last night. When their Lordships remembered the necessity of a fair, full, and speedy consideration of this question, he thought they had reason to complain of this default of duty on the part of one of the departments of the Government.

Earl GRANVILLE said, he did not think the noble Marquess need make any complaint on that score, as he had himself declared that the papers were of no importance.

The Marquess of NORMANBY was surprised that the noble Earl should make such a statement. He had observed that he was acquainted with the facts, and that the papers were not, therefore, necessary for his information; but other noble Lords thought them of great importance, because they knew nothing of the case. With regard to the time of postponing his Motion, he now understood that some noble Lords who were anxious to attend the discussion on Italian affairs would not be able to do so if it were delayed until next week. He would, therefore, allow his notice on this subject to stand, as before, for Friday, and would fix the present Motion respecting Mr. Turnbull's case for next Monday.

House adjourned at Six o'clock, to Thursday next, Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 26, 1861.

Minutes.] Public Bill.—2° Locomotives.

INDIAN PRIZE MONEY.—QUESTION.

Colonel DUNNE said, he would beg to ask the Secretary of State for India When the Prize Money due to the Central India Field Force, under General Sir Hugh Rose, will be distributed? also, when the Prize Money due to the Kirkee Division will be distributed? and whether the amount of Prize Money assigned to each has been decided on?

Sir CHARLES WOOD said, the Question put by the hon. and gallant Member was exactly the same as one which had been addressed to him a few days ago by the hon. Member for Hertford (Sir Minto Farquhar), and he could only give the same reply—namely, that the Delhi and Lucknow prize money would be distributed as soon as the roll of the claimants should have been made out which must be done in India. It was utterly impossible to know what the shares would be till the rolls had been made up, and as soon as the list of those entitled to prize money was completed the distribution would be proceeded with. With regard to the other prize money, a recommendation had been made, by the Committee of Officers which sat on the question, that it should all be thrown together, and distributed among the whole of the force employed, with the exception of those engaged at Delhi and Lucknow. The question had been referred to the Government of India, and their answer had not yet been received.

BANKRUPTCY AND INSOLVENCY (IRELAND).

MIXED MARRIAGES (IRELAND).

QUESTIONS.

Mr. VINCENT SCULLY said, he rose to ask the Chief Secretary for Ireland, Does Her Majesty's Government contemplate to introduce a Bankruptcy and Insolvency Bill for Ireland similar to their English measure? He would also beg to ask the right hon. Gentleman whether his attention has been directed to the judgment delivered last Michaelmas Term by the Irish Court of Common Pleas in the case of Darcys, Minors, or to proceedings in the case of Thelwall against Yelverton, now pending in that Court, and does the Chief Secretary intend, either by a separate Bill, or by an Amendment of his Bill for the Registration of Births, Deaths, and Marriages in Ireland to propose any repeal or alteration of those enactments which render void a marriage celebrated by a Catholic priest, and render it felony in the officiating clergyman?

Mr. CARDWELL said, that by an Act which passed that House about four years ago, the Courts of Bankruptcy and Insolvency in Ireland were united, and so far, therefore, as the tribunal was concerned, there was no alteration required in the law of Ireland on that subject. With regard to the alterations in the law of bankruptcy and insolvency in England, which were being made by Parliament under the auspices of his hon. and learned Friend the Attorney General, when these alterations should have received the sanction of Parliament, it would then be necessary for them to consider whether they ought to be extended to Ireland. With respect to the other Question, his attention had been called to the cases referred to by his hon. Friend (Mr. Scully). There could be no doubt that great inconvenience arose from the state of the law with regard to mixed marriages in Ireland. He (Mr. Cardwell) was no advocate for any state of the law which should place the clergy of the Roman Catholic Church under any disability on that subject to which other clergymen were not subjected; but his hon. Friend would remember that, when the Act of 1844 was passed which regulated marriages in Ireland, celebrated by the clergy of the Protestant Church and by Nonconformist ministers, the Roman Catholic clergy, in deference to their own feelings, were by the Legislature exempted from the operation of that Act. That Act exposed to the penalty of felony Protestant clergymen who celebrated marriages in contravention of the statute. The Roman Catholic clergy, being exempted from it, were left by the statute under this penalty —they were subject to the same penalty if they celebrated marriages with Protestants. His hon. Friend would see from this statement that to alter the law would only have the effect of opening wider questions than the one to which he had particularly pointed his attention. At the same time, with the view of facilitating the registration of births, marriages, and deaths, he had been most anxious to separate that subject, which had its own difficulty, from another subject of much greater difficulty, namely, the law of marriage; and he trusted to be able to carry a Bill on the subject of registration of births, marriages, and deaths, so far as not to touch upon the law of marriage in the case referred to, or in any other case.

ARMY.—THE ARMSTRONG GUN.

QUESTION.

Major GAVIN said, he would beg to ask the Under Secretary of State for War, To place on the Table of the House a Copy of the Report made by the Officer commanding the Artillery as to the efficiency of the Armstrong Guns in the recent operations in China?

THE IRISH MILITIA.—QUESTION.

Colonel DICKSON said, he hoped before the hon. Gentleman replied to the Question of the hon. and gallant Member for Limerick he would permit him to ask, Whether it is the intention of the Government to call out the Irish Militia Regiments for training this season; whether the Lords-Lieutenants of Counties will be consulted as to the most convenient season for doing so; and whether new clothing will be issued to those Regiments which are entitled to it?

MR. T. G. BARING replied, that it was the intention of the Government to call out for training in the present year those regiments of Irish Militia which had not been recently embodied. The Irish Executive would, of course, be apprised of the intentions of the Government; and he had no doubt that the Lords-Lieutenants of counties would be consulted as to the detailed arrangements for that purpose. The clothing was in preparation, and he believed he might say that it was ready for distribution.

With respect to the Question put by the hon. and gallant Member for Limerick, he could state that the reports received with reference to the Armstrong guns in China were very satisfactory. They entered into numerous points of detail connected with the fuses and different portions of the gun; but he must say that he did not see any advantage in presenting these reports to Parliament He should be very happy to show them either to the hon. and gallant Gentleman or to any other Member who might wish to see them, but he believed it would not be advisable to lay them on the table. The House would, however, be glad to know that in the Report of the Ordnance Select Committee to whom these communications were referred, it was stated that—

> "All the defects either have been corrected or are in process of correction, while not any brought to light by this short campaign were entirely new."

THE SLAVE TRADE PAPERS.

QUESTION.

MR. BUXTON said, he wished to ask the Secretary of State for Foreign Affairs Whether he is aware that the Slave Trade Papers for each year only contain those up to March in the year preceding; and whether in future all the documents that have come to hand up to the date of publication might not be included?

LORD JOHN RUSSELL was understood to say that the papers were arranged during the recess to be laid on the table as early as possible in the Session. He hoped in a fortnight or three weeks time to be able to lay them on the table. If it would be any convenience to the hon. Member he would endeavour to have them brought down to the 30th September last.

CIVIL SERVICE EXAMINATIONS.

QUESTION.

MR. HENNESSY said, he would beg to ask the First Lord of the Treasury, Whether the Government are taking any steps to carry out the Recommendations of the Select Committee of last Session on the mode of nominating and examining Candidates for junior appointments in the Civil Service?

VISCOUNT PALMERSTON said, he believed that the main recommendation of the Committee to which the hon. Member referred was, that in addition to the competitive examination, there should be a preliminary standard examination, to ascertain that each individual intending to compete came up to a certain point of qualification. No steps had been taken on that recommendation yet; but he should feel it his duty to communicate with the Civil Service Commissioners, with a view of learning in what way they thought it could be carried into effect with the least inconvenience to the parties concerned, and the most advantage to the public service.

ARMY (CAVALRY OFFICERS).

ADDRESS MOVED.

MR. DARBY GRIFFITH said, he rose to move that the House should resolve itself into Committee to address Her Majesty, praying that She would be graciously pleased to give directions that the stoppage from the pay of the cavalry and artillery officers for forage should be discontinued. They professed to pay and clothe the army, and to give them forage for their horses; but the fact was, that they made a deduction of 8½*d.* a day from each cavalry officer, which he had to pay back to the paymaster of his regiment on account of forage. He believed that the public at large was not aware of this practice; though it had, in one form or another, gone on since the earliest period at which we had a standing army. The country willingly spent £15,000,000 a year on the army; and, certainly, it would not sanction a system of meanness in respect of forage, altogether unworthy of a great nation, by which only £18,000 a year was saved, and which naturally gave rise to much dissatisfaction in the service itself. He had read the correspondence on this subject; but was unable to find out who was responsible for the deduction. It was defended in the name of "the Lords of the Treasury," and "My Lords." The First Lord of the

Treasury was one of "My Lords;" but he (Mr. Darby Griffith) could not think that the matter had ever come under his cognizance, or under that of the Chancellor of the Exchequer. Such a system would not be pursued by the Members of the Government, or any hon. Gentleman in private life in the case of his own groom or coachman; and he did not believe that the most rigid economist in that House would call it good economy as applied to the army. The Treasury argued that to relieve the officers from this expense would only induce men to give a higher price for their commissions, but young men did not join the army for commercial purposes. Their great ambition was to get fame, to "seek the bubble reputation in the cannon's mouth," and not to obtain any pecuniary benefit. The noble Lord the Secretary for War was opposed to the present system, as was evident from a letter of his in the correspondence which he held in his hand. The right hon. Member for Huntingdon (General Peel) was also unfavourable to the system. In fact, the late and the present Secretaries of State for War had completely exhausted the arguments on the subject, and all he (Mr. D. Griffith) could pretend to was to be the mouthpiece to bring them before the attention of the House, and before those opinions the whole of the arguments on the commercial grounds, as he contended, entirely broke down. He would, therefore, move—

"That this House should to-morrow resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, praying that She would be graciously pleased to give directions that the stoppage from the pay of cavalry officers for forage be discontinued."

Captain JERVIS said, he rose to second the Motion. The question was one of pounds, shillings, and pence. The fact was, that on the one hand the Treasury would not consent to give up the amount; and, on the other hand, they had high military authority that the deduction complained of was highly injurious to the military service. The higher officers, according to their several ranks, were compelled to keep a fixed number of chargers, and they only obtained remuneration for the loss of their horses if they were killed in action, or unless they died from glanders, or were ordered to be shot. The House would have to give their moral support to the War Office against the Treasury, who resisted concession to the just demands of men whose pay was not much more than double the amount of these stoppages.

Mr. T. G. BARING said, that he must confess that he stood in a somewhat peculiar position in regard to this question, because the main portion of the argument used by the hon. Gentleman (Mr. Darby Griffith) was to be found in the letters of the noble Lord the Secretary for War. At the same time, the hon. Gentleman had not put the matter exactly in the shape in which it really stood. The last communication from the Treasury to the War Office on the subject did not give a decided negative to the proposal, but merely suggested delay, in order that the effect of some other measures which had been taken to improve the position of officers in the cavalry might be considered. The Treasury was not liable to the attack made on it by the hon. Gentleman, that they were careless with respect to the interest of the service. On the contrary, the correspondence showed that they had gone carefully into all the calculations on this subject, and that they were ready to adopt such measures as might be thought most desirable. Passing on to the main point, the House were now asked in effect to go into a Committee to address Her Majesty to increase the pay of cavalry officers. ["No, no!"] He used the words designedly, as such would be the result, for the abolition of the deduction for forage would amount to an increase of pay. The payment imposed no hardship on those officers, for it was perfectly well known to them when they entered the service. It was contained in the Royal warrant, and, therefore, could not but be perfectly known to them. The aggregate sum had been rather understated by the hon. Member, for it amounted to £20,000, and the House, before it gave such an increase to the pay of cavalry officers—should be perfectly satisfied that it would be right to do so. His noble Friend the Secretary for War had gone at considerable length into the question of the condition of cavalry regiments last Session. He showed the difficulty of getting young men to enter cavalry regiments—a difficulty springing from various causes, and for which it was almost impossible to say what remedy should be provided. The difficulty arose—first, from the expensive character of the cavalry regiments owing to the expensive habits of the officers; second, from the examination which the officers had to sustain; and third, from the regulation price paid for commissions. His noble Friend had endeavoured to meet the difficulty in obtaining cavalry officers by diminishing the expenses incurred in the purchase of chargers, and he had also made a considerable diminution in the regulation price of cavalry commissions. As the claim to the abolition of these stoppages mainly rested on the difficulty of providing officers for the cavalry, all the Treasury asked was that the House should wait and see whether the measures taken would not meet the difficulty. At the beginning of last year the number of vacancies in the cornetcies of cavalry regiments other than the Life Guards or Blues was fifty-nine, while at present it was only sixteen. This was a ground for not recommending an increase of pay to cavalry officers until it were seen whether the measures already taken would not be sufficient. He agreed with the hon. Gentleman that the system of stoppages was cumbrous and bad in principle, and if they were establishing a new system it would not be desirable to introduce it. But there were stoppages from the pay of infantry soldiers and others which would also have a claim to be considered if this stoppage were granted, and he was not, therefore, in a condition to say that in every case stoppages should be abandoned. For these reasons, while he sympathized with those whom the hon. Member represented, he trusted that the House would not commit itself to the present Vote without further consideration.

COLONEL DICKSON said, they were rather wandering from the question in talking about the purchase of commissions and the vacancies in cavalry regiments. The question simply was whether they were to go on inflicting an injustice on a very deserving body of men. He denied that the difficulty in obtaining cavalry officers arose from the expensive habits that prevailed in some regiments. Many of these officers were expensive, not because they were in certain regiments, as they would act in the same way whether they were in or out of the regiments. He could not agree with his hon. Friend in calling this a miserable deduction. To the State it might be a miserable saving, but to the officer it was a most important deduction. The pay of a cornet was £120 per annum. He was obliged to keep two horses, for which £26 was deducted. Then came £6 for batmen, £8 to regimental fund of band and mess, amounting to £40. To this must be added £5 for income tax—making altogether £45, which was a very serious reduction from the pay of an officer. It was said that under a recent regulation officers might purchase chargers at £50 a piece. No doubt that change had been made with the best intentions, but it was a pity that those who understood the feelings and requirements of the service had not first been consulted. He spoke in the presence of many hon. Gentlemen who were acquainted with the present price of horses, and he unhesitatingly said that no officer could provide himself with a suitable charger, which his colonel would pass, for £50. The privilege of buying a charger at that sum was, therefore, no advantage at all to officers. He trusted that his hon. Friend would divide the House, and endeavour to remove this gross injustice.

COLONEL DUNNE said, he had never before heard a Secretary at War defend the injustice of such charges as these deductions. The question had always been met by referring to the Treasury objections. The great misfortune of the service was that its interests were dealt with by men who did not understand them, and so long as the army was governed by civilians it would be subjected to anomalies and injustice. When an officer entered the army his friends probably imagined he was to receive as cornet £120 a year; he, as probably, did not himself inquire into the matter. Officers seldom entered the army on account of the pay, and many had not, and perhaps would not, be prevented from entering the profession of arms, merely because when told their pay was to be £120 a year, they found £45 a year to be deducted from it. Formerly the young men who entered our cavalry regiments had means which enabled them to care little for these stoppages; but by competitive examination, and lowering the price of commissions, Government was introducing a poor class of men into that service, and we must look on their remuneration in a more mercantile spirit than when we got officers who served the country without any, for such was really the fact. But whether for officers or men all stoppages were laid on officers, and hence they should know exactly what their pay was and receive it entirely. This system of stoppages was not only deceptive and inconvenient, but caused a confusion and extension of accounts which ensured an increase of clerks at an expense, perhaps, exceeding the amount of these stoppages. The ground on which this Motion had hitherto been opposed when brought forward by General Sir James Chatterton, himself (Colonel Dunne), and others, was not its justice, but, the more legitimate reason, of the cost to which it would put the country. However, when the Army Estimates were brought before the House he would undertake to show to the hon. Secretary at War and the House that four times £18,000 could be saved to the Treasury by the exercise of a proper control. He trusted the House would do justice to a few unfortunate officers.

MR. PEEL said, the hon. Gentleman who brought forward this Motion spoke disparagingly of the Treasury in connection with this matter. If, however, this question were looked at from an impartial point of view, one would be obliged to acknowledge that the Treasury would not be justified in transferring to the public this charge of £20,000 a year now borne by officers of cavalry, unless it were shown that a strong practical necessity for the change existed. The hon. and gallant Officer had said that the question had nothing whatever to do with the difficulty in filling vacancies in cavalry regiments in consequence of the insufficient number of candidates; but when the proposal was first made by the War Office to the Treasury it was urged that it would furnish the means of filling those vacancies, inasmuch as men were deterred from applying for them by the great expense attending a commission in the cavalry. That difficulty, however, had since been solved by the reduction of the price of the cavalry commissions. The hon. Gentleman who moved the Resolution stated that the pay of the cavalry officer was insufficient; but to that observation his hon. Friend the Under Secretary of State properly answered that if there was no difficulty in finding officers to accept the service on the existing terms, there could be no reason or justification for the Government increasing the pay or emoluments of the service. It might be that the pay of the cavalry officer was insufficient to defray his expenses; but what were the expenses? They were of two kinds—the necessary expenses, and what might be called the superfluous and unnecessary expenses. No doubt it was in the power of the Government to reduce the necessary expenses by transferring to the public a portion now defrayed by the officers, but any concession of that kind would be thrown away as long as the unnecessary expenses remained as at present, and any change of that sort should be the complement, and not the foundation of any change in the expensive habits of the cavalry officers. The hon. Gentleman, though sneering at what he called the commercial argument of the Treasury for rejecting this proposition, had, nevertheless, failed to show that there was incorrectness in the argument that inasmuch as the illegitimate price of cavalry commissions exceeded the regulation price, these who entered the army subsequently to such a concession as that now asked for being made would pay for any additional advantage and emoluments of the service in the increased price of commissions. Therefore, the proposition, if carried into execution, would not be of permanent advantage to the army, but only of benefit to the existing holders of commissions. The present Motion opened a wider question than the hon. Member supposed. What was there to be said in favour of the public assuming this charge which might not with equal justice be said in favour of the public making good the stoppages from the pay of infantry officers on account, for example, of military music amounting, he believed, to £50,000 a year? On the whole, he thought that the Treasury had exercised a wise discretion in objecting to impose the burden on the public in the absence of any proof of the necessity for such a transfer.

COLONEL KNOX said, he was not surprised to see the right hon. Gentleman standing up to defend this charge upon the cavalry officers, associated as he was with the Chancellor of the Exchequer. Every military man who had heard the observations of the right hon. Gentleman, however, must see that he could not possibly have had the requisite experience to enable him to form a proper judgment of this matter. When the right hon. Gentleman spoke of the stoppage from the pay of the infantry officers for band music he ought to have recollected there was no parallel in the two cases, inasmuch as military music was not a positive necessity to the infantry, while a horse was absolutely necessary to the cavalry officer. This had been a grievance with the cavalry officers time out of mind. It was a trumpery thing, and the Treasury had no business to have anything to say on the question. The Government had no right to call on an officer to mount himself, and then to say that he must pay for his own forage. The hon. Gentleman the Under Secretary of State said that the new system adopted by the noble Lord at the head of the War Department had answered thoroughly, but he did not tell the House how that result had been brought about. There were secrets connected with the matter. He (Colonel Knox) supposed that the hon. Gentleman knew all about them. If the hon. Gentleman did not, all military men did. He would rather that the pay of those officers were reduced than that this petty grievance should be always hanging over them.

MR. BERNAL OSBORNE said he would advise the House to be cautious before assenting to the Motion. It was essentially a military movement on the part of three colonels of cavalry and one of infantry. They asked for justice to the cavalry officer, but the House had a duty superior to perform, namely, to do justice to the British tax-payer. The proposal amounted to nothing more nor less than this—that the cavalry officers on the other side of the House were of opinion that £20,000 a year should be taken from the cavalry officers and placed on the British tax-payer. That was the whole *rationale* of the matter. ("Oh, oh!") His hon. and gallant Friend opposite said, "Oh, oh!" and he was justified in making that exclamation, as he said the Treasury had nothing whatever to do with the subject, and that civilians ought not to be permitted to argue it. But seeing the enormous amount of taxation daily put upon the country, he (Mr. B. Osborne) did not think the House would be doing its duty to the public if it placed this £20,000 a year upon the Consolidated Fund. With regard to the difficulty of getting chargers, he could only say that he had seen horses at two or three years old obtained for a comparatively small sum, and made good chargers at a total expense of £50—he did not say that they would carry a sixteen stone man like his hon. and gallant Friend opposite, but certainly men of the average weight. He called upon the Government and independent Members to resist the Motion.

MAJOR KNOX said, he wished to know whether the Government believed that chargers could be obtained for cavalry officers for £50 each?

MR. DARBY GRIFFITH briefly replied to the arguments urged against his Motion.

Motion made, and Question put,

"That this House will, To-morrow resolve itself into a Committee, to consider of an humble Address to be presented to Her Majesty, praying that She will be graciously pleased to give directions that the stoppage from the pay of Cavalry and Artillery Officers for forage be discontinued."

The House *divided*:—Ayes 56; Noes 213: Majority 157.

RECOVERY OF DEBTS.—LEAVE.

MR. HODGKINSON in moving for leave to bring in a Bill to prevent frivolous and fictitious defences to actions for the recovery of debts remarked, that in a country where the giving of credit had become a matter not of choice but of necessity, it was highly desirable that the law on the subject should be as simple as possible, and that while debtors were protected from extortionate demands on the part of their creditors, creditors in their turn should be protected against the vexatious and frivolous defences of unscrupulous debtors. Much had been done of late in that direction. The abolition of arrest on mesne process in 1837, the County Courts Act a few years afterwards, with jurisdiction to a certain amount. the Common Law Procedure Act of 1852; and, lastly, the Bills of Exchange Act of 1855, had all been important steps in legislation on this subject. But though much had been done something still remained to be accomplished before they could claim for the law, as regards the subject of debtor and creditor, even an approach to perfection. Before passing the Act for the abolition of arrest on mesne process, it was open to a creditor, on making an affidavit of the correctness of his debt, to arrest his debtor; a proceeding liable to abuse, and which it was therefore desirable to put an end to. That was a boon to the debtor; but it left the creditor in a far worse position to that which he had before occupied and, the measure should have been accompanied by some provision for the advantage of the creditor. The creditor who brought an action to recover a debt, even though he should have a perfectly passive debtor to deal with, was necessarily subject to very considerable delay and expense. The writ was followed by a declaration and pleading before he could obtain judgment. The Common Law Procedure Act of 1852 made a very important change for the better in this respect. It provided that a creditor might endorse on the writ the particulars of his demand, and then, if no appearance was entered by the debtor, the creditor was allowed to take judgment without the expense of further proceedings; but it still left it open to the debtor to enter an appearance in the action, without even an allegation that there was any ground whatever of reasonable defence, and thus put the creditor to great delay and expense. By the Promissory Notes and Bills of Exchange Bill the debtor was prevented from defending the action without an order from a Judge founded on an affidavit; but, as regarded all other debts, except those on bills and notes, it was still open to debtors to delay their creditors without having any real defence. In at least ninety-nine cases out of a hundred in which a creditor sued for a debt there was no defence whatever to the action. It possibly happened that it was inconvenient to the debtor to meet the demand. Perhaps in a time of pressure, when money was scarce and at a high price, it might be worth his while to delay his creditor by entering an appearance. That was a matter of every day occurrence, the extent of the delay depending not on the validity of the defence, but on the part of the country in which the cause of action arose, and the time of the year when the creditor sued for his debt. Suppose a creditor issued a writ in July, the debtor, at the expense of a few shillings, entered an appearance; the long vacation intervened, and the creditor could take no other step till the 24th of October. Was it, he asked, desirable that such a state of things should continue without subjecting the debtor to some preliminary proof or some preliminary allegation that he had a ground of defence? In country districts, in almost any time of the year, there must be delay. There were but two assizes in the year, and by entering an appearance and pleading to the action the debtor was enabled to stave off the creditor till the approaching assizes. He might be told that the number of defended cases tried at the assizes contradicted, or was at variance with, this state of things. But such was not the fact. He admitted that a great number of those undefended cases did not come on for trial. And why? Because, just at the eve of the assizes, when the debtor found it was no longer open to him to procrastinate he allowed judgment to go by default; or, probably, finding the debtor determined, the creditor went to him and said, "I know you can put me off till March; I do not want, for your sake or my own to incur further expenses; if you will give me a Judge's order for March I will not go farther." The remedy he proposed for the evil was founded in some measure on the Bills of Exchange Act of 1855, which had been found to operate most satisfactorily. He did not propose to go the full length of that Act, which required that the debtor should go before a Judge and satisfy him that he had a good ground of defence or that he ought to have leave to defend the action. That would be one of the grounds; but he would also let every debtor come in and enter his appearance, provided he made a short affidavit averring that he had a good defence to the action or some part of it. He should only subject him to that one test, convinced that, although some men might, perhaps, make an affidavit which, strictly speaking, they were hardly justified in doing, yet in ninety-nine cases out of a hundred that preliminary would be sufficient to prevent many of the evils which were now found to exist, and which operated most harshly upon creditors. He moved for leave to bring in a Bill to prevent frivolous and fictitious defences to actions for the recovery of debts.

MR. HADFIELD seconded the Motion.

THE SOLICITOR GENERAL said, he had no intention to oppose the introduction of the Bill, which, if found to be in its provisions free from material objection, would be a considerable improvement in the law bearing on the relation of debtor and creditor. At the same time, as the procedure recommended was identical with or analogous to what was adopted with reference to bills of exchange, it must be recollected that in all such cases the amount of the debt for which the action was brought was reduced to certainty on the face of the instrument. But when the debt arose for unliquidated sums, as for wages, for goods sold and delivered, or the like, a variety of questions might arise, some of them more or less complicated, which in practice might be found to interpose considerable difficulties in the application of the improvement to which the hon. Member referred. The hon. Gentleman had omitted to state that as the law stood, very considerable impediments were thrown in the way of these frivolous and vexatious defences; because if a debtor who had set up a frivolous or vexatious defence to an action brought by his creditor should in the end be driven by stress of circumstances either into the Court for the Relief of Insolvent Debtors or into the Bankruptcy Court, he would be brought to task for that defence; such a course exposing him in the one case to imprisonment, and in the other to the suspension of his certificate. The Bankruptcy

Bill of his hon. and learned Friend, the Attorney General, also contained a clause rendering it punishable, by the withholding or postponing of his certificate, for a bankrupt to set up a frivolous or fictitious defence. On the other hand, it was not to be denied that some debtors who made these frivolous defences did not subsequently figure in either the Insolvent or Bankruptcy Court, and the Bill of the hon. Gentleman might be usefully applied in such cases. He should, therefore, be glad to see it carried out in a manner that would be free from objection.

Mr. M'MAHON said, he thought the Bill so utterly fallacious in its principle that the House could not assent to its second reading. It professed to be founded on the analogy of the Bills of Exchange Act, but the case of ordinary debts and that of bills of exchange were wholly dissimilar. The acceptor of a bill of exchange signed his name to the instrument, and, therefore, there being a *primâ facie* case against him, it was thought reasonable that a judgment should be given upon it unless the judge in chambers was satisfied that the defendant had a good defence to the action. In the case of an ordinary debt, on the other hand, there was no evidence against the debtor except the statement of the other party, and yet under this Bill it would depend on the caprice of a Judge in chambers whether a man was to be allowed to defend an action. The principle of the measure had been tried in New York, but without success, for although the defendant was there obliged to swear that he had a good defence, frivolous defences were just as common in New York as they were in this country. It was urged as an argument in favour of the Bill that our assizes were held only twice a year. The answer to that, however, was—let them be held oftener. They had the County Courts sitting much more frequently, and debtors were there made to pay by instalments. The cry for excessive speed reminded him of the old law maxim, that "haste was the mother of injustice." It was not the duty of Parliament to encourage any man to lend his money. He disputed the principle that credit was a necessity of trade, and he thought according to true political economy, instead of being encouraged it should be discouraged. The Bills of Exchange Act was itself an exception to our general mercantile legislation, and when that measure was under discussion the House deliberately refused to extend its principles to bonds, because they were not an equal mercantile necessity.

Mr. HADFIELD said, the plain English of the whole matter was that a man who owed money ought to pay it. The Bill would enable a creditor to get his debts in without great expense, and it would therefore have his support.

Leave given.

Bill to prevent frivolous and fictitious Defences to Actions for Recovery of Debts, *ordered* to be brought in by Mr. Hodgkinson, Mr. Bazley, and Mr. Locke.

THE SLAVE TRADE.—RESOLUTIONS.

Mr. CAVE: Sir, I cannot but be sensible that in introducing this subject to the House I render myself liable to the charge of reviving a question which is speculative rather than practical, which belongs to the sentimentalist rather than to the statesman. I know that Colonial matters naturally excite less lively attention here than questions which more intimately concern those whom we represent; but I hope to show that this Motion is practical rather than speculative, that this is not merely a Colonial but a grave imperial question; and I am sure it is one which excites much interest out of doors, from the letters I have received from people of various classes and opinions since first I placed these Resolutions on the paper, some containing valuable, others very strange suggestions. My chief excuse, however, is, that since I took the liberty of asking the noble Lord, the Secretary for Foreign Affairs, a question on this subject, some very important documents have come to light. One, a circular from the noble Lord himself, dated July 11th, 1860, to be found at the end of the correspondence relating to emigration from Canton, and addressed to France, Spain, Portugal, and the United States. Secondly, the reply to that circular from the President of the United States, dated August last. And here I may perhaps be allowed to say that, though in the main concurring with that reply, I read with pain the somewhat arrogant tone which Mr. Trescott, the Secretary at Washington, allowed himself to use—a tone certainly not warranted by the noble Lord's temperate and conciliatory language. The other documents to which I refer are the ordinary slave trade correspondence of 1860, class A and B, and the convention with France on Coolie immigration. The publication of these very important documents may excuse my troubling the House, especially as the noble Lord has propounded a new policy, against a portion of which I feel it my duty, with great deference, most earnestly to protest. My first Resolution is not, I fear, difficult of proof. The noble Lord distinctly states in his circular that—

> "During the last two years the slave trade has again increased; that at the present moment it is actively carried on for supplying slaves to the island of Cuba; and recent intelligence proves that preparations are being made for prosecuting the trade on a most extensive scale!"

Mr. Crawford, Consul-General at Havana, writes, that the number of slaves imported in 1858 was known to be nearly 17,000, and was probably much greater; that in 1859 that number had increased to upwards of 30,000; and we hear that last year between 40,000 and 50,000 were landed, besides a large number of Chinese; and that the sugar crop had reached the enormous amount of half a million tons. In the two debates on the Motions of the hon. Member for Gateshead, in 1850 and 1851, hon. Members may have remarked a curious contrast. At the first epoch Brazil was the great offender, and Cuba nearly innocent. At the latter period, the effect of the noble Lord's measure of 1846 had began to tell, and the case was completely reversed. Had, then, the squadron extinguished the trade with Brazil? It had contributed to do so. Brazil set at nought her obligations to us for many years. In 1845 we passed an Act authorizing stringent measures. Instructions were some years later issued in conformity with that Act. A British cruiser, the *Cormorant*, cut out a slaver under a Brazilian fort, and, being fired upon, destroyed the fort itself. This circumstance, united with a general impression that the negro population in the country was large enough, and a hostile feeling to the Portuguese slave-traders induced and enabled the Government to put an end to the trade. Not that they have kept faith in other respects, as nearly 30,000 emancipados, entitled to their freedom, are kept still in bondage. In Cuba no such considerations prevail. All are interested in the importation of negroes from the least to the greatest. The high profits of cultivation enable the planter to give 1,000 dollars for a slave who cost less than twenty dollars on the coast. Our squadron no doubt much increases the cost of the passage, and checks the demand by enhancing the price; but with such a margin of profit the demand will always be met by supply. Such vigorous measures as we employed against Brazil might be more effectual, and so thinks the President of the United States; for Mr. Trescott writes—

> "The slavers must be prevented from landing their cargoes in Cuba; or, if landed, the slaves must be followed into the interior and set free. Whenever Her Britannic Majesty's Government shall think proper in its discretion to enforce the provisions of the treaty with Spain, by which the Spanish Court undertook to abolish the slave trade, and accepted £400,000 to enable it to do so; then, and not till then, in the President's opinion, will the trade be abolished."

The noble Lord proposes a plan of cruising on the coast of Cuba by vessels of Spain, the United States, and Great Britain; what reply has been received from Spain I know not, but the President most flatly refuses this most reasonable proposal. This, Sir, brings me to the question of whether the squadron might be made more efficient. I am one who thinks it does good even now. It clears those seas of piracy, and protects the growing civilization of the west coast of Africa, but it cannot watch so great a length of coast. A portion of it should be stationed in the West Indies. It may be said that this has already been done, and was discontinued on account of collisions with America. True, but why was this? Simply because one of the first vessels taken was full of dollars coming out of Havana. This turned the activity of our cruisers in that direction, and several American vessels were overhauled on suspicion, and as it is not easy to detect a slaver on her outward voyage, many mistakes were made. But if, instead of watching for vessels leaving Havana empty, our cruisers watched for vessels coming in full of slaves there could be no mistake. Naval officers know that if you get to leeward it is impossible to mistake the horrible effluvium of a slaver. They know, too, that in these latitudes the trade wind always blows from east to west, and near the shore the breeze blows from the land all night and dies away for some time about sunrise; and that there are two comparatively narrow channels by which vessels come from the East to Cuba, and which are far from the track of fair traders from America. A few fast steamers north and south of Jamaica would make more captures than all the African squadron put together. The noble Lord indicates also the plan of civilizing and converting Africa itself. Sir, I am the last man to undervalue what has been done there; but I cannot avoid remembering that the slave-trade has been carried on by the most civilized and Christian nations in the world. I know the great demand for palm oil has caused a line of vessels to trade regularly with Africa, and carry goods in exchange. The same may doubtless be done in the case of cotton, but these improvements must be the work of generations, and, after all, the labour can hardly be called free. Captain Forbes says, that even in Liberia slaves are bought and sold as in the United States. Captain Forbes, who commanded a cruiser in the African squadron, went also on two missions to the King of Dahomey for the purpose of inducing him to abandon the slave trade; and he gives this account of his principal interview with the Mayo or Prime Minister, without whom the King could do nothing:—

> "We showed him, he says, some silk handkerchiefs, and told him if he would grow palm oil he might have shiploads of such, and explained the position of those countries which had relinquished the infamous slave trade, but I fear to little purpose. Pocketing two gold rings and a hankerchief, he bid us good-bye, explaining that the slave trade was very lucrative, and that it would take some time to grow the palm trees."

To show there is little improvement in Dahomey since that time I need only advert to the account arrived last week of the barbarous massacres in memory of the king whom Forbes visited, and almost in the presence of the envoy sent from Her Majesty to remonstrate against such barbarity. Another remedy proposed by the noble Lord is registration and inspection, respecting which these are the opinions of the President of the United States:—

> "The Government of the United States could not ask Spain to pass such laws; but, were this otherwise, it is quite certain that such laws would have no practical effect; for if Her Majesty's Government are well aware that the price of sugar affords the slave-trader profits which enable him to corrupt the authorities, and if joint-stock companies are established at Havana for the purpose of prosecuting the slave trade under the eye of the highest officials in the island, and with perfect impunity, it would be vain to expect the registrars would counteract the policy of their superiors by faithfully performing their duty."

Vain, indeed! but both Her Majesty's Government, and that of Washington, seem to have overlooked a fact which Lord Clarendon, when in office, announced in the House of Lords, in terms of the highest satisfaction — that in March, 1854, the Queen of Spain had signed decrees for this very registration and inspection, so that all slaves introduced after that time should be immediately free—decrees which have been as well observed as Spanish laws usually are. They may be found in Slave Trade Correspondence B, 1854-5, in no less than three chapters and fifty-six sections. Lastly, the noble Lord relies on free labour as his remedy. So far I have the honour to concur; but as to the quarter in which that remedy is to be applied I do most entirely disagree. The convention to which I referred, offers facilities to France, and greater facilities I may say than those at that time conceded to our colonies, for obtaining our Indian subjects from Calcutta as a bribe for ceasing to revive contrary to treaty, the American slave trade. I protested last Session against this measure on the ground that when once out of our jurisdiction, the coolies were at the mercy of their employers. Facts since published have increased my objections to it. The Rev. Mr. Beaton, formerly chaplain to the forces in Mauritius, made a visit to Bourbon, the result of which appeared in two volumes published last year. He writes:—

> "Coolie immigration to Bourbon has proved a failure. In this case the Indians were justified in refusing to embark at Bourbon, and there was some foundation for the reports which were circulated amongst them, and which led them to prefer the West Indies to an island which they could reach in twenty days. It was not my object in visiting Bourbon to obtain political information, or to inquire whether the coolies were treated with justice; but I was led into frequent interviews with them, and could not but discover some of the grievances of which they justly complain. I never heard a coolie in Mauritus intimate that he had not left India of his own free choice. I never met a coolie at Bourbon who did not affirm that he had been trepanned in some way."

He goes on to say:—

> "His wages are diminished by deductions, so that it is only natural that he should incur debt, and thus become the slave of the man who advanced the money. Nineteen-twentieths of the coolies in Bourbon are British snbjects, and therefore have claim upon the Government of India."

He says that we should be justified in preventing the immigration, but he concludes:—

> "There is no necessity for extreme measures. The evil has cured itself. No human being is more alive to his own interests than the Hindoo, and he has discovered that he is consulting his own interests when he refuses to embark for Bourbon. Hence the coolies who leave Bourbon never return, while those in Mauritius frequently do so, and bring others with them."

Well, Sir, what does this Convention do? It gives the French another port in

India, so distant from the one where they have already such a bad name that not a man will trust them, that they will be enabled, under the sanction of the British Government to entrap, under false pretences till again found out, the unhappy people who trust—vainly, indeed—to our better knowledge to protect them. The French colonies cannot be called really free countries. A letter in *The Times* last December—anonymous indeed, but never contradicted—gives this picture of Cayenne:—

> "Certain proprietors act to their emigrants of every description, whether African or Chinese, as if they were slaves. They scarcely feed them, and they pay them no wages. They address them in the harshest language, and even strike them in the face. In fact they treat their labourers in a way in which the law forbids them to treat their animals."

But, Sir, if these objections are so strong against immigration to countries in which slavery has been nominally abolished, with how much greater force do they apply to those in which slavery still exists in its most atrocious forms? Yet this is one of the suggestions of the circular of the noble Lord. Under any circumstances it seems to me derogatory to the dignity of this country that we should go cap in hand to Spain, and say to them, "You have broken every treaty we have ever made with you on this subject for nearly half a century. You received in 1818, £400,000, now amounting with interest to a million and a half, (which if we made you refund, would pay for the introduction of 80,000 Chinese into our Colonies) as compensation for giving up the slave trade, and you have used it instead as capital for carrying on that trade to a greater extent. You have laughed at your promises to us in 1835, and your own law of 1854. You have done all this; you have defied us all this time, made us a laughing-stock, but cannot you be persuaded to save our credit? Will not Chinese do as well for you as Africans?" But I am quite sure the noble Lord could never have been aware of the way in which these Chinese are treated, or he would have been the last man in the world to have sanctioned this measure. I know the hon. Member for Poole—whose absence, and the cause of it, I much regret—imagines the Chinese are not badly treated in Cuba, because he saw no instance when there. Well, Sir, I have been in almost every slave colony in the West Indies and through the slave States of America, and I never saw a slave ill-treated. Sir, these things are not done in open day. Public opinion, even in slave countries, will not tolerate this. Hon. Members may go through the streets of London without seeing an infringement of the Act for the prevention of cruelty to animals; but who doubts the fact?—who can tell even how his groom treats his horse when his back is turned? I will, out of a mass of evidence on this subject select two passages—one by an English the other by an American Author which puts the fact beyond a doubt. The first is from Russell, the author of the *Agriculture and Climate of North America*, who visited Cuba for scientific purposes in 1855. He writes thus—

> "The condition of the Chinese is not much better than that of the slave, for he is coerced as unsparingly, and is not so well fitted to endure such treatment. I was told that large numbers of the Chinese had committed suicide, and, were the facts known, it would be found that a small proportion withstood the rigours of their treatment during the long apprenticeship. This must be pretty obvious when it is borne in mind that the mortality among the negroes is from six to ten per cent annually, and vastly larger in some cases. I heard it affirmed that there was little chance of the Chinese being freed on the expiry of their term of service, and, certainly, probabilities are in favour of that view. The humane statutes regulating hours of labour, and favouring the slave purchasing his liberty, are now totally inoperative. It is also well known that many of the negroes taken by our cruisers were landed in Cuba, where the mixed commission set them free, but apprenticed them for a limited number of years to the planters, who have made the apprenticeship perpetual, and so their condition is no better than if they had been sold at once."

We have seen the sympathy expressed from one end of the country to the other for Anderson—one man escaping from the service to which he was born. Is there less for those thousands upon thousands for whose liberty we are in a manner responsible? Dana, the well-known American author of *Two Years before the Mast*, writes thus of Cuba, which he visited in 1859, four years after Russell:—

> "Yesterday I drove out to see the coolie gaol, or market, where the imported coolies are kept for sale. The dealer did not deny their tendency to suicide. Those coolies that are taken to British islands are under contracts understood and enforced; not so these. The prevailing impression is that they will be brought in debt, and bound over again for their debts (like the coolies in Bourbon), or in some other way secured to a life-long servitude. That they are kept in strict confinement till sold, and then kept to labour by force there is no doubt. Their presence in Cuba adds another distressing element to the difficulties

of the labour question which hangs like a black cloud over all the islands of the West Indies."

I need only refer to the terrible mutinies and disasters on board ships from China and Cuba, unknown in those going to our Colonies, and at the high price paid for the coolies in Cuba—four times what we can afford—which proves that they will not be treated and paid as free men. The facts I have adduced prove beyond a doubt that the system is one which ought not for a moment to be tolerated by the Government of England. Can we doubt that if one-fiftieth part of these abuses were alleged against immigration to British colonies it would be at once prohibited? Yet it is to Cuba, as we learn, that cotton seeds have been sent from the Foreign Office to try the experiment whether we may not be supplied with cotton as well as sugar from thence. It is in British colonies alone that justice and true liberty can be insured to the immigrant. This is proved by the testimony of the governors. It is admitted in the Colonial Office; and, though articles dictated by ignorance and prejudice occasionally appear in a certain class of the public press, it is generally appreciated by the country at large. I will not enumerate the difficulties surmounted before this point was gained. Year after year we met nothing but obstruction. Every facility we demanded was opposed by a busy knot of men, who, occupying the places of those who put away the slave trade and slavery from amongst us, fail to see what they would have seen, that the next step was to assist our free Colonies in every way to make head against the slavery of foreign countries. Happily this is past. The noble Lord, the Member for King's Lynn, who has seen both East and West Indies, inagurated a new policy, and I will only trouble the House with a single piece of evidence, the more valuable as coming from a society, formerly, though I hope no longer, most hostile to the West Indians. Mr. Underhill, a Baptist missionary, having visited Trinidad, writes thus:—

"This system is approved by every class of persons. I converse with Government officials, planters, missionaries, store-keepers, and coolies themselves. I did not hear a single complaint. Men of the most opposite opinions all concurred in this, that immigration is a success. The houses of the coolies are better, to say the least, than their houses in India. They looked well-fed, happy, and contented. Their lowest wages is 10*d*. a day for four hours, many earn treble that. Contrary to expectation it has improved the condition of the negroes. The command of coolie labour has increased the growth of the sugar-cane. With this there has necessarily arisen a demand for hedges and ditches, drainage, carpenters, coopers, enginemen, &c. The demand for ground provisions to supply the wants of coolie labourers has increased. There is, therefore, a great demand for labour of a remunerative kind. The garden produce finds a better market. All these occupations are being rapidly taken up by the negro. The coolie is, therefore, no competitor with the negro in the labour-market, and no ill-feeling exists because of the displacement of one by the other. Coolie labour opens a wider field of exertion to the negro, and he is rapidly becoming the partizan and skilled labourer of the Trinidad community."

Still, however, we fail to take a broad and comprehensive view of this great question. The Emperor of the French—whose wisdom, at least in his generation, no one doubts—strains every nerve to pour labourers into his colonies. Spain risks a war with England to increase her population in Cuba. The people of England have determined to have as much sugar and cotton as they require without asking questions. It must be made by free or slave labour. It cannot be made by free labour without immigration. Yet we persist in viewing immigration as a concession to the planters to be grudgingly and suspiciously bestowed. Seven hundred re-captured Africans are at this moment at Ascension, and it seems nobody's business to take them away. Seventy thousand free negroes are said to be ready to leave the Southern States for Jamaica. The Governor of that colony is told that on grounds of international policy Her Majesty's Government cannot sanction it. Others wish to leave Canada for a more genial climate, but no move is made to assist them. Again, we saddle the planter who employs the immigrant and pays the same rate of wages as his neighbour, with two-thirds of the cost of his introduction, thereby confining immigration to a very narrow limit; yet the whole colony benefits before the planter. He pays the weekly wages which the immigrant spends; the shopkeeper benefits; the importer benefits; the revenue benefits from an increased consumption of dutiable commodities, while the planter does not know till the end of the year whether he has lost or gained by the crop. Surely no better employment can be found for the surplus revenue of a thinly-peopled colony than the introduction of fresh hands; and even the mother country, which has been spending half a million a year for half a century in a temporary hindrance to the slave trade, may find it true economy, by loans and guarantees for the same purpose, to try a means of stopping it for ever. Whether free labour can be made absolutely cheaper than slave labour in the tropics, I doubt; that it can be made practically cheaper, I have little doubt, because the employers of free labour will be content with smaller profits; and, therefore, Barbadoes, with its immense free population, gallantly holds its own against the formidable competition of Cuba. The slave owners are like men employed in dangerous trades—they must be well paid for the risk. Pestilence may decimate their human chattels, conspiracies may endanger their own lives. Prosperous as they seem, a sword hangs over their heads,—

"Incedunt per ignes suppositos cineri doloso."

If, then, the prosperity of our Colonies be a national question, if the saving of half a million a year be a national question, and especially if a consistent policy be a national question, this is a national question. When the history of these times is read and the minor motives which actuate statesmen are forgotten, men will not cease to wonder that a nation which did so much to destroy slavery in its own Colonies should have done so much more to encourage it in foreign countries—that a Government which kept an armed force to suppress the slave trade should have offered commercial advantages which induced that trade to set that force at defiance. In conclusion, then, I can see but two alternatives. The one to strike at the root of slavery and the slave trade, by cutting off the commercial profits. The other to withdraw our squadron to let our colonies succumb, and to continue, as we are at present, the greatest consumers of slave produce in the world. But let us have nothing to do with these empirical remedies, which only heal over the ulcer to make it break out with fresh virulence elsewhere; and which, while taking credit for extinguishing the slave trade, substitute for it a system which, from the length of the voyage and character of the victims, is infinitely more crue than that which it professes to destroy. Thanking the House for the patience with which it has listened to this dry subject, I beg to move the Resolutions which stand on the paper in my name:—

"That the means hitherto employed by this Country for the suppression of the African Slave Trade have failed to accomplish that object."

Mr. Cave

"That this failure has mainly arisen from our having endeavoured, almost exclusively, to prevent the supply of Slaves, instead of to check the demand for them."

"That the true remedy is not to be found in countenancing immigration into those countries where Slavery exists, but in augmenting the working population of those in which Slavery has been abolished."

"That, therefore, while repressive measures should be continued, and even rendered more effective, every possible encouragement and assistance should be given to the introduction of Free Immigrants, and especially of Settlers from China, into the British West India Colonies."

SIR JAMES FERGUSSON seconded the Motion.

Motion made, and Question proposed,

"That the means hitherto employed by this Country for the suppression of the African Slave Trade have failed to accomplish that object."

LORD JOHN RUSSELL: The hon. Gentleman has proposed his Resolution to the House in a very able, and, at the same time, a very feeling though temperate speech. It is worth the while of this House frequently to consider this subject, and if any hon. Member of this House will point out means by which the slave trade can be more rapidly and more effectually suppressed, I am sure our time will not be lost in considering any such suggested remedy. I shall, however, reserve what I have to say with respect to the Motion of the hon. Gentleman until I have made some observations upon the comments with which he has introduced his proposal. Now, Sir, in the first place, we have happily got rid, and we ought at all times to be thankful to God that we have got rid of slavery in our own possessions. I remember the time when Mr. Canning came to this House and made some twelve or thirteen proposals which were proposals of the Government, not for the abolition or extinction, but for the mitigation of slavery in our West Indian Colonies, with a view certainly to its final extinction. Among those propositions were some of a most humane character. But some months, I think a year afterwards, Mr. Canning came down to this House again and said that his propositions had not been favourably received in the West India colonies, and that there was one particularly to which the West Indian colonists objected, because its adoption would be fatal to their property and to the continuance of the labour upon which their incomes depended. Now, this proposition was that the flogging of women should be abolished. That was the proposition which Mr. Canning said the West India colonies would not suffer and which they would not have. Happily we have gone far beyond the ideas of those times, for we have not only witnessed plans for the immigration of slavery and for the apprenticing of negroes, but we have seen that noble scheme for the abolition of slavery in the West Indies, which was introduced into this House by the Earl of Derby, adopted and carried into effect. At the same time that we were adopting plans of our own for the abolition of slavery, we made endeavours by treaties to abolish the slave trade carried on by other nations. The hon. Gentleman says, I cannot conceive upon what foundation, that we have been promoting slavery in other countries. That our efforts, unhappily, have not been successful I admit—that is to say, successful to the extent of totally suppressing slavery or the slave trade—but all our efforts have certainly been aimed in that direction, and to a considerable extent they have unquestionably interfered with and obstructed the slave trade. There is, however, this consideration to be borne in mind, that while the whole nation with willingness, I may say with enthusiasm, adopted the plans for the suppression of the English slave trade, and extinguished English slavery, there is in other countries no such moral public opinion against their slave trade or slavery upon which we can count upon as of efficient support either to the diplomacy of this country or to the execution of the engagements and acts into which those countries may enter for the suppression of this trade. We have done much—as the hon. Gentleman has gone through the details I need not repeat them—we have done much for the suppression of the slave trade with Brazil; and the accounts for the last few years state that there has been no slave trade carried on with that country. There is a very great trade in slaves carried on between the coast of Africa and the Island of Cuba, and great numbers of slaves have been introduced into that island. Some say that 500,000 and others that 600,000 tons of sugar annually are grown and manufactured in Cuba, and almost entirely by slave labour. This is a melancholy fact; and we have endeavoured to ascertain how it is that this trade is increasing. In the first place, we find that every person in Cuba who has official cognizance of this importation of slaves receives, or is able to receive, if he chooses, a very large bribe for assenting to the introduction of slaves. The sum given to procure connivance at the introduction of slaves is, to many persons of small salaries an irresistible temptation; especially as those above them content themselves with receiving still larger bribes, instead of assisting, as they ought, in the prevention of the traffic. I believe that the present Governor of Cuba is sincere in his declaration that he wishes to suppress the slave trade, and that there is no doubt that he has of late dismissed from their employment several persons who had been convicted of carrying on the slave trade; but still the profit is so enormous, the facilities are so great, that cargoes of slaves are still introduced into the island by the connivance of those officials. And what, according to our treaties, would be the remedy for this state of things? Vessels sailing under the Spanish flag and introducing slaves might be captured, and sent before the mixed commission and condemned, but here again we meet with that which is an effectual obstruction to our efforts for the suppression of the trade. The hon. Member says if certain cruisers were placed off Jamaica, and were to intercept these vessels going to Cuba, they might make several captures. Our commanders have several times had efficient squadrons near Cuba, and I believe they have used every endeavour to check the slave trade as far as was in their power. But we are met with another obstacle, and that is that these slavers carry the American flag, and many of them are saved in that way. I have read over and over again in the American newspapers that there is a large association with considerable capital at Havanna, which has relations with New York and with other ports on the coast of America. The agents purchase vessels in New York and elsewhere, and these are sent sometimes to Havanna, and sometimes directly to the coast of Africa. They are regularly equipped for the reception of slaves. They arrive off the coast, and perhaps are for weeks unable to embark their human cargo, but opportunities are ultimately found. As the hon. Gentleman truly said, one squadron, however active, cannot prevent the embarkation of slaves along the whole coast. The ships are then brought to Cuba, where they anchor in some of the small creeks or harbours of Cuba, there the slaves are landed and dispersed among the plantations. All this time our cruisers are unable to touch them, because they have been covered by the American flag. When we remonstrated on this subject, the American Government stated—and held that they were in their perfect right in so doing—that the right of search in time of peace cannot by international law be allowed; and they claimed immunity for their ships, however engaged, from any search of our cruisers. No doubt, this flag has covered a vast importation of slaves into Cuba. If the Spanish flag had been shown our cruisers would at once have seized the vessels, but as they bore American colours it was impossible to do so. But I met them, I think, with great fairness. I said, "It may be that the sensitiveness you show with regard to the search of your ships is justifiable; it may be that your national pride would never allow an English officer to come on board, and search vessels *bonâ fide* in possession of ship's papers belonging to the United States; but, if that be so, do not depart from your own treaties and your own declarations against the slave trade. Employ cruisers of your own. If you will not allow British cruisers to put down the slave trade, put it down yourselves, and take all the credit and glory which will appertain to the successful extinction of the slave trade. Let us not touch a single one of your ships; but do it effectually yourselves—do it for the sake of your own character, for the sake of that great Republic which I hope may still remain the United States of America." The President of the United States, as the hon. Gentleman says, has directed the Secretary of State to tell me that the American Government has had already heard enough of these remonstrances on the part of the British Government, and hoped that they would not be continued. The hon. Gentleman has seen that in the papers, but he has not seen my answer. My reply was that the American Government might state what they pleased, but that no declaration or diplomatic remonstrances of others would prevent the British Secretary of State from remonstrating, or from declaring that it was a blot on the United States that they should not effectually suppress the slave trade, which was carried on under their flag. And, more than that, I stated that whenever occasion arose I would repeat the remonstrances against which the American President had protested. The state of things, however, is one for which I think neither the hon. Member nor any Member of this House will easily find a remedy. The Spanish Government, while they take some steps which might be commended, while they arm some cruisers to check the slave trade, do allow their officials, and more especially the planters in the Isle of Cuba, to derive enormous profits—as much as 70, 80, and 100 per cent—from this horrible traffic, which is to us a subject of abhorrence. And this they are enabled to do by the protection given by the American flag to the vessels which carry on the trade. There was a proposal made many years ago which I proposed—perhaps, the hon. Gentleman may think it was a very bad proposition—but I felt it my duty to look for some remedy—and I proposed that there should be a joint squadron of cruisers.

Mr. CAVE: I beg the noble Lord's pardon, I said that the proposal was a very reasonable one.

Lord JOHN RUSSELL: I am glad to hear it meets with the hon. Gentleman's approbation. I should be glad to see it adopted if it would work practically; but I am afraid neither the United States, nor perhaps France or Spain, would agree to it. It proceeded from a Sovereign who was altogether disinterested in the matter—the Emperor Alexander of Russia, who, seeing the jealousies of maritime nations, proposed that there should be a joint squadron composed of ships of various countries, empowered by all to search for slavers, but bearing only one flag, and carrying the prizes before a Court empowered by all the Powers to condemn them. That seemed to me a very reasonable proposition; but, despairing of being able to get such a suggestion accepted in its integrity, I proposed that the cruisers of various nations should sail together. But the American Government, I am sorry to say, refused that proposition.

I now come to the plan of the hon. Gentleman for the introduction of Chinese coolies into Cuba, and in my mind it is recommended, at least, by this advantage—that in Cuba, with such fertility of soil, the demand for labour must of course be very great. The way in which Africans are obtained by the slave traders—by keeping the tribes in a state of unmitigated hostility—in short, by means which are repugnant to humanity—and the mode in which these unfortunate Africans are taken has often been the subject of eloquent denunciation in this House from the time of Mr. Fox and Mr. Pitt to the present day. If Chinese coolies, however, were sent to these islands you would be able to establish regulations in concert with the Chinese

Government by which you could insure that the emigration should be entirely voluntary and that the Chinese labour market, which is always redundant, should be relieved of persons willing to emigrate, who, instead of being on the borders of famine in their own country, would obtain good wages and plentiful subsistence. You would have it in your power to regulate the conditions of immigration, and likewise of the passage; but I am sorry to say, with the hon. Gentleman, that I do not believe you would have any power over the manner in which the authorities and owners of property in Cuba would treat them on their arrival. But the check which the hon. Gentleman has mentioned with regard to the Isle of Bourbon would be applicable to this case also. When the coolies from Madras found they were well treated in the Mauritius, and ill-treated in the Isle of Bourbon, they ceased to join in the voluntary immigration to the latter. In the same way, if it were found that the coolies either did not return, or reported unfavourably of their treatment in Cuba there would be the same indisposition on their part to go to Cuba as was previously exhibited by Hindoos to go to Bourbon; and thus the Spaniards would be obliged to treat them well or that supply of labour would fall off altogether. The hon. Gentleman has also alluded—and this, I think, was the foundation of his Motion — to the subject of immigration into our own Colonies. I should be the last person to differ with him on that subject. I quite agree that from the time that slavery was abolished in our own possessions it should have been the policy of this country to favour the immigration of free labourers to those Colonies. I remember perfectly well that, being Secretary for the Colonies, I endeavoured to establish a scheme of immigration from India to the Mauritius. I did not succeed in that at first, but for what reason? Because this House was then averse to any such suggestion, believing that we should be only establishing a new kind of slavery in the Mauritius. I contended in vain that it would be a very great advantage to the suffering labourers in India, many of whom were justly described as hardly having means sufficient to keep body and soul together, and that their condition would be improved by earning good wages in the Mauritius, and being enabled after a time to return to India. But the opinions of the House did not prevent the Colonial Minister from going on with the plan; it has been pursued for many years with the greatest success. Perhaps my hon. Friend will be able to give us the actual number of those who have emigrated—

MR. CHICHESTER FORTESCUE: 180,000. [*Cries of* "More!"]

LORD JOHN RUSSELL: More than 180,000 Indians have been introduced into the Mauritius. Numbers of them have returned to India; numbers, I am happy to say have settled in the Mauritius; and the good wages they have enjoyed, while allowing considerable benefit to the owners of property in the country have been the means of raising these labourers in the scale of social life, while enabling them to gain an honest livelihood. Therefore, having taken an early part in promoting immigration into the Mauritius, I certainly should be most happy to see a similar immigration to our West India Islands. But then comes the question—how is that to be done? On that part of the subject I do not wish to address the House. I think it should be left to the Colonial Secretary of State to form plans, or to agree to such plans as may be proposed to him from time to time, and as may seem calculated to carry out that object. This, however, I may say, that Her Majesty's Government are aware of the advantages that may be obtained by immigration into the West Indies—by increasing the quantity of free labour; and that we are also of opinion that conditions and regulations may be framed by which the abuses that may have prevailed in the first instance can in future be warded off and guarded against. Therefore I am not, on the principle of immigration, opposed to the hon. Gentleman, but I do not think, as seems to be asserted by his third Resolution, that this immigration would be sufficient. There would be still the bad example of Cuba before us, and therefore I think that the other measures which we have adopted must not be given up. I must confess, too, that I do not see the practical advantage of the hon. Gentleman's Resolutions. The first states that "the means hitherto employed by this country for the suppression of the slave trade have failed to accomplish that object." No doubt they have not totally abolished the slave trade, no more than have our police succeeded in totally destroying the vicious custom of picking pockets, which has long prevailed in our own Metropolis; but the means referred to in the Resolution have thrown obstacles in the way of the slave trade, just as the police have thrown obstacles in the way of that species of thieving. Therefore I cannot agree in that part of the hon. Gentleman's Resolutions which seems to imply that our means have not tended towards the end for which they were devised. The latter part of the third Resolution points to a very useful measure; but the former part of it "that the true remedy is not to be found in countenancing immigration into those countries where slavery exists," rather seems to exclude other remedies, which other remedies have, in my judgment, been found very conducive to the suppression of the slave trade. With these opinions, Sir, while concurring in the greater part of the hon. Gentleman's observations, and entirely approving the object which he has in view. I beg to move the Previous Question.

Whereupon *Previous Question* proposed, "That that Question be now put."

MR. BUXTON said, he shared his hon. Friend's views regarding the importance of immigration into the British West Indies, and heartily concurred in the fourth Resolution. He had always considered it an admitted principle that they should encourage the largest possible influx of Chinese and coolies into that part of the British dominions. At one time, it was true, he thought that a case was made out for inquiry into the mode of conducting that immigration; but he had satisfied himself that it was humanely carried on, and, under due precautions, was highly beneficial both to the islands and the immigrants themselves. His hon. Friend's first Resolution could not be denied. Every one must feel deep regret in being compelled to assent to it; but, unhappily, it was impossible to deny that the slave trade was not yet suppressed. It was too true that after all England's sacrifices and exertions Africa was once again desolated with Slave wars, and the Atlantic was once again covered with slave ships. It would be wrong, however, to imagine that England's strenuous and generous efforts had been in vain; the slave trade was not suppressed, but it was enormously diminished. Within the memory of many hon. Gentlemen the slave trade had been carried on by the United States, by Central America, by Brazil, by Portugal, by Spain, by Turkey, by France, by England herself; while, at the present moment, except Spain, there was not one of those countries that had not renounced this trade, and this result had been mainly due to England's endeavours and example. The single fact that the slave trade had been annihilated along the whole coast of both the Americas was by itself a splendid triumph of British philanthropy. At the present moment, however, the slave trade was again rearing its head. They might hope that the French immigration of negroes, which had every one of the cruel characteristics of the slave trade, was, or soon would be at an end; but it was too true that the Cuban slave trade had broken out in the last two years with great violence. No words could express the baseness as well as the cruelty which had characterised the conduct of Spain in all her dealings in this matter. That might be thought strong language, but it was hardly stronger than that used by the Earl of Malmesbury himself, who, in June, 1858, told the Spanish Government to their face that

> "Her Majesty's Government has a right to require that a term shall be put to the flagrant abuse by the Spanish authorities of the engagements which Spain had contracted with this country for the suppression of the slave trade."

In fact, Spain had sunk so low in the scale of nations, so debased were the minds of her statesmen, that they were quite content to let theirs be the single country stained with the infamy of that crime. The Government of the United States inquired not long ago why we did not force Spain to act up to her engagements. And surely there was a strong case for vigorous measures. Spain stooped to accept £400,000 from us as a remuneration for agreeing to abolish the trade. That sum at simple interest would now amount to a million. We have a right, therefore, to compel her to respect her stipulations. But mournful as the state of things was with regard to the Cuban slave trade a more distressing prospect was opening before us. There was little doubt now that one main object of the Southern States in seceding from the Union had been to revive the trade in slaves with Africa. Their demand for slaves would have no limit. Half a million of negroes per annum would not be enough for their purposes. He looked forward to this with horror. Were this allowed all hope for Africa would vanish. She would again be laid in ruins. He hoped that Her Majesty's Government would show themselves equal to this emergency. The noble Lord at the head of Her Majesty's Government had done more than any living man for the suppression of the slave trade, and the noble Lord the Minister for Foreign Affairs had always strenuously exerted himself in the same cause. He confidently looked to them on this occasion to adopt a well-considered as well as a vigorous policy, and undoubtedly the country would go heartily along with them in doing whatever was requisite to annihilate the trade in human beings. Now, he presumed to express the hope that the British Government would refuse to recognize the flag of the Southern Confederacy, except upon the stipulation that the African slave trade should not be revived. At the same time one could not but feel that such a condition might be evaded, or in time be put aside; and, after long and most anxious study of this question, he had come to the conclusion that to meet this present and prospective slave trade they must shift their policy. They could not stop the slave trade by simply cruising at sea, nor by remonstrances and protests with the Powers whose subjects make a profit of the traffic. What they ought to do was to render the African coast inaccessible to the slave-trader. There was nothing novel or theoretical in that proposal. That very thing had actually been done over a vast extent of coast where formerly the slave trade was rife, namely, from the Senegal to Accra, including 2,000 miles of the coast of Gambia, and of Guinea, formerly the very home of the slave trade; owing to the occupation, either in the way of possession or of protectorate, by France at Senegal, by England on the Gambia, Sierra Leone, the Gold Coast, and Lagos, and by the Americans in Liberia, the slave trade was now entirely confined to that far smaller portion of the coast occupied by native chiefs (especially the King of Dahomey), and also to the Portuguese dominions. Now, in the first place, what he proposed was that, instead of vainly remonstrating with Spain, who profited by the trade and defied us, they should throw their whole influence upon Portugal. With her they had slave trade treaties; she derived no profit from the trade; her feeling had always been in their favour regarding it. All that was wanted to seal up the slave trade along the Portuguese part of the coast was that the Government of Portugal, stimulated and perhaps aided by them, should again adopt stringent measures for its suppression. They could do it if they would, and they had every motive to do so. Let the Government leave Spain alone in her infamous course, and devote themselves to awakening the Government of Portugal to their duty and their interest in this matter. Let them do their best to induce Portugal to send a higher class of officials, with better salaries, and supported by some naval force, and under stringent orders to execute the laws against slave traders, and the slave trade there must cease. But, then, it would be absolutely requisite for us to place consuls at several points, to keep a close watch over all that went forward, and all this would be in vain unless at the same time they sealed up the intervals of coast occupied by the ruffian of Dahomey and other native chiefs. The proposal, then, for which he most earnestly entreated a favourable consideration was that they should extend along that portion of the coast the same kind of protectorate that had already produced such beneficial results on the Gold Coast. On the Gold Coast they possessed no territory; but they had a few forts from which their flag waved, and let him read to the House what Earl Grey said as to the result—

> "By the system there pursued, at a very small cost compared to the result, a great amount of immediate good is affected, and the sure foundations are laid for much greater good being accomplished hereafter. Already wars have been completely put an end to. The barbarous punishments formerly in use have ceased, security of life and property has been almost completely established, education and missionary labours are successfully carried on, trade and industry are daily increasing."

Now, he did not mean that they should enforce the protectorate by troops on shore, or by any military occupation whatever. A few civilian officials, guarded by some companies of native soldiers, as at the Gold Coast, was all he asked. They would merely want to occupy a very few stations at convenient points, just to have the flags of the protecting Powers flying, as a visible sign that the country was under their guardianship. He would not enforce the protectorate by troops on shore; but its practical efficacy would arise —first, from its enabling the crews of men-of-war to land and destroy the barracoons on shore, which, when done by Captain Denman, ruined the slave traders and broke up the trade; secondly, from its enabling them to seize and execute as pirates those who might attempt to kidnap the people under their guardianship, just as they should do on the Gambia or the Gold Coast. That such a course would put a dead stop to the slave trade along the protected coast there could be no question. The objections were, he owned, weighty.

At the outset arose the question of expense. But their expense ought to be much less than now. Three vessels, backed up by the power of destroying the barracoons and other machinery, so to speak, of the trade, and by the power of hanging the slave traders as pirates, would tell more than twenty vessels on the sea with no right of search. The contrast of the two plans was strikingly exhibited by comparing the Gold Coast with that of Dahomey. The former was the greater, yet being under their protection, it needed not a cruiser to guard it, while the latter had often, he was told, been watched by ten or twelve cruisers. Then again, it might be thought anomalous to protect people who had not asked for their protection. But, whatever the chiefs might feel, the people would be grateful for the increased security to their persons and their property. And he was willing to base this proceeding on the matter-of-fact principle of giving to their rising commerce that police protection which the native chiefs could not or would not afford. The main question, however, was whether they should not excite the jealousy of other nations. But they might entirely escape that by offering to any other nation that pleased to unite with them in this protectorate; that their flags should wave there along with our own, only with the understanding that our efforts were not to be hampered. By this arrangement they would also meet the one remaining objection—namely, that it was not the policy of England to extend her dominions. They would not be extending their dominions. They would not be grasping at new territory; they would not be undertaking to administer new affairs. All they would do would be to establish a police supervision on shore as well as at sea; and he entreated the House to bear in mind the prodigious advantages that would accrue to England, to Africa, to the whole world, if the slave trade were effectually put down. The experience of those few years during which the slave trade nearly disappeared, before the United States refused the right of search, demonstrated that if Africa could but have rest from slave wars, a mighty commerce would arise. Her resources in all kinds of wealth —in oil, timber, metals, sugar, coffee, and cotton—are boundless. As to the latter article, it had been shown that infinite quantities could be produced, of a quality as good as that from New Orleans, and probably at a still lower price. The trade in ground nuts from Gambia had formerly no existence, it then reached upwards of 12,000 tons a year. The exports from that part of West Africa whence the slave hunter had been driven already amounted to little less than £3,000,000 per annum. Only put an end to the slave trade, only give peace to those fertile regions, and the wealth not only of England, but of the world would be greatly augmented. Africa would speedily rise to close communion with Europe. Agriculture, commerce, civilization, Christianity would soon shed their blessings over that hapless quarter of the globe.

LORD ALFRED CHURCHILL said, he entirely concurred in the view taken by the hon. Gentleman who last spoke as to the importance of establishing forts or stations along the coast of Africa. The Committee of the House of Lords in 1850 had adopted the same views, and it was found, on inquiry, that the establishment at Cape Coast Castle was maintained at a cost of not more than £4,000 a year. The slave trade, which extended for 150 miles on either side of the position which that fort occupied, was completely put down after its establishment, and that at a cost of £4,000 a year. There were many other parts of the African coast where the same policy might be advantageously carried out. They had been told that a commission was about to proceed to Dahomey to endeavour to induce the King to aid in the suppression of the slave trade, and he believed that the fear of a fort being erected on that part of the coast would have great influence in leading him to come to our terms. But the Committee of the House of Lords had also suggested the passing of some Act of Parliament by which the captains and crews of slave ships might be effectually punished. That was a suggestion well worthy of consideration, if it could be carried out without exciting too much the jealousy of foreign nations; and, in order to obviate that difficulty, other nations might have the power, if they wished it, to claim their own subjects with a view to their punishment. The slave trade, as was well known, was supported on the coast of Africa in a great measure by the desire of the native chiefs to possess European goods. Those chiefs were paid principally in dollars, and these dollars found their way back again in the purchase of European commodities which they wished to possess. It was plain, therefore, what would be the result of the establishment of free legitimate commerce in Africa. If the chiefs and the natives generally could be led to engage in legitimate trade, even to a slight extent, their natural cupidity and love of gain was such that the effect would be gradually to abolish the slave trade. The exports from this country to Africa in 1859 amounted to £900,000, and the imports from Africa to this country were £1,500,000, showing a balance of £600,000 in favour of this country. This trade was conducted by a very few houses, and it was rapidly increasing year by year. The trade in numerous articles, including cotton, was increasing to a most encouraging extent, and no doubt could exist that if the slave trade was abolished our commerce with Africa would be very great. The only question was how could that object best be attained? He thought, in the first place, that it would be greatly promoted by bringing into competition with slave labour the free labour of other countries, no matter where those countries were situated. In the United States the cost of slave labour was calculated at a dollar a day. If the original price of the slave, the depreciation which took place in his value, and the expense of his keep and clothing were taken into account it would be found that his labour cost a dollar a day, and in Cuba the same result was arrived at. Free coloured labour could be had at a much cheaper rate. In the West Indies it had been said that Coolie labour could be procured at only 10½*d.* a day. Indeed, except in Australia, there was scarcely a part of the world in which they could not get free labour at a considerably lower price. Now, with regard to the introduction of free labour into the West Indian Colonies, he might mention that he was interested in a society for promoting that very object; and that society addressed a letter in December last to the Governor of Jamaica to ascertain how far he would be disposed to receive free coloured labourers from Canada and the States. They received a most encouraging reply from Governor Darling, saying he fully entered into the views of the society, and intended to place on the Estimates for the ensuing Session a sum for the purpose of carrying it out. But by a subsequent mail another letter came, saying that he had received a notification from the Colonial Office, to the effect that a consent could not be given to the appropriation of the funds of the colony for such a purpose. He trusted that his hon. Friend at the head of the Colonial Office would, at the proper time, explain this point. The three principal means by which slave labour could be best suppressed were, first, the competition of free labour; secondly, by the formation of detached forts along the coast, and the punishment of slaver captains and crews; and by giving increased encouragement to consular establishments on the coast, many of which might be of rather a roving than a fixed character, as they would thus have greater facilities in seeing what was going on, and using their influence in suppressing slavery.

MR. KINNAIRD said, he thought that the hon. Gentleman who had spoken last had travelled somewhat out of the Resolutions before the House, and had pursued a course calculated to endanger them. He was surprised that his noble Friend (Lord John Russell) should have concluded his speech in the manner he did, namely by moving the previous Question, because, as was well known, that was an expedient resorted to for the purpose of shelving the Resolutions, while the noble Lord's speech itself was in favour of them. The first Resolution declared that the means hitherto employed by this country for the suppression of the slave trade had failed to accomplish that object; and the noble Lord had urged in answer that at the present time the practice of picking pockets continued in every town, but that that was no ground for saying that the police were wholly inefficient. No doubt this was so; but the illustration was more amusing than appropriate: for if it were stated that pickpocketing had enormously increased, some steps would certainly be taken to retard and put a stop to it. Slavery had increased. Where 15,000 slaves were formerly sold, 50,000 were now disposed of; had picking pockets increased at the same rate, a Committee would have been appointed to inquire into the efficiency of the police. Therefore, he did not think that that argument, amusing as it was, would have any effect upon the House. The noble Lord admitted that all efforts to suppress the slave trade had failed. But he seemed to think that it had not been proved that this country, which had made such great sacrifices to suppress the slave trade, had at the same time encouraged the slave trade in the manner that had been stated. In support of his hon. Friend's proposition, he (Mr. Kinnaird) would simply point to the enormous increase in the export of sugar from Cuba, amounting to 500,000 tons, and which was annually on the increase. Now, who were the great consumers of the slave-grown produce of Cuba? The people of this country? It was a great national inconsistency; and although he was favourable to free trade, he did not think it ought to override every other consideration. The noble Lord, moreover, somewhat depreciated their power when he said that it was almost impossible to suppress the traffic in slaves, as so much of it was carried on under the American flag. No doubt, the American flag was very frequently used; but whilst the Americans objected to the system of searching there vessels, if a ship were captured sailing under the American flag, and having on board a cargo of slaves, the American Government did not pratically interfere to prevent the punishment of the persons found in charge of the vessel. For these reasons he trusted that the noble Lord would not persevere in endeavouring to shelve the Resolutions, by pressing his Motion for the previous Question.

Mr. M'MAHON said, there were three articles of slave produce which were largely consumed in this country—cotton, tobacco, and sugar. Now, if the Government of this country would tolerate the growth of tobacco at home they would be carrying out the views of the hon. Gentleman the Member for New Shoreham (Mr. Cave). It might be said they could not grow tobacco in England; but it was grown here in the reign of Charles II., and it grew very well, and the growth of it was not suppressed in Ireland until the reign of William IV. Now, why should it not be grown in these islands at this time? The reason assigned for its suppression was its interference with the Customs revenue: but when they considered the effect it would have in suppressing the slave trade, he apprehended that the loss to the revenue would be small compared with the advantages which would result. In 1860 the first Act was passed to prevent the growth of tobacco in England, and that was done in the interest of the colonies and plantations of America; but they seemed to have forgotten the independence of that country, and they should consider whether they might not allow their own people at home to grow it. The next article was sugar. Now, why should sugar not be produced at home? So large was the quantity of beet root grown in France, that there was now a produce of upwards of 70,000 tons of sugar annually, nearly three-fourths of the entire consumption of France. In Ireland they had tried to make sugar, but the trade was suppressed by the excise regulations. If they wanted to suppress the slave trade they should allow their own people at home to make sugar from beet root, to convert sugar into beer, and to grow tobacco. He had merely mentioned these facts because he did not remember that attention had been called to them before. Then as to cotton, he believed that India and Australia would be able to produce a large quantity for the supply of the manufacturers of this country, and if they really adopted free trade in those matters, they would do a great deal more towards getting rid of the slave trade than by the employment of any number of ships on the coast of Africa or elsewhere.

Mr. SLANEY observed, that he concurred entirely in what had been said by the noble Lord the Foreign Secretary, but he would ask if there were no other modes of putting an end to the slave trade than those which had been mentioned. It appeared to him that they had another mode, and that was to provide a supply of free labour cheaper than slave labour. Now, they had in the East an immense body of persons willing, for wages much less than the cost of the slave, to go to the country where the slave was employed; and, if it were made clear to the purchasers of the slaves that they could have free and well-regulated labour on cheaper terms than slave labour, their interest would cause them to object to the purchase of slaves. Good faith, however, must be kept with the coolies, and not the same course followed as had been done in the French and Spanish colonies. Persons coming as free labourers should be treated as free labourers, and after a certain time be able to return to the country from whence they came. It was clear their Transatlantic friends were well aware of what was to their own interest; and, if they could be made to see that they could be supplied with labour fitter for the warm portions of their country where they wanted it, at a cheaper rate than they could supply themselves with slaves, it would be an effectual mode of preventing the slave trade, and gradually diminishing and getting rid of the evil now prevailing in their country. When he was recently in America, he had frequent conversations with intelligent planters from the Southern States, who said they would be most willing to consider, with due deliberation and good faith, a proposal for the introduction of coolie labour under proper stipulations for the protection of the immigrants.

MR. CHICHESTER FORTESCUE said, he was anxious to say a few words by way of comment on that part of the speech of the hon. Gentleman opposite (Mr. Cave) which related to the Colonial Department. The only complaint brought against the Colonial Office was that the expense of coolie emigration to the West Indies was thrown in an excessive degree on the planters, and that sufficient contributions towards the expense were not supplied from the revenues of the Colonies. He would admit that it was a question not easy to decide consistently with justice. The apportionment of the cost of emigration between the planters and the Colonial Government admitted of a great deal of argument, and must inevitably be regarded from different points of view, according to the dispositions and interests of those who considered it. One obvious view, and one which the Colonial Office was obliged to consider, was that the labourers were introduced into the West Indies for the special purpose of growing sugar. They were introduced for the apparent interest of one class. They were allotted to one description of employers. They were indentured for fixed periods to the producers of sugar, who thereby acquired for the time a right to their labour. They were introduced without that proportion of women and children which naturally accompanied any ordinary emigration from one part of the world to the other, and under the condition that if they pleased they should be transported back to their native country, so as not to add to the permanent population of the colony. These very peculiar conditions, under which coolie and Chinese labourers were introduced into the West Indies, led some persons to think that any contribution under such circumstances would be nothing more or less than a bounty from the public funds for the production of sugar. That was a view, however, which the Colonial Office could not accept. This importation was not left to its natural course. The planter was subjected to many restrictions. He was not permitted to introduce labourers as he pleased, nor could he limit the importation to able field-hands, being obliged to import with them a certain fixed proportion of women, children, and old people. A contribution from the colonial revenues was under these circumstances considered not as a matter of bounty, but only a fair compensation for these restrictions, and that view had been acted upon by the Colonial Office. It had also been shown that the introduction of immigrant labour had benefited not alone the producer, but also every class in the colony. It had benefited the revenue, the merchants, and by the stimulus it had given to industry, even the native population, with which the immigrants had come into competition. A contribution from the Colonial Funds, therefore, in aid of that immigration seemed only reasonable, and successive Secretaries of State had concurred in settling the proportion to be borne by the planters and the Colonies respectively. This proportion was that of the whole cost of immigration to the West Indian Colonies two-thirds should fall upon the planting interest, either in direct payments by the planters to whom the coolies were allotted, or as a tax falling on the planters as a class, while the remaining third was to be borne by the general revenue of the colony. The Colonial Office, it must be remembered, had many opposing views to balance and reconcile. It was in the position of an arbitrator, because in many of our Colonies the class that demanded and benefited by immigration was the governing class of the colony, which had the disposal of the Colonial revenues. It was, therefore, the duty of the Colonial Office to represent the interests of those who were either not represented or were imperfectly represented. The hon. Member (Mr. Cave) must be aware that the Colonial Office of late years had not had to contend against the views he had advocated to-night, but against those who had looked with suspicion and fear upon the system of free immigration, and who were the old friends of the slaves. He was, therefore, glad to hear his hon. Friend (Mr. Buxton), who had an hereditary right to speak on this subject, say that the objections formerly felt to free immigration were now withdrawn, and that it was generally felt that the introduction of coolie and Chinese immigrants had been a real and decided success. It was satisfactory to know that of the large number of free immigrants into the Mauritius so few demanded to be transported back to their native country. The Mauritius now enjoyed greater prosperity than it had ever done before, and produced three times the quantity of sugar than it produced when slavery prevailed. Many thousands of free immigrants had been introduced into British Guiana with a like success. Jamaica had been rather behind; but, although late in the field, would no doubt run the race with success. The coolie emigration had been extended to the African colony of Natal, and a plan was under consideration for conveying free immigrants to the Australian colony of Queensland. He was less sanguine about the suggestion for extending along the coast of Africa the strange protectorate which we now exercised with very moderate success on the Gold Coast. His opinion was that the separate settlements upon the great trading rivers of Sierra Leone and the Gambia were more advantageous than our protectorate of the Gold Coast, and that if anything were to be done, it would be better to increase the number of such settlements. Such a protectorate as now existed on the Gold Coast it would not be desirable to establish elsewhere. On the Gold Coast the tribes whom we protected where in the utmost danger from their enemies, the Ashantees, and hence they welcomed our rule. But, where the same danger and dread did not exist, the tribes on the coast would not so readily accept our rule. That protectorate, however, was not exercised merely by a few civilians, but was supported by a respectable military force. He was satisfied that the immigration of free labour into our tropical and semi-tropical Colonies was of the utmost promise. It was extending rapidly from year to year, and the most promising feature was, perhaps, the growth of a free immigration from China. The Chinese were valuable labourers; they were desirous to leave their native country, and they were so industrious as to be willing to continue permanently in the exercise of a laborious occupation. Such was precisely the class of free labour required to compete with slavery in the production of tropical produce.

Mr. CRUM EWING said, he believed that if it had not been for the coolie immigration into the West India Colonies they would at present be wholly dependent on slave labour for their supply of sugar. He employed on his own estate about 800 labourers, two-thirds of whom were foreigners — Portuguese and Chinamen. Of the last there were about 150, and he might say that those men were the mainstay of the whole property, and when they were more accustomed to the ways of Europeans, he confidently expected that their labour would be cheaper than the labour of slaves. He had no hesitation in saying that if the British West Indies had a sufficient supply of free labour, chiefly from China, they would raise sugar more cheaply than any other part of the world, Cuba itself not excepted. He readily acknowledged the obligations which the colonists owed, both to the late and the present chiefs of the Colonial Office, who had done all in their power to favour that immigration.

Sir MINTO FARQUHAR said, he must congratulate his hon. Friend for the masterly and temperate manner in which he had introduced to the House the subject under discussion. As chairman of the West India Committee, and one who for many years had given much time and thought to this subject, no man had a better right to be heard. Unfortunately they all knew that the slave trade, which it was the desire and object of this country to abolish, was, although not indeed so flourishing as many years ago, again rearing up its head in consequence of the detestable traffic which was carried on between Africa and Cuba, and which would continue so long as the American flag protected the ships engaged in it, and so long as the Spanish Government, with which this country had made treaties on the subject in vain, overlooked the gross and disgraceful conduct of its officials in Cuba. British officers had actively exerted themselves for the suppression of that great evil, but he was of opinion that if a portion of our cruisers now off the Coast of Africa were placed in the Caribbean Sea a greater diminution of the importation of Africans into Cuba would be the result. He acknowledged the importance of favouring immigration into the West Indies, but he questioned the policy of encouraging immigration into Cuba; for it appeared from the evidence published that the system pursued in China to effect the last-named immigration was a system of kidnapping and torture; and he had heard it stated that when the Chinese arrived in Cuba they were sold in the public market at 400 dollars a head, and might also be said to be absorbed into the slave population, the Cubans looking upon this immigration rather as an accompaniment of, than a substitution for, slavery. He, therefore, thought that the most stringent regulations should be adopted in China, in order to put the Cuban immigration on the same just and honourable footing as that now carried on under Mr. Austin's scheme with respect to the West Indies, although it must be doubtful whether such immigration could be advisable to that Spanish colony, where, when the Chinese immigrants arrived, they were treated very little, if at all, better than the negro slave. To show the House the great difference between the Chinese immigration to Cuba and that carried on to the West Indies under the excellent management of Mr. Austin, he would read an extract of a letter from that gentleman, dated Hong Kong, 15th March, 1860:

> "Instead of forcing the emigrants to indent themselves to worse even than slavery by renunciation of the advantages secured by law to Cuban slaves, I guaranteed all the advantages of the free British citizens, the current wages of the Colonies, house and garden rent free, correspondence free of cost with relatives left behind, and the punctual payment at Hong Kong or Canton monthly, from the day of emigration, of such portion of the wages to be earned as the emigrants desired to appropriate in China. Lastly, instead of placing my ships where oppression could be practised with impunity, I selected Hong Kong and Canton for their anchorage, and facilitated their inspection by the Chinese authorities and people as much as possible. You may judge of the influence of this over the feelings of the emigrants when I tell you that the first Canton ship, the *Red Riding Hood*, left with 10,000 crackers blazing at each yard-arm, amidst cheers which told far and wide that there was no compulsion, and you may judge of the character of our emigration by the contrast afforded in the behaviour of our people in the *Dora*, and those of the *Flora Temple* for Cuba, when sailing down the China Seas, the latter, 800 in number, rising in the bitter agony of despair, only to meet grape shot, imprisonment, cruel abandonment on the reef, and a watery grave: whilst the former, to use the words of the surgeon, passed Anger, after the quickest passage ever made, singing hymns and joining regularly in the morning and evening services."

Mr. Austin had also succeeded last year in inducing 300 Chinese women to accompany the immigrants to the West Indies—a most important circumstance. The whole question was one of free labour only. In the British sugar Colonies freedom was as well established as in England; and by a large introduction of free labour into them, they might be made a counterpoise to Cuba, supplanting by their free sugar the slave-grown produce of that Island, and thus, indeed, materially checking the slave trade. There was no reason whatever why, upon the vast plains of British Guiana, there should not be with proper immigration not only an immense increase in the growth of sugar, but also that production of cotton, which used to exist there, and which would be so valued by the manufacturers of this country. He hoped the noble Lord at the head of the Foreign Office would press upon the Government of Spain the necessity of adhering to their treaties, and he might almost say, threaten them with a withdrawal of our Minister if they refused. He regretted that the "previous Question" had been moved, though the speech of the noble Lord was as strong a support to his hon. Friend's Motion as could have been given.

Mr. **GREGSON** said, that from the experience he had of Indian and Chinese labour, he should greatly approve of the immigrants from India. He mentioned that to correct a mistake into which the hon. Member for Paisley had fallen. Both himself and others connected with the West Indies were of opinion that, although the Chinese were apt and rapid in their work, for permanent industry the coolies were much preferable.

Viscount **PALMERSTON**: Sir, I must say the House is much indebted to the hon. Member who moved these Resolutions for bringing under their consideration a subject of the greatest interest and importance to this country; and, however much we may differ from him as to the wording of the Resolutions, the course of the discussion must have shown him and the House that there is no difference of opinion between the hon. Member and Her Majesty's Government as to the object to be attained. There were some expressions, however, used by the hon. Member towards the conclusion of his speech, and re-echoed by the hon. Member for Perth (Mr. Kinnaird), which, if they are allowed to go forth without explanation, might create a misapprehension as to their meaning. The hon. Gentleman opposite (Mr. Cave) stated that the English Government had for a long course of time encouraged and promoted slavery and the slave trade in other countries; but what I believe he meant, and I am confirmed in it by what afterwards fell from the hon. Member for Perth was, that by consuming slave-grown produce the people of England had indirectly encouraged slavery and the slave trade. That is a question which has been frequently discussed in this House, and, upon full deliberation, those who have urged Parliament to prohibit the consumption of slave-grown commodities have not succeeded in convincing Parliament and the country that this was a wise or an effectual method of putting slavery and the slave trade down. I wish it to be understood that the efforts of England for putting down slavery and the slave trade have been most exemplary, of long continuance, energetic, and, to a certain degree, successful. That is one reason why I object to the wording of the first Resolution; because, taken nakedly and without explanation, it would imply that our efforts have altogether and entirely failed. We ourselves set the example of abolishing the slave trade, and afterwards the condition of slavery. Has that remained a fruitless example? On the contrary, France has followed our example. She abolished first the slave trade, and then slavery; and now no condition of slavery exists in any territory belonging to France. Holland has abolished the slave trade. We have also concluded treaties with Spain and Portugal, giving means and providing machinery for putting an end to the slave trade; and we have concluded treaties with the innumerable chiefs on the coast of Africa, binding them to co-operate with us in putting an end to it in their dominions. To say, then, that this country has been encouraging the slave trade and slavery in other parts of the world, and by other nations, is really to assert that which is at variance with the most notorious historical facts, and is a calumny on the British nation and the British Government. Our efforts and example, in fact, have been greatly successful. The efforts of the British Government have never ceased ever since 1815, when, at the great Congress of Vienna, their representatives persuaded all the great Powers to agree to a declaration that the slave trade was a disgrace to Europe, and a curse of desolation in Africa, and ought to be put down. From that time to the present the influence of the British Government has been exerted with every civilized nation to induce them to put down the slave trade, and they have had great success. In Brazil, which used to import annually 50,000, 60,000, and 70,000 negroes—a number which represents three times the amount of human misery inflicted, because, at least three times that number of negroes were every year torn from their homes and families in the centre of Africa, in order to produce the residuum landed on Brazil—we have succeeded in abolishing the slave trade—and if we had only accomplished that it would be a great glory to the British nation. Portugal used to be a most active instrument of the slave trade. I will not undertake to say, because I know it would not be true, that in the Portuguese colonies in Africa a great extent of slave trade does not still go on, but it goes on against the will of the Government of Lisbon, and, when representations are made to it, the Government of Lisbon honestly and *bonâ fide* exercises its authority to prevent the recurrence of these abominations. Time was when the Court of Lisbon encouraged the slave trade. Now, it does all it can to discourage it, and very little slave trade is now carried on under the Portuguese flag. Holland, which used to carry on a great deal, now carries on no slave trade. Therefore, the slave trade is now confined exclusively to that centre of abominations—the island of Cuba. The number of slaves imported into Cuba was formerly comparatively small, but I am sorry to say that within the last few year, it has greatly increased. And how or why has it increased? It is because the American Government, from motives which we ought perhaps to respect—from a mistaken sense of national honour—has interfered to cover with impunity that prostitution of the American flag which covers the abomination of the slave trade. When we come to speak of Spain it is impossible to express too strongly one's sense of indignation at the profligate, shameless, and disgraceful bad faith with which the Spanish nation have acted in reference to the treaties concluded with England on this matter. As far back as 1817, the Spanish Government bound themselves by treaty to put an end to the slave trade, and received £400,000 as compensation to those who might be sufferers by this change of policy. In 1835, after the Government of England had mainly contributed by its assistance and protection to the establishment of a free Constitution in Spain, we asked, as the only acknowledgment of our services, that Spain would conclude with us a treaty by which machinery should be established by mutual right of search, mixed commissions, and the like, by which the engagement of 1817 might be rendered fully applicable, and an effectual end put to that slave trade which Spain still carried on, and which she was bound to abolish. We obtained our request. The memory of the services we had rendered her being still fresh in the recollection of Spain, she consented to make such a treaty, and, if it had been fairly carried out, the Spanish slave trade would have been as much abolished as that of Brazil. It is extraordinary that a nation which consists of men who, taken singly, would blush to do anything which was not perfectly honest and straightforward, should, when taken in the aggregate, be guilty of so shameless and abominable a violation of good faith. The conduct of Spain might have given us just cause for war, if we had thought proper to avail ourselves of it. We have repeatedly remonstrated with the Spanish Government in stronger language than that which I am now using, and the papers laid on the table from year to year are a record of this. My noble Friend has recently spoken to them in the same tone, but I am sorry to say they have hitherto been deaf to a sense of their duty with respect to their national engagement. I trust, however, it is only a remnant of that debased feeling which the arbitrary Government of former days inflicted upon Spain. I hope that those liberal principles and those generous feelings which belong to a popular, representative, and constitutional Government, will before long have their sway; and that the Spanish people will force their Government to act in a manner more in accordance with national honour and good faith. I regret to say, as my noble Friend has stated, that we have not received from the Government of the United States that assistance which we were entitled to expect from a Government of free men. The Government of the United States have taken engagements as well as the Spanish nation. They are bound by treaty to co-operate with England for the suppression of the slave trade by stationing a certain amount of naval force upon the coast of Africa. That engagement has been more or less fulfilled from time to time, but the American Government have prevented British cruisers from meddling with ships sailing under the American flag, except at their risk and peril, in the event of the ships being found not only to have the American flag, but to have American papers proving their nationality. It is well known that the mere hoisting of a flag is no proof of nationality. Nationality is proved by papers, which papers, of course, can only be a proof upon their production. Well, a great difficulty arose two or three years ago upon the coast of Cuba. We thought that not only should there be an intercepting force on the coast of Africa, but that it would be useful to station a similar force on the coast of Cuba. Difficulties immediately arose. American citizens engaged in the slave trade immediately got up a great clamour against our cruisers, asserting that they were intercepting the legitimate commerce of the United States. The United States' Government took the matter up; and, owing to the complication of circumstances, the British Government were obliged to withdraw their cruisers from that station. My noble Friend made not long ago a proposal to the American Government, which, if they had really been disposed to co-operate with us in the suppression of the slave trade, I think they ought to have accepted. We and the American Government stand upon a different footing in one important respect in regard to our power of suppressing the slave trade. By the Act of 1845 a British cruiser taking a vessel engaged in the slave trade without papers and without any indication of nationality is entitled to have it judged by a British Court of Admiralty, and condemned by British law. The Americans have not that power by their laws, and therefore when an American cruiser meets a ship even laden with slaves, but without any proof of nationality, she is unable to do anything, because if she were to take the slaver into an American port, there is no American law by which a ship not American could be condemned for the crime of engaging in the slave trade. If an American cruiser finds a ship with American papers, and with slaves on board, that is an offence against the laws of America. But what happened on the coast of Cuba? When a slaver, filled with slaves, met an American cruiser she threw her papers overboard, destroyed all proof of her nationality, and so foiled and baffled the enemy. When she met a British cruiser she became an American ship, produced her papers; and, as by international law there is no right of search, though filled with slaves, defied our people to touch her. Well, my noble Friend proposed to meet this case. He proposed to the American Government that British and American cruisers should always sail in couples, so that when they met a slaver, if she had destroyed the proofs of her nationality, the British cruiser might take her, while, on the other hand, if she showed American papers and colours, she might be seized by the American cruiser. In this case there could be no escape; but our proposal was declined, and therefore, as far as that method of intercepting the slave trade on the coast of Cuba is concerned, we have been defeated. It is always satisfactory when this House takes up this great question, and by such an expression of opinion as we have heard to-night fortifies Her Majesty's Government in the representations which they feel it their duty to make to foreign Governments. For my own part, I cannot too strongly express my concurrence in the opinion stated by my hon. Friend the Member for Newport (Mr. Buxton), whose name is associated with all the most honourable and vigorous efforts for putting an end to slavery and the slave trade — that, if this abominable crime could once be extinguished, the coast of Africa would be the source of such wealth to itself, to all Europe, and the rest of the world as the imagination of man can hardly compass. The amount of valuable productions which might be drawn from that country, as well as the amount of consumption which might be found there for the productions of other regions, would give a scope to industry and civilization which would reflect the highest credit upon all the nations engaged in so glorious an achievement. However, the main object of the Motion before our House—though I do not think that object is clearly developed in the Resolution as it stands—seems to be that the Government ought to encourage free immigration into the Colonies. That is the sum and substance of the Resolutions; but I hope, after the statement made by my hon. Friend the Under Secretary for the Colonial Department—who has shown that the Government are fully alive to the importance of this immigration, that they have greatly encouraged it, that it is continuing and increasing year by year, affording a supply of labour to our Colonies—and after the general opinion which has been expressed by those who have taken part in the debate to-night, that the hon. Member opposite will not think it necessary to press his Resolutions to a division. I can assure him that it would be unpleasant to the Government to do anything which might have the effect of inducing the public to believe that they differ from him in his general opinions. We agree with him in those opinions, although we cannot accept his Resolution as it stands; and I trust, therefore, he will be satisfied with the discussion which has taken place, and will not force the House to the disagreeable necessity of voting under the previous Question. I have only another word to say. It is quite right and useful that those who are connected with our Colonial possessions should urge as strongly as they can the expediency of increasing free labour, with the view of augmenting the production those possessions; but, if I might be allowed to say so, I think they ought carefully to abstain from any argument which might be misconstrued by other nations into a desire to curtail the productions of rival colonies. It may be true that those coolies who go to Cuba are not so well treated as the coolies who go to our Colonies. It is impossible that free men imported as labourers into a country where slavery exists can have the same security and the same liberty as they would have in a country where slavery does not exist. But, at the same time, can you suppose that the proprietors in Cuba will easily consent to allow their fields to remain uncultivated, their produce to diminish, for the want of a supply of labour? That is a thing not to be expected. The choice lies between their being supplied with slaves taken by the most abominable means from the centre of Africa, or with persons who, though kidnapped and badly treated, are still free to a certain extent. Depend upon it, if it is supposed that the object of the British colonists is not simply to increase their own means of production, but to diminish that of other countries the efforts of England to put down the slave trade will be misunderstood. It will be supposed that they are dictated by a narrow commercial jealousy, not by principles of humanity and of general benevolence; and, so far from other countries being willing to co-operate with us in our exertions against this foul abomination they will set themselves against us, and do everything in their power to thwart and defeat our policy. Therefore, I trust, the hon. Member will feel satisfied with the expression of opinion he has elicited, and withdraw his Motion.

Viscount Palmerston

MR. CAVE, in reply, said, that he would detain the House but a very short time in replying to a few of the remarks which had been made. With respect to what had fallen from his hon. Friend the Under Secretary for the Colonies he regretted to see that he still laboured under the delusion that immigration was not a national question, but merely a concession to the planter. He would not, however, argue that point now; he had lived long enough to see so much improvement in the Colonial Office, that he could afford to wait patiently for this also. The noble Lord at the head of the Government had charged him with calumniating this country. He felt, however, obliged to repeat that the equalization of the duties on slave and free grown sugar had been the greatest encouragement to slavery and the slave trade in our day. He knew that when the intelligence of the passing of the Bill of 1846 reached Havanna the city was illuminated, which shewed at any rate what the opinion there was of the probable effect of the measure. He was sorry that both the noble Lords had somewhat slurred over the objections to the immigration of free labourers to slave countries. But in spite of what had fallen from the noble Lord (Viscount Palmerston) about the suspicions which foreign nations might entertain of the purity of our motives in objecting to the importation of Chinese into Cuba, the truth ought to be told; and the truth was, that if there was to be slavery at all, it was better that people who were slaves at home should be taken as slaves to Cuba, rather than that free people like the Chinese should find themselves in that position. Spain was not fit to be trusted with the custody of these people. She had ever enjoyed a pre-eminence for barbarity in the dark annals of the New World. She began by working one race there to death. When a stronger race was imported she did her best to work them to death also; and she ought not to be encouraged to import another race more resembling the first than the second, in order that she might treat them with the same inhumanity, in what had been justly called by the noble Lord, "the centre of abomination." With regard to his Resolutions, he would not for a moment press them after the opinions which had been expressed by the Government. His chief object had been to ventilate this question. He was perfectly satisfied with the general tone of the debate, and much gratified to hear the well-merited rejoinder which the Foreign Secretary had made to the President of the United States.

Previous Question and Motion, by leave, *withdrawn.*

House adjourned at a Quarter before Ten o'clock.

HOUSE OF COMMONS,

Wednesday, February 27, 1861.

Minutes.]—New Member Sworn.—For the County of Aberdeen, William Leslie, esquire.

Public Bills.—1° Recovery of Debts; Valuation (Scotland) Acts Amendment; Holyhead Road; Local Government Act Amendment; Smoke Nuisance (Scotland) Act Amendment; Constructive Notice Amendment; Indictable Offences (Metropolitan District).

2° Church Rates Abolition.

CHURCH RATES ABOLITION BILL.

[Sir John Trelawny.]

SECOND READING.

Order for Second Reading read.

Sir JOHN TRELAWNY, in moving the second reading of the Bill, said, it was not his intention to refer at any length to the petitions which had been presented with reference to it. During six weeks of the late Session of Parliament, petitions, bearing 600,990 signatures, were forwarded in favour of the measure; and, although numerous petitions were likewise presented by its opponents, a considerable number of those who opposed the particular Bill by no means contended that some alteration in the law was not required. Neither were the petitions obtained by the supporters of church rates altogether as numerous as might be expected, remembering the high ground which they took as defenders of the Church of the poor. If, as was alleged, such perfect satisfaction was felt with church rates as now existing, why was it that many of the petitions only bore five, ten, or twenty names. Petitions also from important places had been sent in on printed forms, and one from a rector had that day been rejected altogether on account of its being printed, and, therefore, not in conformity with the rules of the House. He did not think that hon. Members on the other side had much to boast of as to the number of petitions they had presented, and very little fecundity of imagination had been shown in preparing them. It was unnecessary to dwell on the reasons which led to the diminution of the majority in favour of the Bill last year. He confessed he did not know to what cause exactly the result was to be attributed, but it might be accounted for in various ways. Perhaps it might be owing to an idea on the part of hon. Members opposite that the Lords would send down what some Conservatives would regard as a more statesmanlike measure in the sense of the Report of their Committee: perhaps the opinion had grown up that the House of Commons ought not to initiate tax Bills, but were bound to accept with humility such as the Lords should send down; or it might be that a reaction had been produced by what certain honest and plain spoken men had stated before the Committee of the House of Lords. It was not a point on which he was particularly interested. It had been used as an argument against this Bill that it was supported by persons who had avowed themselves in favour of ulterior measures. But, if such were the reason, hon. Gentlemen would see that the argument based on such grounds would have held good equally against the Reform Bill or Roman Catholic emancipation. It was undoubtedly the fact that the Reform Bill was supported by many Republicans; but did it, therefore, follow that a republic had been established? On the contrary, it was, perhaps, by the passing of that very measure that the country had been preserved from a republic. In the same way many who voted for Catholic emancipation might have intended to apply all Church property to Catholic uses; but in point of fact they had been wholly unable to do so. Nothing could be more illogical than to say that, because two persons held peculiar opinions with regard to a question on which they were examined by learned divines and acute lawyers, and which very possibly they did not altogether understand—all the consequences which they were desirous to see accomplished would, of necessity, follow from the change which he was advocating. Great obloquy had been cast on him, and those who acted with him, for introducing this measure, but he hoped his calumniators and detractors would in time come better to understand the principles of our common Christianity. Some of the hardest work he had ever undertaken consisted in striving to effect a compromise of the church rate question, and he had no intention of carrying the matter further than was proposed by his Bill. He warned the House that it was of vital consequence that this question should be speedily settled, and that, by refusing to pass this Bill, that party that was agitating for ulterior measures would be materially strengthened. Within the last few days a very large number of persons attended a conference in London on the subject of this measure, and it seldom happened that the deliberations of any assembly were marked with so much zeal, earnestness, moderation, and concord—it was the most earnest body which had met in the City since the days of the Anti-Corn Law League. He thought the qualities adverted to were rarely found in combination, except to some purpose. In wishing for a settlement of the question, nobody supposed that he could have any personal object. The measure had grown to be a Parliamentary inconvenience, while out of doors its prolonged existence cast a slur on our legislative institutions. Yet his was the only plan which proposed to deal effectually with the subject, for it had been shown that all other suggestions would fail in enforcing the collection of church rates. Many of the supporters of the Bill felt comparatively easy, because by prolonging the agitation their strength would be increased, while if it were passed into law, their grievance would be taken away. The waste of time, indeed, had been such that it would have been almost worth while to subscribe for the purpose of buying up church rates; but as long as the grievance existed it was impossible they could relax in their efforts. He wished to show that he was acquainted with the case of hon. Members opposite. The case of those hon. Gentlemen was that in relinquishing church rates they would be depriving parochial edifices of the fund by which they were supported, and thus very possibly depriving the poor of opportunities of attending Divine worship. But that, he thought was what Paley would call a "violent improbability." In large towns the churches were always well supported, and he did not believe that, in country parishes, the churches they now possessed would be allowed to fall down for want of the contributions necessary for their support. The amount produced by this rate was on the average £50, or 2*d.* in the pound on the rental. Was it to be supposed that this amount would not be made up by the landlord, whose tenants and labourers, in addition to his own family, were directly interested in the maintenance of the church fabric? Gentlemen should be very guarded in their use of the expression "the Church of the poor," for there were awkward facts on the other side. In point of fact very little was done for the poor as matters now stood. He would read an extract from the Report of the Lord's Committee on Religious Instruction in 1858, citing some evidence of Archdeacon Rushton:—

> "As to Manchester, Dr. Rushton states an instance in which he himself witnessed repeated, and at length violent, attempts to turn out of a church (Trinity, Hulme), professedly free, a poor devout worshipper by the verger. He, as archdeacon, examined the verger on the subject, and satisfied himself that in this free church 'pew rents are still in the question, and that the benches marked free are as much private property as the pews with doors paying rent.' He added, 'that even in churches that profess to be free the seats are not left free to the poor.' He does not say in every case, but as a general rule it is so. In one case, of a church in the patronage of trustees, he

officially asked where the free seats were; for, by the Act under which that church was built, one-third ought to be given to the poor. 'The churchwarden was at a loss to point them out to me,' are Dr. Rushton's words; at last he said 'I have one free sitting to one pew.' 'Where is it?' and he pointed to a little bracket at the end of his pew outside, in the aisle, with a hinge under it, so that it could be raised at any time for his servant, or any poor person in the aisle, to sit upon it. I said to him, 'How often is it that your operatives from your works come and sit by your side?' 'Oh!' he said, 'it is out of the question; they never come there; it serves me to put my hat upon.'"

And this is the inheritance of the poor! A proposition had been put forward over and over again for the creation and endowment of 600 new livings by the sale of Church and Crown livings for about £1,000,000, which, with the addition of a voluntary fund which might reasonably be expected, would, perhaps, make up £2,000,000; but with his experience of the manner in which Church funds were often administered he must say that he did not expect any great success to attend that scheme; however, it had many years ago been recommended by a Royal Commission, yet little zeal was displayed in following it up. Neither was church patronage always bestowed in the best manner. He thought that the case of York last year proved that; but this year they had the Durham case, of Haughton le Skerne, which was not much better, and he would venture to say that half a dozen cases as bad would occur before another six months was over. A great deal had been said as regarded the effect of this measure in separating Church and State. He thought this objection was "a fallacy of confusion." The connection between Church and State should rather be called the dependence of the Church upon the State. If Parliament should see fit to abolish church rates, it would not at all follow that it would be disposed to relax the bonds that bound the Church to the State. The whole of the Bishops were appointed by the Government, who were responsible to Parliament; tithes, too, had been commuted under the same authority, and Church property repeatedly dealt with. After all, what was the effect of the existing law? To give power to the majority in a vestry to vote certain sums of money, amounting to a rating of about 2*d.* in the pound, for the maintenance of the fabric. If they looked back to the history of the question they would find that the history of it was not such as was commonly supposed. The doctrine of Blackstone was that the repair of the fabric of the church originally fell upon the tithes. Going back to first principles, it was not at all clear to him that they should, even on the precedent of ancient usage, call upon the population to support the fabrics of a Church, from the doctrines of which a large portion of them dissented. The most that could be shown in this way was that the monasteries got hold of the finances intended for the Church, and left the support of the fabrics to the population. He would like to quote Blackstone on this point—

"At the first establishment of parochial clergy the tithes of the parish were distributed in a fourfold division—one for the use of the bishop; another for maintaining the fabric of the church; a third for the poor; and the fourth to provide for the incumbent. When the sees of the bishops became otherwise amply endowed, they were prohibited from demanding their usual share of these tithes, and the division was into three parts only. And hence it was inferred by the monasteries that a small part was sufficient for the officiating priest, and that the remainder might well be applied to the use of their own fraternities (the endowment of which was construed to be the work of the most exalted piety), subject to the burthen of repairing the church and providing for its constant supply. And therefore they begged and bought, for masses and obits, and sometimes even for money, all the advowsons within their reach, and then appropriated the benefices to the use of their own corporation."

An argument was raised against this measure, based on the circumstance that there had been a small percentage of parishes which had successfully resisted the levy of rates. But there were many causes for this. In many instances persons were afraid of exclusive dealings, of tyrannical landlords, or of interference with power; so that there might be a great deal of inconvenience resulting from these rates of which hon. Members knew nothing. Persons endured the evil in hundreds of cases through fear of oppression. Some had asked this question—why create a system which would oblige the working clergy to beg? Now, he had great sympathy with the working clergy, but he did not see why it should become necessary for them to beg for the support of the fabrics if church rates were abolished. The truth is, the clergy did not do themselves and their calling justice. They should not show themselves deficient in self-respect. They should say to their congregations that they rendered them a kind of service which they could not dispense with, and that it was for those who received the benefit of that service to maintain the churches, which were intended for the convenience of the laity, and not for that of the clergy. The clergy should add that their time is required for more important duties than the collection of church rates, and that, as in the early church, were found men who bore stripes, and shipwrecks, and great sufferings in the propagation of religion, so the clergy of these times would rather put up with some inconvenience in bearing with the condition of churches than put themselves in collision with their parishioners. That was the course the clergy should take, and not call upon Parliament to support the collection of the rate. A great deal had been said about the sacredness of church rates; that property was purchased subject to them, and that Parliament had no right to lay its hand upon a single sixpence of them. But who had the right to use that argument? Surely noble Lords in "another place" were not entitled to use it, for the Report of their Committee recommended that Dissenters should be exempted. Surely not the Conservative Government, for he had looked into their Government Bill and found that they also proposed to exempt Dissenters. He would remind the right hon. Gentleman the Member for Buckingshire (Mr. Disraeli) of that fact. He had read a speech delivered by the right hon. Gentleman during the recess, in which he expressed himself to be a great stickler for preserving the law as it was, or rather for making it more stringent; yet he was responsible for a Bill, brought in while he was in office, to exempt Dissenters. The right hon. Gentleman had therefore thrown over the principle; he had not left himself a single shred of principle to stand on. Then, as to the hon. Member for North Warwickshire (Mr. Newdegate), the most rigid stickler for principle in this matter—what had he done? He had brought in a Bill, or made a proposal in some shape for throwing the *onus* on owners instead of occupiers, for abolishing rates in all parishes wherein they have not been collected for seven years past, and limiting the amount to 2*d.* in the pound. He had thus thrown over the principle; and, therefore, they were all in the same boat. Indeed, it had been thrown over twenty years before in the case of the Irish tithes. The Marquess of Blandford, too, proposed a scheme, by which it was provided that the inhabitants of a district formed out of a parish, should, after the lapse of twenty years, be exempted from payment of church rates for the mother church. That also was a surrender of the principle. It was urged in support of the present law that the rates went to supply accommodation for religious worship; but the fabrics of the Church of England did not supply much more than half the requisite accommodation. It was said, moreover, that the truth was preached in the churches but not in the chapels. Perhaps Churchmen would not give the Dissenters credit for what they preached; but, even if they were not disposed to approve the doctrine preached in the Dissenting chapels, they must admit that it was better than nothing at all. And all plans now contemplate the future exemption of Dissenters. Besides this, it was not at all clear to him that the Church of England was teaching uniform doctrine. After the *Reviews and Essays* which had been made the subject of proceedings in Convocation, he did not think the Church should profess that she teaches one uniform, exclusive, homogeneous body of doctrines. Formerly, when there was no expression of dissent, it was a matter of course that such doctrine should be taught by the Church; and if any one dissented he would have been excommunicated; but in these days, when they tolerated Dissenters, it appeared to him impossible to contend that uniform doctrine was preached by the Church. Under these circumstances, means should at once be taken to put an end to the existing discontent and animosity. He should like to give two or three statements in regard to some recent cases which would bring the evils of the existing law before the House. He had a letter from a gentleman living in the parish of St. Bartholomew, Sydenham, which stated that three years ago there was an amicable arrangement there that the church should be repaired by contributions raised on the voluntary principle. The arrangement worked well until the evil day when the cry was raised of "the Church in danger." Since the Parliamentary division of last year an attempt to raise a church rate, founded on a supposed reaction in public opinion, had been made, and now, in this once quiet and harmonious parish, preparations were made for fighting the question through the Queen's Bench and Ecclesiastical Court. Perhaps it would be well to read the letter he had received:—

"As the church-rate question promises to excite more than usual attention in the present Session of Parliament, and you will, doubtless, be glad of any information bearing upon the subject, I venture to intrude upon you a few particulars in connection with the contest which has been raging in the parish of St. Bartholomew, Sydenham, since June last. I forward you by this post a pamphlet, written by myself, as leader of the Anti-Church Rate movement, and a card of our Association. You will gather from the former an outline of the proceedings in the parish, and I may add that the attempt now making to enforce a rate has been encouraged by the supposed reaction in public opinion, deduced from the diminished majorities obtained by you last Session.

"The question was considered settled three years ago, a voluntary subscription having been substituted for a rate, and the most perfect harmony prevailed in the parish—movements for the social improvement of the neighbourhood taking the place of church-rate agitation, and all sects uniting in such objects; but, unhappily, the cry of 'robbery by the Dissenters' and 'the Church is in danger' was raised last summer, and a rate (of a grossly illegal nature) carried at a poll by a majority of votes, but a minority of persons. Summonses have been issued, and disposed of in the usual way, by ousting the jurisdiction of the magistrate; and we are now preparing on both sides to fight the following questions in the Queen's Bench and the Ecclesiastical Courts—

"1. Does a district parish church, constituted under the Church Building Act (Marquess of Blandford's), possess the power of making church rates?

"2. Can the rector, as chairman, arbitrarily fix the time for polling, without reference to the convenience of the ratepayers?

"3. Is a rate legal when made for an unexplained item called 'contingencies,' &c. &c.?'—(I need not trouble you with details of the various illegalities in our rate.)"

"The first question is one of great moment, and ought to be thoroughly sifted. In our neighbouring parish of Forest Hill two church rates are levied—one by the mother church at Lewisham, and the other by the district church, both being levied upon the same ratepayers. I believe it was distinctly understood when the Marquess of Blandford's Act was passed that no additional powers for making church rates were to be provided.

"Plurality of voting is another matter which ought to be altered. Our parish, like very many others, contains a majority of persons opposed to church rates, but their wishes are overruled by the votes of the wealthy ratepayers. Is there no chance of amending this part of the Sturges Bourne's Act?

"In Sydenham the leading opponents of church rates are members of the Church of England. All the summonses recently taken out were against Churchmen; and one wealthy Churchman has declared his intention of contesting the rate in the courts at his own expense, if necessary. Although the rate is only at *2d.* in the pound, and was made by a majority of 107 votes, the churchwardens have been unable to collect even half the amount, the enforced rate having produced considerably less than the voluntary subscriptions in former years.

"At the Easter Vestry it is intended to nominate me as churchwarden, in the hope that the question may be disposed of in future by my refusal, in that capacity, to allow a notice for a rate to issue; and the vestry will also refuse to appoint organist, beadle, &c. &c., unless by a poll of the parish!"

In another case a captain in the navy, residing in Devonshire, paid for a pew in a chapel of ease; and at a vestry meeting at the mother church, a yeoman belonging to the Establishment got up and proposed that he should be exempted, which motion was carried by a large majority. When notice was given that the meeting would be held this gentleman asked a friend to go with him to oppose the rate, but he declined, thinking it would be useless. The gentleman, however, attended himself, and after being abused by the clergyman, moved an adjournment, which was seconded by a parishioner. The result was that seventeen voted against the rate and five supported it, including the two churchwardens, who would have voted with the majority, were they not warned that, as churchwardens, they could not do so. The letter containing this statement was as follows:—

"Some years since I took a house in a Devonshire parish, in which there was no Dissenting chapel. In addition to the parish church there was a Chapel of Ease in the most populous part of the parish. Having asked for a pew in the parish church, and been informed that they were all occupied, and that no new residents could be accommodated, I took a pew in the Chapel of Ease at a rent of £7 a year. Being then quite ignorant of parish business I was greatly surprised to find that I should have to pay church rates to the parish church, though refused a seat in it.

"When notice was given that a vestry would be held for the purpose of making a church rate I asked a friend who had a seat in the Chapel of Ease to go with me to the vestry to oppose it. He said it was useless, as nearly all present would be pew-holders in the church, and would vote for the rate. I, therefore, went alone to the vestry and found twenty-two persons present, all of whom had seats in the church, and were perfect strangers to me. On the rate being proposed I objected to it on the ground that as I and others had been refused seats in the church, and had to pay for our seats in the chapel, it was most unjust to tax us also for the church, when a much smaller rent on the pews than we paid would provide the sum required. After having been well abused by the reverend chairman, and accused of wanting to 'rob the Church,' I moved the adjournment of the vestry, not expecting even to find a seconder. To my surprise, one of the principal farmers in the parish seconded the motion, on the ground that it was unfair to make those pay who could not get seats in the church, and that they ought to pay a small sum for their pews in the parish church, which would make up the sum required. The result was that seventeen voted against the rate; and of the five that supported it, two were churchwardens, who would have voted against it had they not been told by the chairman that they could not do so while churchwardens.

"A voluntary pew-rent was then made out, and on another vestry being called the list was produced, signed by the parties, and it showed a larger sum than was required yearly; but the reverend chairman refused to sanction it, and was again refused a rate by about twenty-two votes to three. A third attempt was made under the directions of the Bishop, and threats of prosecution were liberally dealt out by the clergyman, who still persisted in refusing the pew rent. The result was that the rate was moved by the clergyman's churchwarden, who could not find one person to second it out of twenty-seven persons, not one of whom was a Dissenter, and twenty-five of whom had seats in the parish church, two being the churchwardens of the previous year. The parishioners' churchwarden refused to second the motion for the rate, though threatened with proceedings in the Court of Arches.

"Thus for two years no means were provided for the necessary repairs and expenses, though the offer of the voluntary rate was still refused.

"Nothing could more clearly prove that the present system is as unjust to a large body of Churchmen who support their own places of worship by pew-rents as it is to Dissenters."

He should now call the attention of the House to the evidence of Dr. Lushington, regarding the working of the law, before a Committee of the House of Lords. He stated that the difficulty of rating was increased on account of the circumstance that property was not fairly rated for the poor. The rental, as a basis of the poors' rate, was often described as lower than it was in reality, in order to avoid payment of county rate, which follows the poors' rate. Perhaps, Dr. Lushington's own statement would best explain the point—

"(Q. 1454).—What does that difficulty arise from?"

"It is this—and I may as well refer to facts within my knowledge—here is probably a rental of a parish £9,000 or £10,000 a year; there are a great many small houses; there are some mills, and a variety of property of every description. Now, to make an equal and just assessment is no easy matter; and the parishioners, in that case, made what would appear *primâ facie* to be a perfectly just and equitable rate; they followed the Poor Law Assessment, and where the Poor Law Assessment is just and right there can be no objection to a church rate being made accordingly; but it happens, unfortunately, that the Poor Law Assessment is not made according to law. In the first place, they are directed by the statute to make their assessment upon the true rental of the whole parish, and they frequently endeavour to avoid it, because they are taxed to the county rate according to the amount of their poor rate, and to escape that they lay the rental lower, and that makes a void rate to begin with; in those cases it is very seldom that they make a rate impartially. In the case I refer to, and that is an exemplification of what is done, they assessed the squire 25 per cent below what he ought to be assessed at, because he had so much game and so many plantations, which was death to the rate upon the face of it; it was an unjust and unequal rate. The poor rate is not objected to in these places, because people do not wish to get into hot water with their neighbours; and the person who is the most relieved is generally the person who has the greatest influence in the parish. But then comes in the question as to church rate, and if there be the smallest hole to creep out of, any gentleman who opposes the rate will discover it, and bring it before the Judge, and the Judge has then no alternative but to pronounce against the rate."

"(Q. 1492).—And these sort of objections are more common now than they were before?"

"Certainly, much more common; the objection to the mode of assessment is a complaint that is much more common. It is very difficult to assess a large parish accurately; but my rule is that small inequalities shall never vitiate a rate. If you can show a direct violation of the law by the officers to any objectionable extent; that a person who ought to be rated is not rated, or that a certain class are under-rated, then, of course, it is not a just and equitable rate."

He desired to take a practical view of this matter, and to inquire what could be done in this case. Was it possible to stand still? He thought that was answered conclusively, from the fact that so many measures had emanated from all sides of the House with a view to arrive at a settlement of the question. Could any more stringent measures be adopted with regard to church rates? He thought not; because, if they adopted more stringent measures, that could only be done by having a uniform measure. The application of a uniform measure to Manchester and the various other large towns in the kingdom must be attended with very great inconvenience, and, perhaps, with danger. If any attempt of that kind were made, he thought the best thing that House could do at the same time would be to increase the Estimates, and enlarge the size of their prisons, put Armstrong guns in them, and get a number of the Volunteers—Volunteers in particular—to man them, and to request their assistance in enforcing the law with regard to church rates. What said the Rev. Mr. Brooks and the Rev. Dr. Miller on this question—

"The Rev. Mr. Brooks asked (Q. 1173), Do you believe that if there were now a fresh attempt to raise a new rate (at Nottingham) it would succeed?" Answers:—"I think it might succeed, but I think it would be very injurious to the Church if it did; it would leave a great deal of exasperation. At the present the Church is becoming popular among the working classes."

"The Rev. John C. Miller, D.D., asked (302), It is almost unnecessary that I should ask you, but I suppose, from what you have stated, that any attempt to enforce the law as it now stands in Birmingham, could lead to none but injurious consequences?" Answers:—"It would set the town in a flame."

"Again (Q. 304), But I think I may assume from what you have been saying that any attempt to renew the law in Birmingham upon its present footing would be entirely out of the question?" "I should think there are not six sane men in Birmingham who would give any answer but one to that question, under the present state of the law."

"Chairman — What do you mean by setting the law in force? Do you mean calling the vestry together to propose a rate?" "If I were to call a vestry to propose a church rate in Birmingham that proposal would set the town in a flame. There is no Churchman in Birmingham who would think for a moment of proposing a church rate in the present state of the law."

He agreed with the arguments contained in a letter written by Mr. Hopkins, a clergyman, of Wisbeach, who, in speaking of one of the Bills before Parliament, said that the measure proposed was only a step towards abolition, and that it was much better to come to abolition at once. He stated that it was very much like putting over a sore part a plaster not large enough for the sore. Looking to what had followed the passing of the Annuity-tax Bill, which might be regarded as a pilot balloon, he thought the House had enough before it to show that such measures would not be attended with success, and that if they intended to cure the evil they must go to the root. The system of levying church rates had been spoken of by Mr. Toulmin Smith in his evidence (which was a sort of archæological curiosity shop), as a part of the local government of this country, according to which parishes could make bye-laws for taxing the parishioners for any purposes of public utility. The question is what the courts of law say to the first parish that acted upon this supposed common law right? It was absurd to advocate church rates on that ground, unless it was at the same time proposed to pass a general measure giving every parish the absolute control of its own affairs. He had been curious to know how the churches of the episcopal and nonconformist communions were kept up in the New England States, and had written to a gentleman for information on that subject. His correspondent stated that a few were kept up by endowment, but that generally they were maintained on the voluntary principle. It was further stated that very few churches had any special funds for their support, and that all expenses were paid out of the pew rents and by subscriptions voluntarily offered. Thus it appeared that the Episcopal churches in the United States were not only built, but supported without any church-rate. He was not one of those who would be disposed to see a system of pew rents adopted in this country, but his object was simply to show that where no ancient endowments of any kind existed in America, means were found not only of building churches, but of supporting them when they were built. He would read an extract from the letter referred to—

"How are the Episcopal churches kept up in the New England States?"

"A few by endowment, but generally by the voluntary offerings of the parishioners."

"What is the machinery by which the money for their support is collected?"

"Simply by a tax assessed upon the pews, the tax being generally a percentage on the estimated value of the pews—say, about 10 per cent, the assessment varying from 6 dols. to 50 dols. per annum."

"To whom is it paid, and who collects it?"

"There is generally a treasurer appointed in each church, who makes out the bills against the several pew occupants quarterly. These bills are sometimes left in the pews, sometimes sent round to the residences of the congregation, and the amounts received by a collector, who receives a small percentage for his services. Out of the amount so raised the salary of the clergyman, and all incidental expenses, such as fuel, organist's salary, &c., are paid."

"In whom does the title to the freehold of a church vest?"

"In the owners of the pews, who form a corporation, and who, in the Episcopal Church, meet annually on Easter Monday, and elect the wardens and vestry, and the rector, if the parish is vacant.

"By whom are repairs decided on?"

"Generally by the wardens and vestry, or by a building committee (so called) elected at the annual meeting."

"Is there any, and what, relation between the fund for supporting the church and the salary of the minister?"

"None. Very few churches have any fund for supporting the church. All expenses are paid out of the pew-rents; if they are not sufficient, a subscription paper is handed round, and the required amount raised. The salary of the clergyman is paid quarterly, the churchwardens drawing an order for the amount on the treasurer of the church."

"(Non-conformist churches in America.)

"A tax is levied on each pew according to its value. It is paid to the treasurer.

"The title rests in a standing committee, chosen by the stockholders (who are the pew-holders) each year, of which committee the treasurer is one.

"The repairs are decided upon and made by the above committee.

"The salary of the minister is paid by the treasurer (under the committee), as any other part of the expenses would be. The amount of the salary is fixed (as may be agreed upon with the minister) by the stockholders.

"When a church is built, the pews are appraised at prices large enough to pay for the church; they are then put up at auction, and the highest bidder over the appraised value has the choice. The amount received for the choice goes into the church fund.

"The above refers to other than Episcopal Churches, of the management of which the writer knows nothing."

The church rates had sometimes been likened to tithes, but he need hardly say that they stood on wholly different grounds. Tithes were recognized as legally authorized burdens on property, there was a remedy by levying a distress, or by taking possession of the land, and the amount was fixed by law. When a man had to do with property of any kind on which there was a tithe rent-charge he made up his mind to pay, and there was no more thought about it. But the imposition of a church-rate operated very differently on men's minds; and in stating this he was borne out by an undoubted friend of the Church, formerly a Member of that House—Mr. Beresford Hope—who drew a wide distinction between tithes and church-rates, and pointed out the great advantage which the Church had derived from the commutation of tithes, a measure which he said had conciliated the opponents of the Church while it had strengthened the Church itself. Mr. Beresford Hope also said that it would be best to acknowledge at once that if any person, dissenting from the doctrines as laid down by the Church of England, should decline to pay a fluctuating and variable rate for the support of the church, he should be treated as a man who was actuated by conscientious motives, and be exempted. The same Gentleman, alluding to the "no surrender" cry, said that he was fortified in the view he took of the evil effects of this non-surrender policy, when he recollected the inevitable fate of every question where that cry had been raised. It had been raised upon the repeal of the Test and Corporation Acts, against the Roman Catholic Emancipation, and, in later years, against the admission of the Jews into Parliament, but with what result the House were aware. Mr. Hope's words were as follows—

"It will be best to acknowledge that if any person dissenting from these distinctive doctrines, as held by the Church of England, shall decline to pay a variable and changeable rate for the support of the Church, they are not to be absolutely hunted from the top to the bottom of the town, and stigmatized as hypocrites who look only to their own pockets; but should be treated as men actuated by real and conscientious motives, which deserve the respect of every honest and good member of the Church of England. I say that distinctly, and the more so in consequence of the speech of my noble Friend, the mover of this Report, who did not hesitate to rest his cause upon the theory of that distinguished reformer who burnt Servetus, 'that the State was not God's State unless the Church and State were co-extensive.' The burning of Servetus was the logical sequence of that dictum."

And in another passage the same speaker says—

"I am fortified in the view which I take of the evil effects of this 'no surrender' policy, when I recollect what has been the inevitable fate of every question where that cry has been raised. We have had this cry of 'no surrender' raised before in our own time. It was raised against the repeal of the Test and Corporation Acts, and against Roman Catholic Emancipation; in later years it sounded against the admission of the Jews to Parliament. In short the cry has been evoked upon almost every question in which the politics of religious liberty have been involved. Where are all those cries at this minute? Where is every one of those questions for which freemen were brought to the poll in boroughs, and freeholders in counties, to the cry of 'no surrender?' On the other hand, when the Church had been timely wise, as in the case of the Tithe Commutation, what had been the consequence? A measure of peace was passed, which, while conciliating her opponents, added strength to the Church herself, and which, unless the present 'no surrender' policy interposes and spoils the game, will, I hope, and would fain believe, long continue; while a similar measure of happiness would follow from a like settlement of the church rate question."

He (Sir John Trelawny) earnestly entreated hon. Gentlemen opposite to settle this question before it went further, because they might depend upon it there was a degree of excitement of which few of them had any idea, that would go beyond the power of the most influential leaders to restrain. Above all, he would remind hon. Gentlemen opposite, who were connected with the Church, to consider that many of the institutions of this country had been endangered, not so much from assaults from without as from imprudence within. It would be found, with regard to church rates, that those who stood out for what might be considered their extreme rights, would be found to be the worst enemies of the institution which they were supposed to defend.

Motion made, and Question proposed, "That the Bill be now read a second time."

Lord FERMOY said, he rose with much satisfaction to second the Motion of his hon. Friend. It appeared to him that this question had arrived at that stage which called for a settlement. Theoretically, the levying of church rates was the law of the land; but, practically, how stood the case?

Wherever the Dissenters were in a majority, there was no church rate levied, but where they were in a minority they were levied. Hon. Gentlemen opposite were in this position, that they must either make the injustice uniform by making church rates compulsory all over the country, or they must come into their view and abolish them altogether. In common, he supposed, with every Member of that House, he had received a pamphlet, written by the Archdeacon of London, from which he would quote a few words, to show the unfair mode of arguing taken by the advocates of church rates. The Archdeacon said that, if church rates were abolished three things would follow. First, they would have the admission of all persons, Roman Catholics and Jews, into those places from which they were now excluded, and they would speedily concur in the expulsion of the Bishops from the House of Lords: secondly, there would be the refusal of a Parliamentary grant for any religious object whatever; and, thirdly, there would be a making over to the State of the land tithes and endowments of the Church of England and Ireland and the Kirk of Scotland, and a repealing of the law requiring the residence of the clergy in their parishes for the purpose of instructing the people in religion. What a monstrous bugbear this was! The best answer was to refer to the state of things in Ireland. In Ireland church rates had been abolished and tithes commuted to a rent charge; in tithes alone the revenues of the Church had been reduced one-fourth. Instead of this having made the Protestant Church there weaker it had made it stronger. His Roman Catholic fellow-countrymen—who generally sat among the good Tories opposite, but who were that day mainly "conspicuous by their absence"—who did not come down there to help Dissenters to free their consciences, although Dissenters had helped them—what did they always say when any vote, however small, was taken for schools in Ireland? They always said that proselytism was increasing in Ireland. That meant that the Protestant Church was becoming stronger, and encroaching on the Roman Catholic Church. If that had followed in Ireland upon an abolition of church rates, why should it not be the case in England? It was clear to anybody who studied the history of the question that if a reform had not been made, if just concessions had not been made to the truthful and reasonable demands now made, the existence of the Government Church would not have lasted five years longer. When that measure was carried Mr. Stanley was Chief Secretary for Ireland, and he expressed his opinion to that effect. It had been said that the Earl of Derby had some qualms of conscience for what he had done. It was not surprising that he who had been and was the advocate of the divine right of kings and of despotism all over the world—and who fought in favour of protection and high prices for the food of the people—it was not surprising that he should feel that the concession he had made of popular rights with regard to the Church in Ireland was not exactly in accordance with the rest of his political career. But be that as it might, the principle applied to Ireland ought to be the principle applied to England. The fact was the Church ought now to study how to become less of a State Church and more of a missionary Church; and how would she become a missionary Church so long as she held the means of coercing the consciences of those who did not agree with her? Another good reason why this measure should pass was that the Church required a readjustment of her revenues. At present he believed the general rule with her was that where there was very much work there was very small pay, and where there was very small work there was very much pay. Now, the abolition of church rates would compel the readjustment of these things, and thereby greatly strengthen the Church in the country. He was sorry to say he saw an indication of an intention on the part of hon. Gentlemen opposite to make a party cry of this question. He saw a strong desire to appeal to the country. As far as he was concerned—and he thought those who sat with him on that side of the House would agree with him—he had no disinclination to make it a party question. But if it was so dealt with on the shoulders of hon. Gentlemen opposite be the responsibility as to what might follow with regard to the very much wider question of the very existence of the Church Establishment itself. He and his friends wished to settle the question on its own basis within the limits of its own merits. But if Gentlemen opposite raised the wider question, upon them must lie the responsibility. He asked to settle the question by argument. But, if they liked, let the question go to the country to be settled.

SIR WILLIAM HEATHCOTE: Sir, if the hon. Baronet the Member for Tavistock thinks that his own position with reference to this question is fairly described, when he says that he is in the same boat with those who have thrown principle overboard it is not for me to dispute it, though I should not have presumed to bring such a charge against him; but when he proceeds to give instances, and to mention the names of those to whom he imputes desertion of principle, I must say that I think him singularly unfortunate in his selection. He first complains of my hon. Friend, the Member for North Warwickshire (Mr. Newdegate). But his plan was to make the church rate more definite and more certain than now by adopting that change which the hon. Member for Tavistock has himself this day extolled as so efficacious in the case of tithes, namely, a commutation into a rent charge. The hon. Baronet next reflects upon the Act passed on the Motion of the Duke of Marlborough, when Marquess of Blandford, and a Member of this House. But the noble Duke's measure was no abandonment of the principle of church rates; but, so far as it dealt with that subject at all, was an attempt, to a certain extent successful, to get rid of a difficulty in the way of imposing them; namely, that very hardship pointed out by the hon. Baronet himself, to which the inhabitants of certain ecclesiastical districts are exposed, where the law lays on them a share in the burden of maintaining the mother Church, as well as the whole of their own. And lastly, we are told that the hon. Member for Buckingham (Mr. Hubbard) has abandoned principle in a Bill now before the House. But my hon. Friend's Bill, though it exempts from the payment of church rates certain persons who claim the exemption on religious grounds, actually improves the position of these rates in other respects, simplifies the mode of their recovery, and gets rid of difficulties and anomalies; as for example, those arising from the double district rates which had been partially dealt with by the Duke of Marlborough's Act, to which reference has been already made. A charge of desertion of principle, supported by such instances as these, may be safely left to the judgment of the House. The hon. Baronet, in making his Motion, has used temperate language, has declared his attachment to the Established Church, and his belief that the measure which he advocates would, among other advantages, tend to strengthen and secure that Church. I do not doubt that the hon. Baronet has satisfied himself of the soundness of this opinion; but I must take leave to tell him that if he can demonstrate it to the conviction of his supporters, he will lose the countenance of nearly all those adherents who keep up the agitation out of doors, and of many who vote with him in the House itself. No one who has read the evidence given before the Committee of the House of Lords can doubt that two propositions are incontestably proved by it. First, that a very large and important section of those who do not conform to the Church, being precisely those who do not desire to disturb her establishment, have no feelings of hostility to church rates. Second, that those Dissenters who do feel strongly against church rates repudiate entirely any suggestion that they care about them otherwise than as their abolition will be a means to an end; that they avow, in the emphatic words adopted by one of the witnesses, that as long as the Church Establishment lasts so long will this controversy endure. Therefore, whatever be the complexion of the hon. Baronet's language, his action must be taken to be one of unmitigated hostility to the Establishment of the Church, and no one who votes with him has a right to shut his eyes to that fact. But I must not be understood as pressing this argument beyond my real meaning. I believe that this measure is intended as a blow upon the Established Church, and that it will operate as such; but that it will be a final, or even a decisive blow—as its plain spoken supporters out of doors confidently predict, and as its opponents in this House and elsewhere have sometimes urged, or, as I should rather say, have unadvisedly admitted—I do not apprehend. I believe that the Established Church rests on a wider basis and a deeper foundation than this apprehension would imply; but this does not touch the question as to our concurring in the vote proposed today, except to strengthen the argument against it. There may be reason on the side of the man who states that he desires to destroy the Church of England, and that he takes this as a step towards that end. His statement is intelligible and consistent. But for him who deprecates the destruction of that Church, and yet proceeds to vote for this Bill, because though a step on the road to destruction it does not go the whole way, there can be no justification whatever. There is also another aspect of the case, as to which I should desire to guard myself at the outset from being supposed to overstate the argument. I mean the nature and amount of the vested interest in the church rates which belongs to the Established Church. It is sometimes stated that the interest in church rates is a property as definite and indefeasible as the property in lands, or in tithe rent charge. Now, as the amount to be voted for each church rate is contingent, and as the duty to vote any at all, though abundantly recognized by the law, is not practically capable of being enforced, it appears to me that to treat this rate as property, in the same sense as real estate, is mistaken in fact, and unwise in argument, so that it places on the same level complete and incomplete rights. But to this extent I have a right to say that the interest of the Church is complete and incontestable; namely, in the right to submit to the local authority of each parish the estimate of the sum required as a matter of public concern, applicable to public objects, with respect to which the decision of the local authority shall be conclusive within its own jurisdiction. The whole right of dealing with this matter of local taxation is complete between these two parties, the Church and the local authority; and the more you extenuate and disparage the share of the first, the more must you enlarge and exalt the remainder which belongs to the other. But it is to abrogate both parts of this right that you endeavour by this Bill. It is not merely the right of the Church to ask, but the right of the parish to grant which you desire to put down, over-riding and stifling local discretion by the strong hand of central and imperial power. In both aspects of this question, therefore, whether I look at it as a Churchman, or as one who desires to maintain the local privileges which have heretofore been cherished by the English Constitution, I find myself bound to oppose this Bill. In appealing to Churchmen I am sure that I need not confine myself to one side of the House. I know that on the benches opposite there are men whom I regard in an enlarged sense, and with reference to those considerations which are not to be lightly brought into debate in this House, as among the best Churchmen whom I have ever known; and with reference to that more narrow view of the case with which we are now concerned, wherein the Church is regarded chiefly in its position as an establishment, I am sure that there are Members on the Treasury Bench who would go even farther than I should in their estimate of the value of that position; and would desire to purchase its continuance by sacrifices of liberty as to self-regulation and self-development for which I might think the price not sufficient. All these are men to whom the immediate effects, and still more the ultimate objects of the hon. Baronet's Bill must be most obnoxious, and I have a right to call on them to concur in my attempt to throw it out. And so far as the mere pecuniary result will be affected I do not know that anything more is to be desired than a successful resistance to this Bill. The state of the case will then be that those parishes in which a rate cannot be obtained will be those in which there are greater facilities for providing a substitute by voluntary contribution; namely, the parishes in large towns, while in those rural parishes in which to lose the rate would cause very great inconvenience, they are not likely to be refused. But in a subject-matter such as this, I will not look only to pecuniary results, but desire by some sacrifice of money to put an end to strife. Whenever any scheme for exempting any persons or classes from the payment of church rates is suggested it is sure to be assailed on both sides by opposite objections. On the one hand, those who clamour for abolition represent exemption as no boon at all, and in effect say, "We care nothing for payment or for exemption —what we insist upon is the power to prevent you, who are willing to pay, from regulating these matters among yourselves under legal sanction;" and on the other hand those who oppose all concession are accustomed to tell us that such a precedent is fatal to all taxation, and that if we grant exemptions from church rate we cannot in consistency exact taxes in support of the army from those who condemn all war. Whatever may be the force of argument with which either party, having assumed its own premises, proceeds to its conclusion, I do not believe that on the practical dealings of life either of these objections will be really operative. It seems to be one of those controversies which will never be closed by argument, but of which the difficulties may be solved by action. The hon. Member for Buckingham (Mr. Hubbard) has a Bill before the House in which the exemption from payment is granted to Nonconformists as such. The Duke of Marlborough has introduced a Bill into the House of Lords founded mainly on the recommendations of the Committee of that House, in which the exemption is wider, though the process by which it is reached is longer and less simple. Into the details and comparative merits of these Bills this is not the time to enter. Both of them are open to the objections in argument to which I have already adverted; while to neither of them do I believe that those objections would be fatal in practice. It is true that the leaders of the agitation against church rates will not be satisfied with anything short of total abolition, because their agitation is with a view to ulterior objects, for which abolition only and not exemption would be useful; but that all their followers will continue to follow them after an exemption is granted is not ascertained, and little to be feared. It seems to me improbable that those whose real objection to the impost is, that they have themselves to pay it, will trouble themselves more about the matter when the payment is no longer required, and although the noble Lord, the Member for Marylebone (Lord Fermoy) in seconding the Motion for the second reading of the Bill, threatened us with a rebellion if it was not passed, yet I think that even his expectations would not extend to the probability of men rebelling, not because a tax was demanded of them, but because other persons continued, quite willingly, to pay it. And on the other hand I am equally confident that, whatever argument may be raised, after the grant of an exemption from church rates, as to the inconsistency of levying other taxes from unwilling payers, not one single Member of the Peace Society will be able, with impunity, to refuse payment of his taxes in time of war, nor will my right hon. Friend the Chancellor of the Exchequer lose one penny of his Ways and Means for the year through the default of disputatious logicians, or obstinate adherents to precedent. But any one of these arrangements pre-supposes the rejection of the present Bill. It is impossible to engraft the regulation, reduction, or modification of the rate upon a scheme for its total abolition. And here I must venture to express strongly my opinion of the heavy responsibility which rests on both sides of the House—on the Government to clear the ground by throwing out the Bill—on the Opposition to make use of the opportunity, when the ground is cleared, for promoting a well-devised scheme of conciliation. Some attempt has been made to impede this co-operation of opposite sides by importing party feeling into these discussions, and by imputing to the right hon. Member for Buckinghamshire (Mr. Disraeli) that he had made the defence of church rates a party object. Now, in the first place, I doubt the fact, because in the only Report which I have seen of the speech to which allusion is made he appears to have carefully guarded himself against such an interpretation of his words; but if this be otherwise, if the right hon. Gentleman has really claimed for his party the monopoly of attachment to the Church, do you mean to fall into his trap, and proclaim yourselves her enemies? If he really has inscribed "Church Defence" on his banner, do you mean to exhibit "Church Destruction" on yours? If not, if the argument does not mean all this, it means nothing; because mere advice from the right hon. Gentleman to his friends to be earnest in maintaining the institution under attack, loses all party significance as soon as it is shown by a small number of Gentlemen opposite, or even a single Cabinet Minister, voting in the same lobby with the right hon. Gentleman, that they do not recognise the line of partition which is alleged to exist. But, in truth, this reference to party is a mere trifling with the outside of the question, probably designed to influence a few doubtful votes. We may safely disregard it, and turn to the realities of the case. There are eminent men on the Treasury Bench who, after long resistance to Bills similar to this, have on one or two occasions supported them. If I refer to the strong opinion against the abolition of church rates expressed in former days by the noble Lord the Member for the City of London (Lord John Russell), and by my right hon. Friend the Member for Morpeth (Sir George Grey), it is not for the purpose of taunting them with their more recent votes, which they gave, as I believe, most unwillingly; but for the purpose of entreating them to consider seriously whether the disclosures in the Committee of the House of Lords have not altered their position, and dissipated misapprehensions under which they gave those later votes; whether we have not entered upon a new phase of this subject, in which it becomes their duty to assist the House of Commons in retracing some recent steps, or at least in pausing before farther advance is made; and whether if this Bill is rejected we have not an opportunity such as has not offered itself before for composing this dispute by conciliatory arrangement. And to my hon. and right hon. Friends on this side of the House I will earnestly appeal, with the entreaty that if this opening is given to them, they will frankly avail themselves of it in a spirit of self-denial and of conciliation; that they will not stand out for complete satisfaction of their extreme rights, or their individual judgments, but that they will give up something of their cherished opinions, something of strict justice, something of logical and scientific legislation, for the sake of a result which, as practical men, they may see to be most likely to terminate an agitation which is hostile to the best interests and grating to the best feelings of all who are exposed to it. I beg, Sir, to move, by way of Amendment on the hon. Baronet's Motion, that this Bill be read a second time this day six months.

MR. PACKE said, he had for many years taken so deep an interest in this question that he rose with great pleasure to second the Amendment. He could not help adverting to the great changes of opinion that had taken place in the Cabinet on this question. In 1859 the House was startled by the announcement of a change of opinion on the part of the noble Viscount, the Prime Minister; in the noble Lord, the Secretary for Foreign Affairs; and in the right hon. Baronet, the Secretary for the Home Department. In that year, the noble Viscount said—

> "I find that we have vast numbers of district churches, fine structures, admirably built, well maintained, capable of receiving large congregations, erected and supported without the aid of church rates. I ask myself, then, whether it may not be possible for the parish churches of this country to be maintained in a similar manner."

The noble Lord the Member for London, said—

> "I do not think there is injustice in church rates. I have asked myself whether it was not probable that if we abolished church rates and depended alone upon the voluntary contributions of the people, the various churches throughout the country would be repaired and maintained precisely as at present."

The right hon. Baronet the Home Secretary said—

> "It is my firm belief that if this compulsory tax were to cease, no serious difference would be perceived in the general maintenance of the Church. I will not believe, taking the country through, that it would be found the churches would fall into disrepair."

But since the Braintree case had been decided church rates had been refused in a number of places where the churches had since fallen into dilapidation. He might be told that a large sum had been expended in church restorations; but there could not be a more wasteful plan than to allow a church to fall into ruin and then restore it. Every one knew that where a church had been allowed to fall into ruin it cost £1,000 to restore it, when £100 would have sufficed at the right time to keep it in repair. It was to prove whether the reasons given by three Cabinet Ministers in 1859 for their change of opinion were founded on fact, that on the 25th January, 1860, he (Mr. Packe) moved for

> "A Return of all the Parishes in England and Wales where church rates had ceased to be collected, when a rate in such parish was last levied, what sum was collected by rates to keep the church in repair during the last seven years before the rate ceased, and what sum had been raised by voluntary contributions for that purpose since the rate ceased."

He thought he might justly complain that the right hon. Baronet (Sir George Lewis) had not acted quite fairly in reference to this Return, the unfairness was not so much towards him (Mr. Packe), it was a total disregard of an order of this House; for what were the facts, the right hon. Baronet made no objection to an address for the Return, and it was granted without opposition. On the following 17th of July, he (Mr. Packe) asked

> "When the Return as to rates to keep churches in repair, and voluntary contributions for that object ordered on the 25th January last would be laid upon the table."

The right hon. Baronet's answer was,—

> "I am afraid very little progress has been made with these Returns, arising from the necessity of sending out a circular to every parish in England and Wales, and I am informed that when these voluminous Returns are received, it will be necessary to employ two or three clerks for several months in order to abstract them; the House has lately passed a Bill under which there will be an annual return of the amount expended under this head, and when that Act is brought fairly into operation, the House will be in possession of more complete and satisfactory statistics on church rates than they could obtain from any single Return."

On last Thursday, he (Mr. Packe) repeated the question, when the right hon. Baronet said,—

> "The House would perhaps recollect that last Session an Act had been passed giving power to

the Secretary of State to obtain a general return of all the rates, under that Act a Return of a more comprehensive kind would be obtainable than any yet called for by the House; and, as unnecessary expense and confusion would only be created by calling for two Returns, he had thought it better to wait till the information under the Act, which was now being furnished had been completed. He hoped to present the required account before the end of the Session."

This, under any circumstances, would be too late for the present Bill; but he (Mr. Packe), since the right hon. Baronet's answer, had obtained a copy of the form issued from the Home Office for information on church rates under the Act of last Session, and he had no hesitation in saying it was utterly useless for the purpose of giving the information required, for there was a note appended to it—

> "This Return does not extend to voluntary payments for church repairing."

Now, he (Mr. Packe) must beg to observe that the Return he asked for only required four columns, which the right hon. Gentleman said, it would take two or three clerks months to abstract; while the useless Return, now in course of preparation, would extend to seventeen columns, with, of course, so much additional labour to the clerks. Had the right hon. Baronet laid on the table of the House the Return which had been ordered, he (Mr. Packe) might have claimed the votes of the two noble Lords and the right hon. Gentleman opposite in favour of the Amendment he now heartily seconded.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. MARSH said, it afforded him unfeigned pleasure to observe the conciliatory tone of the right hon. Baronet the Member for the University of Oxford (Sir William Heathcote), and the cheers with which his remarks had been received on the opposite benches; for it seemed to him that the time had now come when they might arrive at an amicable settlement of this miserable question. This could be done if there was a little concession on both sides. All the great questions of our day—Catholic Emancipation, Parliamentary Reform, and even the Corn Laws—had been more or less compromised. The same course ought to be followed in the present instance. He was convinced that the constant irritation which was kept up on the subject of church rates was doing a great deal of damage to the interests of the Church of England, and he hoped that the question would be now approached and dealt with in a conciliatory spirit, with a view to its final settlement. It was making the Church unpopular. He had himself a proposition to submit which he hoped would meet with a favourable reception on both sides of the House as a measure of compromise. Under the existing law no rate could be imposed upon a parish except with the consent of a majority of the vestry; and even after it was imposed no person need pay it if he chose to object. Many remedies had been proposed. The late Ministry introduced a Bill exempting Dissenters who declared themselves in writing to be so. He objected to such a measure. There was a vast number of people who were neither Dissenters nor Churchmen—who were in the habit of going to church in the morning and to the meeting-house in the afternoon. So long as those persons were not called upon to make a declaration of their religious faith they might be induced to draw closer their connection with the Church; but if they were once compelled to sign a paper declaring themselves Dissenters the Church might regard them as lost to her for ever. The remedy he proposed was, that every man who signed a declaration that he objected to pay the rate should be at once exempted from any future liability, and that he should not afterwards be permitted to vote in his vestry upon any subject connected with the making or the appropriation of the church rate or the affairs of the Church. The only difference between that proposition and the recommendations of the Committee of the House of Lords was that the Lords' Committee proposed that the objector should announce his intention not to pay the rate prior to the vote of the vestry. He thought, on the contrary, that the declaration should be made after the vote. There were many persons who, if pressed to a decision before they knew anything about the amount or the appropriation of the rate, would at once say that they objected to pay it, but who would be loth to object if they found the rate reasonable both in extent and purpose. His proposition was more truly liberal than that embodied in the Bill now before the House. The hon. Baronet the Member for Tavistock not only exempted all those who did not wish to pay church rates, but he also prohibited Churchmen from paying them even if they liked. He had found by experience in new countries, where no rate existed, that the best way of raising subscriptions was for Churchmen to meet together and agree to pay a certain sum, each in proportion to his means. The same system might be adopted here with very great advantage; for he could see no reason why the Church of England people should not be allowed to pay the rate if they pleased.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I did not gather distinctly from the hon. Gentleman who has just sat down what vote he intends to give on the present occasion; but, however that may be, I find in his speech, and in the other speeches which have been delivered in the course of this short debate, indications of a cheering character. I find that, on both sides of the House, there is a growing persuasion that it would be for the credit of the Legislature that it should bring this contentious matter to an end. We had presented yesterday a very brief Return which conveyed an important lesson. In the twenty years which have just elapsed, twenty Bills have been introduced, and twenty Bills have suffered shipwreck. It is not desirable that those who may sit on these benches in 1881 should in like manner call for a return of Church Rate Bills during the next twenty years, and should have presented to them a beggarly account of empty consequences in the shape of twenty more Bills shipwrecked like those whose fate we have now to deplore. For my own part, I retain the opinions which I have always entertained; and, while I gladly acknowledge the excellent spirit of the speech made by the hon. Baronet, the Member for Tavistock, I must refuse to vote for the second reading of his Bill, because I think it cannot be made the basis of satisfactory legislation. My opinions on this subject are unchanged; but I am bound to avow publicly that if they had been changed I could not act in any other sense consistently with personal honour as the representative of the University of Oxford. With the conviction—I may say the knowledge—which I have of the hard and even cruel bearing which, in practice, the present Bill would have upon the interests of the Church, I should feel it due to those whom I have the honour to represent, supposing my opinions to have undergone a change, to give them an opportunity of having their interests and claims stated in this House by some one whose opinions were more congenial to their own. In that case, considering the office I now hold, I should find myself in no small difficulty. It has been recently ruled by the courts of law that a clergyman may not marry himself, and I am not sure whether it is open to a Chancellor of the Exchequer to confer upon himself the office of Steward of the Chiltern Hundreds. Upon the present occasion I shall endeavour to discuss this question without the slightest reference either to abstract principles or to extreme opinions. I shall pass by much of what fell from the hon. Baronet, the Member for Tavistock, because a good deal of the speech he delivered did not touch the matter at issue. To set forth the grievance of a double contribution for district and mother churches advances us nothing towards a conclusion—we are at all events agreed as to the fact that the existing state of the law, as regards church rates, is a grievance which calls for remedy. Let us cast aside all details and look broadly at the subject before us. Neither shall I, for one, enter into the question whether the present Bill is the commencement of a crusade against the union of Church and State. In the view of some Gentlemen our condition is rather disagreeable. We are told on one side that the logical consequence of abolishing church rates is the dissolution of the union of Church and State, and through that dissolution the ruin of the Constitution; and we are told on the other side —as in the opinion quoted by the hon. Baronet—that the logical consequences of maintaining church rates is the burning of Servetus. I should be sorry, even if I had the power, to burn Servetus; while, on the other hand, I am not disposed to quarrel with the intentions of the hon. Baronet and his friends. I do not believe, in the first place, the people of England are prepared to part with the union of Church and State. I am of opinion, on the other hand, that it is a matter fairly open to argument whether the practical effect of abolishing church rates would be to endanger the union of Church and State or not? In the case of Ireland, where church rates were abolished in 1833, the practical effect has been materially to strengthen the position of the Church in that country. Nothing could be more irrelevant than the quotation by the noble Lord the Member for Marylebone (Lord Fermoy), of the case of the Church of Ireland as a proof of the facility with which country churches could be maintained without a legal church rate. Undoubtedly, country churches can be maintained without a legal church rate, provided you are prepared to supply adequate funds for the purpose from other sources. I do not know whether the noble Lord, as the representative of a great borough, is prepared to tax his constituents for the maintenance of country churches; but as the representative and guardian of the Consolidated Fund, I, for one, must respectfully decline to be a party to any arrangement by which the maintenance of churches would be thrown, wholly or in part, upon it. Neither shall I dwell upon the question raised in the Bill introduced by the hon. Member for Buckingham (Mr. Hubbard)—the question, namely, of the exemption of Dissenters. I do not concur in the broad objection taken upon abstract principles to that proposition. If it had been possible to give to that proposition, or if it were now possible to give to it, a shape which would make it acceptable to those for whose benefit it is intended, I would gladly confront some abstract difficulties for the sake of attaining an end so beneficial; but that undoubtedly is not the prospect at present before us. It is vain to press upon any party as a boon that which they, through their organs, think fit to consider as an offence; and, if so, I must reluctantly confess that, whether the proposed exemption be good in itself or not, we cannot look to it as amounting to a settlement of this question. I am bound to say, at the same time, that those who have made that proposition, and those who in principle, even if with reluctance, are ready to assent to it, are entitled, at all events, to ask that they may no longer be regarded as enemies of religious liberty. A desire to obtain the money of Dissenters for purposes which belong exclusively to the Church is a desire which I, for one, do not entertain, and which I believe is not entertained by any party in this House. But it is obvious that there is a real division, both in Parliament and in the country, upon this subject. It is a mistake to suppose, even though the spirit of party should be imported into this debate—which I sincerely hope it may not be—that the marshalling of forces on one side or the other depends in the main upon party organizations, or upon the prosecution of party purposes. If it be true—and it is true—that there is a strong sentiment in favour of the abolition of church rates, I think that those ratepayers who come forward by tens and twenties of thousands, not to claim exemption from a tax, but to ask of Parliament that they might be allowed to continue to pay, evince a strength of principle and of purpose which the hon. Baronet, the Member for Tavistock, would do well to take into his consideration. With respect to the question of church rates, if we wish to get at the merits of the case, in my opinion there is no mode of proceeding, except by the recognition of the fact that it is divided substantially into two questions. I mean two questions as respects different portions of the country. I cannot divide those portions by any arithmetical or statistical lines; I may not be able to find a designation for them which shall be perfectly satisfactory; but in substance what I mean is that the operation of the law of church rates in your populous parishes is one thing, and in your small and rural parishes it is altogether another thing. That is no formal distinction; but it is an essential one, and goes to the very root of the matter. I do not hesitate to say, indeed, that while I think your church rate is a good law in your small and rural parishes, in your populous parishes it has ceased to be a good law, and has become a bad one. In populous parishes you have large masses of Dissenters and other numerous classes of persons who are not in practical and ordinary communion with the Church. In small and rural parishes you have comparatively few of either class. In rural parishes property which bears the rate is either stationary or slowly progressive, and the rate is understood by those who pay it as falling on the same property, and in the same proportions as in the times of their forefathers. But, on the other hand, in populous parishes property is undergoing development so sudden and gigantic that the ratepayer cannot understand you when you say he took his holding subject to church rate, and that it is a breach of faith or a violation of his covenant if he shows reluctance to pay it. But what is of more importance is, that this good old English law of church rates connected, in the spirit of our institutions, the burden and the benefit together. The burden was to pay rate out of property — the benefit was to have a seat and place in the parish church. That is still the operation of the law in the small rural parishes. But in the populous parishes it is totally forgotten, and become absolutely inapplicable. In many cases free seats have disappeared altogether; in others, those who enjoy them are relegated to the meanest, darkest, coldest, dampest places in the church; in many places the walls of the church will not receive one-tenth of the population. The law has lost its meaning, and having lost its meaning it has become justly unpopular. But then, having become unpopular, must we not admit that this state of things has supplied its own remedy? It has been found, in the hands of the people themselves, to indicate the unpopularity of the law by declining to pay church rates; and, therefore, although I admit that the law is unsuited to such parishes, yet I say that the grievance in those parishes generally is not the grievance of the Dissenter, because the Dissenter by the exercise of his own rights as a vestryman has relieved himself of the burden. There is one grievance, and that is one reason why I think we ought earnestly to desire, with some abatement, perhaps, of our own opinions, to see a settlement of this question. We must all be painfully aware—the best and most laborious of the clergy are painfully aware—that a grievous, compulsory, secularizing influence comes upon them,—at any rate a most burdensome and cruel absorption of their time, from the fact that, instead of their being the shepherds of the people, they are compelled, in the first place, to view themselves as restorers, or the main and sole promoters of the restoration of their parish churches. It is all very well for the hon. Baronet to say—in good faith, I have no doubt—that the clergy ought to take high ground, and to say to their flocks, "Our business ought to be to look after higher things, and not serve tables; it is your duty to look after the preservation of the fabric of the church and the means by which its decent preservation is to be maintained." The clergy may be very ready to listen to the recommendation of the hon. Baronet; but will the flocks be as ready to listen to their recommendation? And are the clergy—for that is the practical point—are the clergy to see Divine service unprovided for and the fabrics go to decay, while the laity are learning to practise the more excellent mode recommended by the hon. Baronet? It is easy for the hon. Baronet, and those who think with him, to recommend that the people belonging to the Church shall at once, in consequence of the abolition of church rates, adopt the modes and habits of what is called the voluntary principle. There is, I think, one practical defect; namely, this, that they forget how serious a thing it is to change the traditional and ancestral habits of a nation. I pass from the populous parishes, and I now come to the rural parishes. I abandon, in principle, the rate for those I call the populous parishes—that is as, in the main, applicable to the entire community. But now look at the rural parishes. I want to know why, in the 8,000 or 10,000 parishes where the rate is levied with as much satisfaction and as much assent as any other public charge, we are to abolish this ancient law? The hon. Baronet says it is not an ancient law; it is a comparative innovation; for originally, the repairs of the churches were charged on the tithes. I think he quoted, in support of his assertion, the authority of Mr. Toulmin Smith, who, he said, had collected a great deal of antiquarian evidence. I know that Mr. Toulmin Smith, in his evidence, refers to very old precedents indeed, but I did not know that he ever went so far back as when he tells us that we must remount to a period anterior to church rates, when the repairs of the church were charged on the tithes. Church rates in this country are, at all events, 600 or 800 years old; and I think that is an honourable prescriptive title. But I am not going to defend church rate because it is old; I am going to defend it in regard to the rural parishes—in good faith, and not for party objects—because it is good, and because anything you propose to substitute for it is, in my judgment, worse than we have now got. I want to know who pays the church rate in the rural parishes. The land pays it. It is a burden upon the land, not as to the real disbursement of the sum, but as to its real and substantial incidence. My hon. Friend, the Member for Lambeth (Mr. Williams), the other night spoke of the undue exemptions enjoyed by the land, which he wished to redress; yet, here he is himself, with 200 or 300 more, going to confer another exemption on the land, the most groundless, and I must say the most irrational that can be conceived; for if it be true that, on the one hand, there are many who wish to force on Dissenters, in the shape of exemption, a boon they do not ask, here, on the other, are a large number of gentlemen who are so fanatically enamoured of the landed interest that they are determined to compel it to receive a present of £250,000 a-year, amounting in the lump to £10,000,000 or £12,000,000, which, in the main part, the landed proprietors refuse to receive. So much as to the payment of church rates. Then, who manages the church rate in rural parishes? If it is paid by the land, it is managed by the occupier of the land. And what more suitable, what more becoming function can there be, what more congenial to the whole spirit of the English Constitution than that the occupier of the land should look to the management of this fund—controlling its amount and its expenditure in a befiting manner—that he should be called to the vestry—that he should serve in his turn the office of churchwarden—that he should consult with the clergyman—that he should bring to bear on the clergyman that salutary influence of opinion the action of which is good for clergymen as for other men? And then who enjoys the benefits? If the land bears the rate, if the occupier of the land manages it, who enjoys the benefits of it? Why, the peasantry of the country. The hon. Baronet says he, or some one else, went into a district church and asked the pew-opener where the free seats were, and that he was shown a single ledge, which was sometimes put up for that purpose but not often used. Such a statement is by no means applicable to the rural parishes. There you have got fabrics that still maintain the just relation between burden and benefit. There the church is adapted to receive the population, and, thank God, the church receives the population generally of all classes, but especially the poor, the old, the maimed, and the infirm; and it is with respect to these that I make my appeal to the hon. Baronet and say that to tell these persons that after the rate is abolished they may set to work and support their churches on the voluntary principle is little better than a mockery. And, moreover, the law of the land having given these persons the privilege of a free place in the church, I want to know why that privilege should be taken away from them. The hon. Baronet says that where there is no opposition—no open opposition—to church rates, still there is a great deal of real heartburning and exasperated feeling on the part of the Dissenters regarding them. But let us consider who the Dissenters are, and where they are. I put the rural parishes out of the case—for that is an exception; but, in the main, the Dissenters are aggregated together in the populous parishes—in the rural parishes they are not bodies, but scattered individuals. But the offer is made to them, though they do not think fit to accept it, to exempt themselves if they please. But they do not please; and if they do please—they may be right or wrong, but this I must say, that if the church rate law is an old law, it still retains the vigour and pliabibility of youth—if it is an old law—if it is a good law—if it is congenial to the spirit of our institutions—if it provides gratuitously the means of Divine ordinances for the poor, and if these amount in the aggregate to a large portion of the people, I must hold it is too much to say that we are to abolish such a law as that in order to meet the scruples, or not the scruples, but the convenience of individuals who dislike to pay the tax, but will not accept an exemption. That, Sir, is really the issue that is before us. Sir, if we abolish church rates in rural parishes, on whom will the burden fall? Unfortunately we have the guidance of experience. In those cases in which church rates have been abolished, but where there are ample means to supply the want of the rates, practically a very great evil has been inflicted by the burden imposed on the time and mind of the clergyman. Some of your most efficient parish priests have told you that they have no difficulty in providing means for the maintenance of their churches, but great difficulty in providing the machinery by which these means may be brought into operation. If we take the example of schools, every one acquainted with the state of popular education in the country must acknowledge that a most disproportionate share of that burden falls on the clergy, the working clergy, of the Church. There are, no doubt, many landlords, men of high station, of liberal minds, who would spare the clergyman both the anxiety and the burden; but when we look at the multitude of landlords—one part of them in distress, another part of them minors, another in trust, another portion in Chancery, another here and there having some quarrel with the clergyman—in all these cases the position of the clergy must be most painful; and I, for one, confess that I am not willing to intrust to mere speculation the fate of those venerable fabrics the parish churches of England, which to this hour are among the chief glories of the country. If I am asked how I would endeavour to proceed in this case, I will endeavour to explain my views in the best manner I can. I admit that those who talk of conciliation should show that they wish their plans to conciliate; and, however imperfect their suggestions may be, however difficult to indicate their precise objects, they are bound to show that in their own view they are not using idle words. I can only say, without attempting or presuming to enter into details, that I see no abstract reason why we should not proceed in some such manner as this—begin by frankly accepting that power of the majority of the parish, which until this time we have never converted into a right; for, so far as legal *dicta* are concerned, I apprehend that the gist of the authorities is that there is a legal obligation on a parish to support the church, although the means of giving effect to that obligation are wanting. If you are to legislate in the sense of conciliation, you must convert that power of the majority into a right. Then you must enable the parish, by its own deliberate and solemn act, to pass as it were, into a new state; of which new state the characteristic shall be the absence, or, as the hon. Baronet prefers calling it, the abolition of the present law of church rates. Well, along with that I must as firmly maintain the right of the parish to tax itself; where the will of the parish is in favour of continuing in the accustomed course; but I do not think your duty would stop there. Looking to the state of the parishes in which the old system has lapsed you ought to give effect to a suggestion of the hon. Member for Oldham (Mr. Fox); you ought to give powers to all the parishes where the ancient church rate has lapsed to form a voluntary church vestry, which, when formed by willing consent of those who choose to constitute it, shall take the place of the old vestry, and still exercise the powers of taxation. It appears to me, on a basis like that, some settlement of this kind might be arrived at. And if with that is not combined the exemption of Dissenters, I wish it to be clearly understood, so far as I am concerned, that it is not because I am afraid of entering upon that subject, but simply because we are told that Dissenters are unwilling to accept exemption. If, on these terms, or any terms like them, it be impossible to come to agreement, I can only say I shall deeply regret it; but if we cannot I have no option but to record my vote as I have recorded it before. In that case we have little before us but the prospect of endless and hopeless agitation. The question of the hon. Baronet has not made much progress in this House since he first took it up. The kind of opposition raised to him is an opposition in itself strong, just as the support he receives is also strong. But we have not to deal with this House alone, and we must ask ourselves plainly and frankly, whether this is a case in which we have a right to assure ourselves of the assent of the House of Lords. Sir, a gentleman distinguished in the service of this House (Mr. Erskine May), in an admirable work, added to other admirable contributions to our literature, has pointed out that in substance and for certain purposes you cannot deny that the House of Lords possesses many of the elements of a representative character. It is representative, at any rate, of one class, I mean especially of that class which is interested in the land; and when the House of Lords shall or may think fit from year to year again and again to reject Bills going up from this House on the Motion of the hon. Baronet for the purpose of exempting the land from charge, I think the House of Lords, in refusing to confer on themselves such an enormous pecuniary boon as is proposed to be forced upon them by the excessive and officious attachment of the hon. Baronet and his colleagues, the country will feel that in taking that course the House of Lords is not interfering with the privileges of Parliament, but is occupying a strong and probably an impregnable position. I do earnestly hope that we may bethink ourselves on the prolongation of this almost hopeless warfare. No one will more rejoice than I shall if the end of this reflection should be the attainment of a satisfactory settlement of the question; but I am bound to say as a member for a clerical constituency, and, I must add, on broader and larger grounds, it is my absolute duty to record my vote in opposition to the second reading of this Bill.

MR. BRIGHT: Sir, the proposition which the right hon. Gentleman has now sketched to the House is the same, I believe, in all its points, as he laid before the House two or three Sessions ago. It appears to me to have just the fault that he has attributed—and that almost every Speaker has attributed—to all the plans that have been offered for compromise and conciliation in regard to this question. If I understand him literally, he must begin by accepting the Bill of my hon. Friend the Member for Tavistock, because he said it would be necessary entirely to abolish church rates; and that, having abolished church rates, then it would be necessary for certain parishes to enter on a new state of being, where his new system might be applicable and might be established. Well, I am quite ready to go with him so far as the acceptance of the Bill now before the House goes; and when we have proceeded so far, if it can be shown that there is a necessity for further legislation with regard to those parishes for which he mostly fears, then I shall be ready in a conciliatory spirit to consider any proposition offered to the House. But the fact is, if you strip the proposition of the right hon. Gentleman of the gloss which he has put upon it, it comes to this—which is now the state of the law—that where you cannot get any church rate you shall be content to go without it; but where you can you shall use the law to compel the payment of it. Now, I am of opinion that, unless the House is prepared to adopt the Bill of the hon. Member for Tavistock, the proper course is to leave the question exactly where it stands. I am quite sure I speak, knowing more of this matter, so far as the feelings of the opponents of church rates are concerned, than hon. Gentlemen opposite are likely to know—I speak, I think, with knowledge, when I say that not one of the propositions that has been made is likely in the smallest degree to pass this House by consent of those by whom this measure is promoted; and, if it were possible to pass, I believe it would have no sensible effect in allaying the continued agitation of this question in the various parishes where church rates have not yet been abolished. I am very glad to find that the question to-day is not, so far as hon. Gentlemen opposite are concerned, in the hands of the hon. and learned Member for the University of Dublin. I thought it unfortunate last year that a Gentleman coming from a country where church rates were once abolished by the votes of English Members, himself an eminent lawyer, should have had this case in his hands. I think to-day the cause of the Church—if the cause of the Church, as I believe it is not, is really identified with the cause of church rates—should be in the hands of the hon. Baronet the Member for the University of Oxford. Nothing can be more—what shall I say?—to be applauded, than the spirit in which he has discussed this question. But when I see his right hon. Colleague get up from this side of the House, just with that sort of misty notion upon this question that he had some eighteen years ago, when I first came into this House, upon so many other questions—I am led to believe that there is an influence in that ancient and eminent University which busies itself with the learning of the past, but sees little of the present, and shuts its eyes resolutely to the future—that there is something which prevents such intelligent men from seeing the real truth of the matter which is before us. Now, Sir, last year I took the liberty of addressing the House upon this matter, and the hon. Gentlemen who heard me will bear me out in what I say. I endeavoured on that occasion to appeal to hon. Gentlemen opposite—to appeal to their self-respect, to their generosity, to their feeling of justice, which cannot, I trust, be obliterated from the mind of any Member of this House. I showed them how much the Nonconformists of England have done, how much the Nonconformists of Wales, how much the Free Church of Scotland, how much the unendowed Catholic Church of Ireland; and I did them the justice—and I am sure it was only justice—to say that if the congregations of their Churches were placed in the same position—less church rate, less tithe, less endowment altogether—I believed that, being more rich than any other class, they would show a generosity and a liberality in the affairs of their Christian organization, certainly not less than that shown by any of the unendowed Churches of the United Kingdom. I believe that I appealed to hon. Gentlemen opposite on the question of the amount—I think £250,000 is the whole matter; of that, I think, it may be fairly assumed £100,000 probably—but I will take any figure you like—is paid by those whom you are now prepared to exempt. And, therefore, the whole question, probably, for the great Church of England is only this—a matter of £150,000 a-year, which is not in the position stated by the right hon. Gentleman, the Chancellor of the Exchequer; it is not a thing of actual loss in all those country parishes which he describes; because it is clear that if there was no law to compel the land, or the occupier, or anybody else to pay still in those parishes, not only the high probability but the absolute certainty is, that the great bulk of those persons in connection with the Established Church would be willing to pay at least as much as they now pay under the form and action of an uncertain law. Of course, not being a member of the Established Church, many persons will say I am not an authority upon a point like this. I think I am as good an authority as you as to what Churchmen will do. The right hon. Gentleman has paid some unfortunate compliments to the Church. He says, "What are these people to do, who are to be landed at once in a system of voluntaryism?" He talked about ancient and ancestral customs, and if you break these down and make them voluntary what dreadful things will happen. Those are just the things said with regard to the cultivation of land, and a thousand other things. We have heard these vague predictions before, and experience teaches that nothing wrong ever comes from doing that which is just. You may depend upon it, in this case, that not one of the evils which the right hon. Gentleman has, insultingly to the members of his own Church, described as likely to happen, could happen. But if his prophecies are true, what a conclusive argument it is of the deadness of the Church Establishment! And he turns upon my hon. Friend and says he talks with great sympathy about the clergy, having all to do with education and the repairs of the church, and so on, and that the congregation should do it. Well, the congregation does it amongst all the unendowed Churches. There is a committee—there is an organization—there is a treasurer—there are all the appliances for carrying on this work, and the minister of the Dissenting churches is not troubled with these considerations—they are done by the lay members of his congregation, and he never for a moment imagines it to be possible that the windows of the chapel will be left unglazed, and the slates off and the building tottering, because he cannot go to the whole parish or town and by force of law raise a rate for the repairs of the place in which he is to minister. There is one point to which I ask the attention of the House. I perceive that in all these discussions — although the temper of the House has very much improved in the discussion of these questions—I speak of hon. Gentlemen opposite particularly—if you had shown a disposition to arrange this question some twenty or thirty years ago who knows but it might have been done; but you always neglect this moderation until you get into that kind of difficulty where an army becomes very civil —namely, when it is on the point of surrender. What I perceive in these debates is this. Hon. Gentlemen opposite not being themselves connected with the Nonconformist Churches are not aware of the exact state of feeling of their members with regard to this question. And, in point of fact, we know very well that with regard to Dissenters talking about the Churchmen, and Churchmen talking about Dissenters, there has been such a wide difference—we are so much the creatures of association and education—that we know very little really of each other and of each other's modes of thinking. And now I will tell the House what Dissenters do object to, and how they feel in regard to this question. They feel it is a struggle for supremacy. I have nothing to conceal in this matter, because it is not the slightest question to me—except so far as I regard the good of the country—whether this discussion is put an end to in this Session of Parliament or not. But the Dissenters regard this matter as a matter of supremacy. It is not as a matter of twopence in the pound they regard it. You will bear in mind that I could as easily taunt you with exacting twopence in the pound as you could taunt the Nonconformist with not wishing to be plundered of twopence in the pound. Remember, if it is a question of twopence in the pound on one side, it is a question of twopence in the pound on the other. But that is not the question with the Nonconformist body; it is with them a question of supremacy on the part of a great Establishment which is at least as much political as religious—against which their forefathers have fought, and against which they are obliged inevitably still to contend. I will tell the House what—if you were discussing the matter with a number of Dissenters—they would say about it. They regard certain things in your Church as highly obnoxious and utterly to be condemned, which you do not condemn at all, for you have been accustomed to them, and do not see the ugly features which the Nonconformists fancy they can discern. There is not a church but yours in Christendom in which the highest dignitaries are not appointed by ecclesiastical authority. In the Church of Rome the bishops are appointed by the Pope. In the Episcopalian Churches in America, whether in connection with your

Church or not, no one ever heard that Mr. Buchanan or General Cass appointed the bishops. They are either appointed by the devout men of the congregations, or by the clergymen who minister to those congregations. In this country it is not so. I am not going to argue whether that is a good thing or not; but I am going to show that this matter has made a great impression on the minds of Nonconformists for centuries past, and that anything which binds them in subjugation to the Established Church, or gives that Church supremacy, is a thing that it is impossible for them in any shape whatever to be content with. Seven years ago the Prime Minister was a Presbyterian, and appointed the Bishops of the Church of England. It is said that the present Prime Minister has appointed nearly one-half of the bench of Bishops. Now, although many persons may regard him as a great statesman, few persons think him exactly to be regarded as a divine or ecclesiastical authority. I believe the noble Lord is not here; but he has been considered, as everybody knows, not very orthodox in some of the opinions he has expressed. I saw a paragraph lately in a newspaper, that he is now sitting under a noted Scotch Presbyterian divine, and I do not suppose he would be considered worse qualified on that account amongst Churchmen to be the appointer of Bishops of the Established Church. But it is not so amongst the Nonconformist body; and if you go amongst the thousands that compose the Nonconformist congregations in England and Wales on the Sunday, if you were to enter their houses and listen to their conversation on these subjects, you would hear them expressing their astonishment that there should be twenty-four or thirty dignitaries of the Church enjoying from £5,000 to £15,000 a year, living in palatial residences one-half of the year; and partaking of the business of politics in the arena of Parliament during the other half. All this to you is familiar, and by its familiarity does not offend; but to the great body of Nonconformists it is positively appalling; and if you were to propose to establish in their churches anything approaching to an organization like that in yours, it would produce something tantamount to a rebellion throughout the whole kingdom. If they leave that altitude and come down something lower, they find again things that shock them exceedingly, and which strengthen their resolution not in any way to make payments to the Established Church, and not in any way to acknowledge its supremacy. You have 10,000 livings and more in your Church; and 5,000 or more of them are in the hands of private persons. The Nonconformists know what grievances and evils this system leads to, and they believe that the system of selling Church livings which has obtained in this country is a departure from an original trust—a thing offensive to common reason, and offensive also in the eye of Heaven. My hon. Friend the Member for Tavistock has referred to a book recently written, which has caused a good deal of sensation. There is an article in it on the national Church, which, no doubt, many Gentlemen opposite have read, and in which, no doubt, there is a great deal that hon. Gentlemen might consider with great advantage. On this very question of the private property in church livings, Mr. Bristow Wilson, the writer of one article, makes these observations:—

Mr. Bright

> "In accordance with the strong tendency in England to turn every interest into a right of so-called private property, the nominations to the benefices of the National Church have come, by an abuse, to be regarded as part of the estates of patrons, instead of trusts, as they really are. No trustee of any analogous property—of a grammar-school, for instance—would think of selling his right of appointment; he would consider the proper exercise of the trust his duty; much less would any court of law acknowledge that a beneficial interest in the trust property was an asset belonging to the estate of a trustee. If the nomination to the place of a schoolmaster ought to be considered as purely fiduciary, much more should the nomination of a spiritual person to his parochial charge."

I believe that a large majority in the House will agree with that observation; it is impossible to disagree with it. The Nonconformists of England constantly read accounts in the public press of the transactions that take place under this system, and I can assure hon. Gentlemen that the repulsion created in the minds of thousands and millions of them to the Establishment is something which makes it impossible that you can satisfactorily settle this question on any other basis than that offered by the Bill of my hon. Friend. I am not myself wishing to take up the question in a carping or cavilling spirit. I know that much of what the Church holds, and the holding of which is deemed inconvenient and bad, is derived from a system established in old times, for which neither you nor I are responsible; but the opinion of the

Nonconformists is of a character which causes them to believe it to be hopeless to do anything with the question but totally abolish the exaction. With regard to the sale of livings, I saw not long ago an announcement in a very influential paper, that the benevolent patron of a living worth about £700 a year had advertised for a clergyman of not less than eighty years of age —"of sound High Church principles—to whom he is desirous of presenting it." The advertiser was called a disinterested patron in the newspaper paragraph; but we all know very well how disinterested he was. Not long ago in a metropolitan parish—the parish of St. Luke's, Chelsea —there appeared this appeal:—

"To all who are interested in the truth of Christ this appeal is made by the parishioners of St. Luke, Chelsea, under the following circumstances: On the 27th of this month the next presentation to the living of the above parish is to be sold by auction, unless previously purchased by private contract. The parishioners are most anxious to secure a faithful ministry, and to prevent the calamity of a Tractarian purchasing the living, especially in the present times. The only way of effecting this is to purchase the living themselves, and present it to an Evangelical clergyman. But as the time is very short, and the sum demanded large, they must, to succeed, obtain the aid of all those who wish to preserve the preaching of the Gospel in its purity."

They then appeal to good men who do not like the Tractarians—I do not know anything particularly offensive about them—they appeal to the public to subscribe to buy this living, which is going to be offered under the auctioneer's hammer, in order that this great Christian parish and congregation, in this nineteenth century, and in this England of the present day, may be able to free themselves from the calamity of having a minister, whom the parishioners might wholly condemn, thrust upon them by a private patron. Only two or three weeks ago I observed a case of this kind that would be most amusing if it were not absolutely shocking. I do not know if any of the hon. Members for Norfolk are in the House. At a place near Diss, in that county, a living called Shelfanger was sold, and the following account is given of the sale:—

From the Norfolk Times.

"SALE OF THE PRESENTATION TO THE RECTORY OF SHELFANGER.

"The right of next presentation to the Rectory of Shelfanger was sold at Garraway's Coffee-house, Change-alley, Cornhill, on Wednesday last, by Mr. Clark, of the firm of Farebrother, Clark, and Lye. There were between twenty and thirty persons present. The auctioneer in offering the property said,—It is not my intention, gentlemen, to read to you the conditions of sale. They have been published with the particulars. If there should be any question that you think necessary to ask, I shall be very happy to give you any information in my power. If there be no questions upon the conditions, I shall proceed to read to you the description, which is, 'The right of next presentation to the rectory of Shelfanger, in the diocese of Norwich, situate about two miles from the town of Diss, subject to the life of the present incumbent.' [Always an important matter.] There is a residence, containing five bed-rooms, parlour, two kitchens, dairy, and the necessary outbuildings, and about forty acres of glebe land."

He then comes to a question of antiquarian research.

"The age of the incumbent is based upon a minute in the possession of the vendors, obtained in 1816, in reference to the rector, by which his age was then stated to be forty-five. The incumbent informed me that he was born on Easter day, which occurred about 1770. On reference to the old prayer books of that period, I found that Easter day occurred on the day mentioned, in 1771, and did not occur again till 1783, nor again till 1795; therefore there is no doubt that he was born on the 13th March, 1771. That is the day he always puts it at himself, and no doubt it is correct."

The auctioneer then says the population is about 500, and that the service is double —morning and afternoon—and adds:—

"Now we sell to you the absolute right of the next presentation to the rectory of Shelfanger, and the question, of course, is what it may be worth."

The auctioneer, it appears, had been down to see Mr. Morris, and he remarks:—

"I was very much struck when I saw Mr. Morris yesterday. The first question almost that he put to me was, 'I suppose you have come down to see when I am going to die. There have been gentlemen for the last four or five years visiting me about every five or six weeks, and at last, all I did was to show my nose at the top of the stairs, and say that I was engaged.' 'Well,' I said to him, 'I have really come down for no such purpose, for it is no part of my duty to say when you are going to die; but of course, having arrived at your age, beyond the ordinary age of man, you cannot be expected to live very long. All I shall state to-morrow will be that which I always do state, that one can only take the age of an incumbent according to the present duration of life, the same as the insurance offices do.'"

He further remarks:—

"I have not said a word as to whether you will have the presentation to-morrow, or not for the next ten years; I can only say that the incumbent is at the advanced age of ninety, and you may calculate that any day it may fall in, or it may not fall in for three or four years, but the tables give you for his life about a year and a half's purchase."

Then there were bids—£2,000, £2,500, £2,600, and £2,700 were bid. The auctioneer then says:—

> "As regards the house, if anyone who has it thinks it is not good enough, he has only to borrow the money from Queen Anne's Bounty, the payment of which will extend over thirty years. I believe an estimate was made to build a nice rectory house, from the designs which I saw, for about £600. Anyone desirous of putting a son into the Church will find this an opportunity that is not likely to occur again soon."

That raised the bidding to £2,800 at once. He then begins in a reproaching tone,

> "The question is whether an income like this of £450 a year, in a beautiful part of the county of Norfolk, is to be given away for the sum of £2,800. Now, gentlemen, is it your pleasure to advance upon this bidding? You may buy bushels of incomes, but they are what I call 'starvation incomes,' not at all suitable for gentlemen who have had a college education, and upon whose education their fathers have spent some thousands of pounds, and it is not sufficient to place them in the position in which gentlemen ought to be placed. But here you have an income of £500 or £600, ample means in an agricultural district, and with the prospect of immediate possession. I cannot understand anything like this being sold for £2,800. Is it your pleasure, gentlemen, to increase? Let me impress upon you all; because do not go away with the imagination that this is brought here by trustees to test its value and not to be sold. I assure you that on the fall of the hammer it will be actually sold; and unless you increase the bidding it will be sold for £2,800.

The writer of the account adds:—

> "There being no other bidder the property was sold for £2,800. The name of the purchaser did not transpire."

That account has excited the laughter of the House, and, as I have said, it would be very amusing if it were not very shocking. There may be things to be deplored amongst the members of the Nonconformist Churches in England and Wales; no one denies it; they are inseparable from human infirmity and human passions; but no such thing as that can be pointed to. And if hon. Gentlemen opposite, without exception, could by a stroke of the pen remedy grievances like those existing in the Church of England, would they not be but too glad to do it? You should consider that the Nonconformists of England have been brought up with different feelings and traditions from you, before you ask them to continue in any shape to support a religious and political establishment that admits of such abuses as those I have narrated. Whatever was done in the ancestral periods to which the Chancellor of the Exchequer has referred, amounts to nothing. You do not now appeal to the people by the powerful authority of the united Church. You know you have in your belief—I am not speaking of your creeds and articles — every kind of difference. You have a torrid zone of belief; you have a frigid zone; and for aught I know you have a temperate zone between them. You have a difference greater, far greater, than that which separates the Dissenting sects —a difference far greater, I believe, than that which separates the main Dissenting sects of England from a very large sect within your borders. My hon. Friend has referred to that book which has been recently published, and which is a work in regard to which it would be unbecoming in me to express any very strong opinion. But I see that Bishops and other persons, some of whom I am told are not qualified to give an opinion, do pronounce a very positive opinion. Now, it would be presumptuous in me, who am not acquainted with the ancient languages, and who have not made Biblical study any part of my occupation so far as regards the original writings, to express any strong opinion with regard to those *Essays*—but I ask hon. Gentlemen opposite what must be the effect upon the Nonconformists of England and Wales, when they see what is now taking place in your Church? It may be distressing to you; probably it is. I hope it is. But there is an effectual bar against their admitting your theory that they ought in any way to support your Church, or can in any way permit it to be supreme, by the continuance of an exaction such as this to which we object to day. I shall not detain the House by reading to them extracts from those *Essays*. ("Question.") It is the question. In discussing the question of church rate it is necessary to glance at these matters, because I think they bear upon this question. You must recollect that you have eminent men of your Church who have written certain of these *Essays* which will live. Some of them are written in the very finest style of English composition. There is much that is bright, and liberal, and true in what they say, and which will be sure to commend itself to many thinking men. There are, however, other matters contained in them which will give distress, because there are passages occurring in the discussion of the question of the authenticity of Scripture which are not written in an affectionate and reverent spirit. These writers are denounced by an Archdeacon Cox in the North of England, by the Bishop of Durham, in language which, if it is not just, is violent, and, also, as I understand, by the great body of the Bishops. As I have said, I shall not trouble the House by reading any of those extracts which have given me pain—some of them extracts from the *Review;* but I have felt even more pained by some things which have been said in condemnation of them. But if it be true that you have got seven Champions of un-Christendom—for that appears to be the allegation, and I do not make the statement myself—I ask the House to consider who these champions are. If you have a Chaplain in Ordinary to the Queen, and a Head Master of one of your greatest and most renowned schools —if you have the Principal or Vice Principal of an institution whose object is to raise up young men for the service of your Church, and if you have likewise a great Professor at the University of Oxford, and a Regius Professor, who has written one of the most elaborate of those *Essays*— bear in mind that those seven gentlemen are not the only men who hold those opinions in your Church. They are seven men who have stood out from the ranks and propounded what they believe to be true and what they believe to be necessary to be known; but they are the representatives of many hundreds of men who have great doubts upon those points, and who groan under the burden of the creeds, the articles, and the subscriptions, which your Church imposes upon them. If, therefore, you go to the people on the authority of a divided Church, and when you can only show that in numbers you are about equal to the number of the Nonconformists, I do ask the House to consider whether it is worth while to accept the proposition of the Chancellor of the Exchequer, or that of the hon. Member for Buckingham (Mr. Hubbard), or of the hon. Member for Warwickshire (Mr. Newdegate), or that which has been introduced in "another place" by a nobleman, not long since a Member of this House? I say that all these propositions are based upon an ignorance of the state of feeling amongst the Nonconformist population of England, and if the House of Commons should legislate in favour of any one of those measures it will do so in the dark. I am anxious that it should not do so, and, therefore, I have risen, for the purpose of asking the House if it be possible to give their assent to the Bill of my hon. Friend. I have shown you that it is only a miserable question of £150,000 a year that is involved. I should wish to recall to the recollection of hon. Gentlemen opposite some remarks which fell from the Bishop of Oxford in the course of a speech which he made in the House of Lords a few years back on the subject of Parliamentary grants for church building purposes. I believe he is a great authority with hon. Gentlemen opposite: and what did he say on this subject? He objected altogether to Parliamentary grants, and said he felt sure that there was nothing which was so injurious to the Church as public aid which hindered the development of its own zeal and its own liberality, and he trusted, therefore, that no man who valued the Church would ever again come to Parliament for any public grant whatsoever. But if that be true with regard to the building of your churches, it must be equally true with regard to the maintenance of them. Therefore, I would ask whether for this miserable £150,000 a year it is worth while to run the risk of failure, which, I believe, must necessarily attend any of those projects which have been submitted to Parliament in substitution for the Bill of my hon. Friend? Now, the hon. Member for Leeds (Mr. Baines) gave evidence about ten years since before a Committee of this House with respect to church rates. I recollect perfectly well what he stated to that Committee. He stated that in a certain Independent chapel in the borough of Leeds, with which he was intimately acquainted, they paid £670 a year for the ministers and for the expenses of that chapel. He said that in ten years and a half previous to that time they had raised £14,900 for building chapels and schools, and £1,270 per annum for missions and other religious objects, showing that one congregation in these ten years and a half had raised a total sum of £35,309, or £3,363 per annum. In a discussion which took place the other day in Edinburgh upon the annuity tax, which is an analogous question, Mr. M'Laren—a gentleman of great accuracy, which every gentleman who knows him must admit—stated that there were in the year 1860 raised out of four congregations of the Free Church in Edinburgh these sums:—By Dr. Guthrie's, £2,700; by Mr. Bruce's, £2,700; by Mr.

Rainy's, £3,000; and by Dr. Candlish's £7,600. I believe that at this moment the Dissenters of England and Wales raise every year at least the sum of £2,000,000 for the purpose of carrying on their worship in their congregations, and of carrying on their various missionary enterprises. I believe that they have now invested in their chapels throughout the country a sum of something like £15,000,000 sterling. Are these facts correct? If they are, then, I ask, are your congregations less generous than ours? Are they less rich, or less Christian, or have they less zeal? Surely, if they are as good, and if this £150,000 be taken away by the Vote of Parliament upon this Bill, they can, if they like, raise that sum as easily as can the Dissenters of England; and who, if they were put to it, would raise £150,000 a year more than they do for any great object, and you would not hear a murmur with regard to it from any part of the country. Now, Sir, I say, in conclusion, that you must not misunderstand the character of the Nonconformists. They come down from the Puritans of an earlier period, who, I believe, have gained for England all that there is of freedom in the English Constitution. That is the opinion of Hume, the historian, and I think it must be the opinion of every one who carefully reads history. The lamp which these Puritans first lit has been kept burning by the Nonconformists of a later day. Those Puritans took their rise from the hour when the religious organization of England was first dissevered from the Church of Rome. The principles they held have never died out, but have continually spread, and have found greater and greater acceptance with all classes of the people. I assure the House, in all sincerity, and I believe in my conscience that I speak only the literal truth—that any attempt to settle this question by leaving any shred of church rate unrepealed will be a failure, and that the Nonconformists themselves will never abandon this question until a complete victory is won.

Mr. DISRAELI: Sir, the Bill we have to consider to-night is a Bill for the abolition of church rates. If this Bill were carried, the first effect would be to deprive the parishioners, in vestry assembled, of the privilege they now possess of self-taxation. That may be a result which may find favour with philosophical liberalism; but at the first blush it does not appear to be a consequence which ought to be supported by those who are the professors of popular principles. On the other hand, if they are not deprived of that right, what is the object to which they may apply the produce of this rate? It is to secure to every inhabitant of this realm the privilege of Divine worship. That does not seem at the first blush also to be a consequence of so odious a character; it might be supported by Gentlemen in this House whatever their religious opinions. Thus, the first consequences of acceding to the Bill brought forward by the hon. Baronet, appear to be these — an assault upon the independence of the parish, and upon the integrity of the Church. On what ground, then, is a change recommended, which, upon the surface, appears to be opposed to popular principles, popular privileges, and popular rights? One great ground is, that in its present state the law occasions a grievance — a conscientious grievance it is said—to many of Her Majesty's subjects. Is that so? We have heard a great deal of Dissenters in this and previous debates on this subject, and one would almost suppose, from the manner in which the Dissenter was mentioned that he was some stranger in the country, or some wild animal. Why, Sir, a Dissenter is our friend, our neighbour, our tenant, our tradesman; he is an Englishman, animated by all the feelings and principles of Englishmen. What is the position of a Dissenter with respect to this? If he finds himself in a majority in any parish where a rate is proposed, he has a victorious power of self-defence in that majority, and he can, by the votes of himself and friends, shield himself from these grievances of which you say that he complains. What is the position of a Dissenter in parishes in which he is in the minority. In that case, if he be animated by the same feelings as any other Englishman—and I know by experience he is so—he yields to the opinion of the majority, for such he knows is the principle upon which our social system is established. If the majority is overwhelming, he yields without a murmur; if it be slight, he can exercise his influence if he chooses, so that next year the majority may change into a minority. And who grudges him that right? Why, Sir, when we come practically to consider the question, it is impossible to say that there is a class of Her Majesty's subjects who are experiencing a grievance from the exercise of a law, ancient in its character, popular in its principle, and which all must admit is, if not for a general, for a public purpose. But if it be true that there is a grievance arising from the present state of the law for raising church rates, and if it be true that the Dissenters can, with any justice, make this plea a grievance, has there been no inclination on the part of the Legislature to relieve them from that grievance? Has there been any indisposition on the part of the Queen's Government to make the effort? Have no measures been brought forward which, so far as the grievances are concerned, might not completely and satisfactorily have met them? We have been reminded to-day that a measure was brought forward in this House two years ago, and that with the authority of the Government, which would have exempted Dissenters from the payment of church rates. Why was not that passed? Did the Dissenters support it? Well, then, it is certain, whether you consider the incidence of the rate on Dissenters in a practical point of view as it now stands, or the disposition of Government and Parliament to afford real relief, that no one can fairly say that on the ground of grievance, the abolition of the law can be urged by Dissenters. Now, I never find fault with any Gentleman who does me the honour of noticing any observations which I may make out of this House. On the contrary, I feel such notice a compliment. But, on the whole, I confess I think it is not so convenient to notice expressions used out of the House, as expressions used in it. Because error, if made here, is in a moment corrected; whereas, if you notice observations made out of the House, you may be dealing with arguments which were never used, and commenting on expressions which were never uttered. That is a general observation, but it applies to remarks which have been made by the hon. Baronet with respect to something which has fallen from me in "another place." It is impossible that the Baronet could with justice urge against me that I was the supporter of the law as it at present stands because it is a perfect law, and that I was prepared to make it even more stringent. If the hon Baronet will consider, he will remember that I, by sanctioning and supporting the Bill brought forward by my right hon. Friend the Member for the University of Cambridge (Mr. Walpole), had shown no indisposition to deal with the deficiencies of the law, to remove its anomalies and inconveniences, and afford relief from the grievances which the hon. Gentleman on behalf of his friends seems to claim. But, Sir, recently when I had to consider the question of church rates in the presence of my neighbours and constituents, and give them that advice, which, I thought, to the best of my belief, was sound advice on the subject, I certainly did not encourage, and I do not encourage now, the attempt at what is called making a settlement of the question in a House where there is a pledged majority against the principle of the rate itself. I think that, when there is a pledged majority against the principle of a measure, it is most unwise to come forward and attempt a compromise. It appears to me that if you do that you weaken compromise, you vitiate conciliation, and render settlement impossible. I think the House of Commons, in an unlucky hour, came to a Resolution in favour of the total and unconditional abolition of church rates. I think it was a hasty and unfortunate decision; and ever since I have been of opinion that, until the House virtually rescinds that Resolution—until, by frequent decisions of more prolonged thought, the majority of the House should show that they were of opinion that it would be unwise totally and unconditionally to abolish church rates—it would be worse than useless for any Gentleman on either side of the House to come forward with any project, the object of which would be to improve the law and remove the inconveniences and anomalies which we all agree exist. That is the advice which I gave to my constituents — I have been charged with giving it for party purposes. It is very easy to make these charges, but the question is have they any foundation? Why, Sir, for years and years I have been in the habit of addressing my neighbours in the country, not generally merely on politics, but on this very question, which they are greatly interested about. I did so at a time when the law as it at present exists was supported with so much power, and, as I thought, irresistible eloquence by the noble Lord the Secretary of State, who sits opposite to me. When I counselled them under these circumstances five or six years ago—and I could refer to the observations which I then made if it were necessary—was I then speaking for party purposes? I wish hon. Gentlemen would define a little more clearly what they mean by a party object. If they mean that a large party in the House of Commons—not enemies, I hope and as I think they have proved, to political progress and social improvement, but bound together by a resolution to uphold its institutions —if they consider that these follow a party object, when an institution or an ancient law is attacked and assailed, they exert their utmost influence to uphold it, that is an imputation I would not quarrel with. But if hon. Gentlemen opposite mean to say that I particularly had any personal or sinister object in the observations I made on the subject, I say that is an inference which has been very hastily drawn, and drawn in a spirit of injustice. Why, Sir, it would not be likely, if I wanted to take up a position on a mere party question for the most limited objects, that I should choose one which separates me from that one of my colleagues in public life, with whom I have the most intimate relations, but who, on this subject, differs from me—or that would place me side by side with the right hon. Gentleman who has just addressed us, and with whom I am unfortunately in frequent collision. Nor is it a question, if I were to consider the convenience of many of my Friends who represent cities and boroughs, that I should have chosen. These, circumstances, I think, will show that I have not been actuated by the mean and unwise spirit which has been imputed to me by some Gentlemen opposite. Still at the same time I think we should have been wanting in our duty to the country if we had not exerted ourselves to the utmost practically to rescind the fatal Resolution at which this House has arrived for the abolition of church rates, and, by rescinding that Resolution, have laid the foundation of what I do not despair of obtaining—a just, wise, and satisfactory settlement. Now, Sir, with regard to the speech which we have just heard from the hon. Member for Birmingham. It consisted of two parts. It consisted of irrelevant observations which could have no other object — and I suppose had no other object—than that of assailing and discrediting the Church of England. I throw that part aside, and address myself to the other and more important part of those observations—the valuable admissions made by the hon. Gentleman. The hon. Baronet (Sir John Trelawny) introduced this question with that temper which always distinguishes him, and which, it appears to me, more truly furthers the views of his friends than the tone and spirit which were adopted by the hon. Member for Birmingham—the hon. Baronet took the precaution to remove from himself and from his case the consequence of the evidence which was given by the Liberation Society before the Committee in "another place." The hon. Baronet took great pains to show that he had no connection with such sentiments, and would not credit such results. But the hon. Member for Birmingham entirely threw over the order of battle which had been prepared by the hon. Baronet. He accepted, recognised, acknowledged, and sanctioned the whole of the evidence of the Liberation Society. Nay, he illustrated and aggravated it. No one can say from this moment, so far as the precepts of the hon. Gentleman are concerned—no one can say that they are unacquainted with what are the purposes of those who are at the bottom of this movement and who advocate this claim. The hon. Gentleman has given us a history of the Nonconformists; but it is a history that is not confined to the past or present—it touched upon the future. The hon. Gentleman has not concealed his object and design. I honour such adversaries. They are men that it is, indeed, a pleasure to deal with because we know who we have to encounter. Sir, the hon. Gentleman tells us we owe our liberties to the Nonconformists. Well, with submission to the hon. Gentleman, and with due respect to the Nonconformists, I think the liberties of England are older than the Nonconformists. Sir, the hon. Gentleman has introduced into the question religious opinions. Now, I say, we have nothing to do with religious doctrines in the House of Commons. He read from a book which I suppose most people have read. I have read it, and I found there stated, with an ostentatious air of great discovery, many things that I knew before. I will not enter into any criticism on that book or others in this place; but I may say that the Church of England has had many books written about her, and that, too, by clergymen who have not intended to do her good; but their names are forgotten, their books no longer read, and the Church of England exists as she has done for centuries. I protest against the hon. Gentleman introducing into these discussions religious doctrines. But it is not merely on account of doctrine that he calls upon us to abolish church rates. He has not been blind in some degree to the character of the Church of England. He says that in the United States and other places you do not have the head of the State selecting the chiefs of the Church. The President, he says, does not select the Bishops. We know there is no similarity between the status of the Church of England and those merely religious communities and associations to which the hon. Member refers. There is a great, there is a complete difference, and that difference, if possible, we are determined to maintain. The Church of England is not a mere depositary of doctrine. The Church of England is a part of England—it is a part of our strength, and a part of our liberties, a part of our national character. It is a chief security for that local government which a Radical Reformer has thought fit to-day to designate as "an archæological curiosity." It is a principal barrier against that centralizing supremacy which has been in all other countries so fatal to liberty. And it is because the Bill of the hon. Baronet is opposed to these great influences—it is because the parishes which now are spoken of with contempt, and the Church with feelings of a more vindictive character, are assailed by this Bill, that I shall give it my uncompromising opposition.

LORD JOHN RUSSELL: I think we are bound to consider, in our deliberations upon the fate of this Bill, what is the actual state of the Church of England, and how its friends can best promote its interests. The property of the Church of England consists, in the first place, of a large revenue from tithes. Those tithes were formerly the subject of dispute in almost every parish, and those disputes caused ill feeling between the clergyman and his parishioners. That question has been settled by the wisdom of Parliament, and now that large revenue is enjoyed without dispute by the Church of England, and is devoted to the holy purposes for which that Church was intended. There is another large portion of property belonging to the Church which consists of landed estates. With respect to that portion of her property likewise Acts of Parliament have been passed, and the questions between the Church and the lessees have been the subject of compromise and arrangement, and there exists now no dispute or dissatisfaction in relation to that large portion of Church property. We have, therefore, with regard to two sources of property—the two largest sources—the Church enjoying them without dispute and without dissatisfaction, and applying their revenues to the purposes for which they were intended. But there is another and a much smaller item of Church property which is the subject of dissatisfaction and quarrels, which creates ill-blood, which provokes complaints of the Church of England, and which is almost annually subjected to the votes of ratepayers in many parishes. With respect to that portion of property, we find that not only are there disputes in parishes, and that there are many parishes in which rates are not granted, but we have also a strange decision upon the law of church rates. It has been decided that it is an obligation upon the inhabitants of every parish to provide for the repairs of the church; but the same judgment also says that there are no means of enforcing the obligation. All these circumstances lead me to regard this question as one which deserves the consideration of Parliament. Is it possible or is it not to place the Church of England, in respect of church rates, in the same position as it now holds with respect to tithes and landed property? If we could do so we should, in my judgment, be justified in looking forward to an uninterrupted career of usefulness from the Church of England, against which Nonconformists would then have no ground of quarrel, and the objection of my hon. Friend (Mr. Bright) against the Church could no longer be urged. My hon. Friend has alluded to the connection between the Church and State, by the appointment of bishops by the head of the State, and to the sale of presentations. As far as the sale of presentations is concerned, it is an abuse which I should wish to see put an end to; but it does not appear to me to afford any argument that Dissenters are justified, in consequence of an abuse existing in the Church, in refusing to pay the rate which is imposed upon them. But the question is not one of mere abstract right, it is what will be most for the advantage of the Church of England. And looking at the matter in that light, I cannot forget the very important example we have had in the vestry cess in Ireland. Lord Derby, then, at the commencement of his public career, made a speech in favour of the cess which, for its ability, marked him out to be one of the great leaders in Parliament in after times. It, however, afterwards fell to the lot of that noble

Lord to propose legislation upon the subject. He submitted measures which, in his opinion, would consolidate that Church, that would reform it, and at the same time would strengthen the Church in Ireland, and enable it to withstand the storms of parties and the effects of time. What, then, was the first measure which Lord Derby proposed with that view? The first measure he proposed with that object was the abolition of church cess in Ireland; and he did so, not to weaken, but to strengthen the Church, of which he was a sincere adherent. My right hon. Friend the Chancellor of the Exchequer has said, "Yes; but there was other Church property to apply to." That is true, and it is also true that the same means do not exist here—at any rate to the same extent—to supply the place of church rates. Various propositions have been made to meet this grievance, and to settle this question. One proposal was that Dissenters should be exempted from paying the rate. I agree with much that has fallen from the right hon. Gentleman opposite (Mr. Disraeli) upon that point. I do not think the exemption of Dissenters would prove a settlement of the question. The right hon. Gentleman opposite says it has been stated that his speech upon the subject was dictated by party considerations only; but I confess I am not one who will join in that accusation. It is very easy to avoid arguments which it is difficult and inconvenient to meet by saying, "Although I do not answer your speech, yet I know the motive which dictated it." I think the right hon. Gentleman has been dealt with on that principle. But let us consider the value of the proposition I have mentioned, which has high authority to support it, and which was received with favour in the House of Lords. It seems to me, in the first place, that in assenting to that arrangement you would be parting with the principle of a national Church; because the value of a national Church is not that it differs from Independents or Baptists, but that it is a Church which the State has established and sanctioned for the worship of God. I never could see why those who differ in opinions from the Church, and who object to its connection with the State, why they could not recognize the advantage of a nation like this being actuated by a feeling of religion, and providing the means of rendering homage to the Almighty. But if this plan were adopted, would you not be saying to the Dissenters, "True it is that we have a Church for the benefit of those who adopt the Thirty-nine Articles; but you can have no benefit from it; you are exempted from payment of church rates because you can derive no advantage from the Church." But I deny that such is the fact. I say the Church of England is for the national benefit, and not for the benefit solely of those who belong to the Church. In the next place, there would be great difficulties in carrying such a law into operation. If you pretend to draw a hard line between Dissenters and Churchmen you will immediately fall into the difficulty which has been mentioned today, that many men who do not choose to call themselves Dissenters, who worship in the Church, but who feel themselves at liberty to attend a Dissenting place of worship, if they were called upon to declare themselves they would call themselves Dissenters, and thus the Church would sustain a loss to that extent. Then, again, it is said, "Make no such declaration necessary, but simply require that a man should object to the payment of the rate." But if it is to be a question merely of payment, who can say that there may not be many Churchmen very fond of money, and very indifferent towards the wants of the Church, who would avoid payment, and would leave the whole charge to be borne by those who were more seriously attached to the Church? The result would be that a compulsory rate would be levied only upon those who were zealous supporters of their Church. Thus, then, there appear to be great difficulties in the way of adopting that plan. If this be so—and we agree in condemning all the plans proposed—it remains to be seen whether there are other means by which the Church can obtain a substitute for the revenue now devoted to the repairs of the sacred edifices. I own I was rather surprised to hear it said that this difficulty would be found in the country parishes. In the large towns, where Dissenters are numerous it is probable there would be difficulties in the way of voluntary rates, but in the country districts nearly all our Churchmen and the landowners would be certain to contribute. But the fact is, that in the towns which have almost entirely freed themselves from church rates, the churches have been kept up and repaired when necessary. With regard to the country, if this Bill is passed, I suppose there can be no ob-

Lord John Russell

jection to the introduction of clauses similar to those in a Bill that was introduced by my right hon. Friend the Chancellor of the Duchy of Lancaster (Sir George Grey). It was proposed, that as in olden times the clergyman of the parish was endowed with tithes by the owners of land in the parish, power should now be given to landowners to charge their land with payments for the repair of the parish church. In comparison with tithes a very small sum would be required, and I believe the landowners of this country would not be unwilling to create rent-charges for that purpose. Then, again, I believe that voluntary contributions not only from farmers, but from the landowners would provide a fund sufficient for the repairs of the churches. We have seen of late years, I am glad to say, a great revival of sympathy for the Church in this country. No one can travel through the country without noticing the number of new churches that have been built, not by funds derived from the Ecclesiastical Commissioners, but by the voluntary offerings of landowners who have been desirous in this way of contributing to the comfort, and promoting the religious welfare of their neighbours. In the present state of feeling I do not believe that if this £250,000 a-year is taken away the parish churches, of which my right hon. Friend is so justly proud, would be allowed to fall into decay, but I believe that voluntary endowments and contributions would sustain them in all their ancient beauty and perfection. If such be the case—if there be a just prospect that the churches will be adequately maintained—then I say it would be a great advantage for the Church—and it is an object which those who wish well to the Church ought to promote—to get rid of this source of difference between Churchmen and Dissenters. As in the case of tithes, and the settlement of Church estates, I do not think any one in the House of Commons could, for the next thirty years at least, venture to make any proposition touching Church property, if church rates were abolished. And how does this question really stand? Does any one expect that if by a majority we reject this Bill to-day the agitation will be at an end? or that the committees which have been formed to bring about the abolition of church rates will cease to exist? I cannot suppose that if adopted here by a small majority my hon. Friend's Bill would pass the House of Lords; but what a triumph that would be for the Church, and what a pleasant prospect it is to look upon! I know well what a Dissenting agitation is. I remember the Dissenters combined to put an end to the slave trade, and afterwards a Dissenting agitation put an end to slavery. I remember the number of papers they sent throughout the country to promote those praiseworthy objects. They will use the same machinery in this instance. At a general election the question will be fought upon every hustings, and the agitations will certainly be continued until church rates are finally abolished. But is it for the advantage of the Church that there should be this continual agitation? Can it derive any benefit or advantage from the continuance of such an agitation for a period of five or ten years? I believe, as the right hon. Gentleman opposite said, that many books have been written against the Church of England; those books have been read and been forgotten; they have disappeared; they have died and gone to oblivion; but the Church of England remains after all those books have perished. I believe that to be the case—but I do not believe that the existence of the Church depends on the existence of these church rates, and the sooner they are abolished the better it will be for the Church, and the stronger will be its foundations.

MR. WALPOLE: I will not detain the House many minutes, but I wish to say a few words in reply to the noble Lord. Considering the arguments we have heard from him on other occasions, and considering the arguments he has now adduced, so strangely illogical and inconsecutive as they have been, I am induced to say a few words before the division is taken. The noble Lord says, and I concur with him, that the existence and prosperity of the Church of England does not depend upon church rates, but the noble Lord used also to say that church rates were a part of the institutions of this country, and that all of them hung upon and were connected with each other. The noble Lord also points to the settlement that has been made on previous occasions of the questions of tithes and of church lands and of vestry cess in Ireland; and then the noble Lord wishes it to be inferred, though he does not say so in words, that there might be a similar settlement on this question as there was on those. But did we, in any one of those cases, wholly abandon the property of the Church? Did we give up anything, but agree to a reasonable settlement of the question? And is that the case now? The proposition before us does not propose an arrangement of church rates, but their total abandonment. My hon. Friend the Member for the University of Oxford (Sir William Heathcote) suggested the basis of a settlement, and made an appeal to Government, but Government has not answered the appeal. My hon. Friend said he would resist the pure abolition of the church rate, but he would clear the ground by voting for that abolition, in order that the Government might propose an arrangement which the House might accept. But, if the Government neglects its duty altogether, is it hopeless to defend a portion of one of the institutions of the country—a portion with which the noble Lord once said the whole was involved, and that if one part were taken there might be a danger lest the whole would be destroyed? Can they not pause a moment, and consider whether the more temperate advice of my hon. Friend is not advice to which, for the welfare and peace of the country, it might be well to listen? My hon. Friend made another remark, that has not been touched by the noble Lord, though it is most important. My hon. Friend said that this question had now assumed a new phase, one endorsed by the noble Lord, though he ought to have been the last to adopt it. Hitherto we have had to consider when a grievance was alleged, whether that grievance was felt, and whether a remedy could be found that would be sufficient and adequate to meet and get rid of it. If that were done, then the controversy was at an end. But now we are told that the remedy proposed is to be rejected, not because it is inadequate in itself to meet the grievance, but because the grievance itself is to be kept alive—a trumpery grievance at best—a twopenny grievance the hon. Member for Birmingham called it—for ulterior objects. The grievance might be got rid of, but it is to be left alive—the hon. Member for Birmingham has admitted it this day—for the ulterior object of severing the Church from the State and to apply Church property to secular purposes. I ask the Government of the country, which is bound to defend the institutions of the country unless it sees some good reason to alter and amend them—I ask them whether they will fling those institutions aside because it is too much trouble, or because it is inconvenient for them to apply a remedy? The question, therefore, is not one of a practical grievance requiring a remedy, for a remedy has been proposed and refused. Neither is this a parochial grievance—the question is, as the noble Lord has stated it, whether it is not reasonable that the nation should maintain our national places of public worship. Are we, then, to destroy the local law that provides for the maintenance of public worship for the poor of this country, without having provided a substitute for it? The noble Lord, indeed, says that a substitute will be found in voluntary contributions. It is true much may be trusted to voluntary contributions; but I ask whether there are not already sufficient spiritual objects for the liberality of the Church's members without imposing on them the additional burden of maintaining the fabrics of the churches. Voluntary contributions are admirable things whenever there is a special object to be attained—local wants to be met—or particular emergencies to be provided for; but as a substitute for what is and ought to be permanent in its character, and certain in its collection, and universal in its application voluntary contribution never can be and never will be a substitute. Well, then, Sir, if that be so, why are we to give up that which we now possess, offering as we do to you a complete remedy for the only grievance that has ever been alleged? You may rely much on voluntary contributions, but those voluntary contributions never can reach the poorer and more remote districts, though I agree that you might be able to collect them in the larger towns. Now, if that be the state of the case, I still want to know why the temperate offer made by my right hon. Friend is not to be accepted. I still want to know why you should not reject this Bill for abolition, not with a view, remember, of refusing a remedy to the Dissenters, not with a view of leaving the question a fit theme and subject for future agitation, but with a view of giving a remedy to an alleged grievance, and with a view, at the same time, of providing for public worship in this country, by means which those who are the owners of property in this country are willing still to apply, but which you by this Bill are determined to take away. All reason, all argument, all principle, are in favour of that proposition; and if agitation does continue by the rejection of this Bill, the cause of that agitation, the blame of that agitation, must rest with those who refuse to receive an adequate remedy for a grievance alleged, not because they say the remedy is incomplete, but for the purpose of obtaining an advantage which they think they gain as a kind of vantage ground from whence they can direct their assaults against that institution of which down to this moment the noble Lord has been the conscientious and consistent supporter.

SIR JOHN TRELAWNY replied, but the House was now crowded with Members impatient for the division, and the hon. Baronet's remarks were inaudible.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes, 281; Noes, 266: Majority 15.

List of the AYES.

Acton, Sir J. D.
Adair, H. E.
Adam, W. P.
Agar-Ellis, hn. L. G. F.
Agnew, Sir A.
Alcock, T.
Andover, Visct.
Angerstein, W.
Antrobus, E.
Arnott, Sir J.
Ashley, Lord
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, E.
Ball, E.
Baring, H. B.
Baring, T. G.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Beaumont, S. A.
Bellew, R. M.
Berkeley, hon. H. F.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blake, J.
Blencowe, J. G.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Brown, J.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Buller, Sir A. W.
Bury, Visct.
Butler, C. S.
Buxton, C.
Caird, J.
Calthorpe, hn. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Castlerosse, Visct.
Cavendish, hon. W.
Childers, H. C. E.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Cobbett, J. M.
Colebrooke, Sir T. E.
Collier, R. P.
Coningham, W.
Cowper, rt. hon. W. F.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Davie, Col. F.
Denman, hon. G.
Dent, J. D.
Dillwyn, L. L.
Divett, E.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Duff, Maj. L. D. G.
Duke, Sir J.
Dunbar, Sir W.
Duncombe, T.
Dundas, F.
Dunkellin, Lord
Dunlop, A. M.
Egerton, E. C.
Ellice, E.
Elphinstone, Sir J. D.
Enfield, Visct.
Euston, Earl of
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
Ferguson, Col.
Finlay, A. S.
Fitzwilliam, hn. C. W. W.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Foster, W. O.
Fortescue, hon. D. F.
Fortescue, C. S.
Fox, W. J.
Freeland, H. W.
Garnett, W. J.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greene, J.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Hartington, Marq. of
Headlam, rt. hon. T. E.
Heneage, G. F.
Henley, Lord
Hervey, Lord A.
Hodgkinson, G.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
James, E.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, Col.
Kinnaird, hon. A. F.
Knatchbull, H. E.
Langston, J. H.
Langton, W. H. G.
Lawson, W.
Layard, A. H.
Leatham, E. A.
Lee, W.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Locke, J.
Lowe, rt. hon. R.
Lysley, W. J.
MacEvoy, E.
Mackinnon, W. A.
M'Mahon, P.
Marjoribanks, D. C.
Marsh, M. H.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Mellor, J.
Merry, J.
Mildmay, H. F.
Miller, W.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Moncrieff, rt. hon. J.
Monsell, rt. hon. W.
Monson, hon. W. J.
Morris, D.
Norris, J. T.
North, F.
Ogilvy, Sir J.
Onslow, G.
Osborne, R. B.
Padmore, R.
Paget, C.
Paget, Lord C.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Peto, Sir S. M.
Pigott, Serjeant
Pilkington, J.
Pinney, Col.
Pollard-Urquhart, W.
Ponsonby, hon. A.
Portman, hon. W. H. B.
Proby, Lord
Pryse, E. L.
Pugh, D.
Ramsden, Sir J. W.
Raynham, Visct.
Ricardo, J. L.
Ricardo, O.
Robartes, T. J. A.
Robertson, D.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Russell, F. W.
Russell, Sir W.
St. Aubyn, J.
Salomons, Mr. Ald.
Scholefield, W.
Scott, Sir W.
Scrope, G. P.
Scully, V.
Seymour, Sir M.
Seymour, W. D.
Shafto, R. D.

Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Sidney, T.
Slaney, R. A.
Smith, J. B.
Smith, A.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Staniland, M.
Stanley, Lord
Stanley, hon. W. O.
Stansfeld, J.
Steel, J.
Stuart, Col.
Sykes, Col. W. H.
Talbot, C. R. M.
Taylor, H.
Thompson, H. S.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Traill, G.
Turner, J. A.
Tynte, Col. K.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivan, H. H.
Vyner, R. A.
Warner, E.
Watkins, Col. L.
Wemyss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, J.
Wickham, H. W.
Wilcox, B. M'Ghie
Williams, W.
Willoughby, Sir H.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woods, H.
Wyld, J.
Wynne, C. G.
Wyvill, M.

TELLERS.

Fermoy, Lord
Trelawny, Sir J.

List of the NOES.

Adderley, rt. hon. C. B.
Annesley, hon. Col. H.
Anson, hon. Captain
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Baillie, H. J.
Baring, T.
Barrow, W. H.
Barttelot, Major
Bathurst, A. A.
Bathurst, F. H.
Beach, W. W. B.
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Benyon, R.
Beresford, rt. hon. W.
Bernard, T. T.
Blackburn, P.
Bond, J. W. M'G.
Botfield, B.
Bovill, W.
Boyd, J.
Bramston, T. W.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major C.
Burghley, Lord
Cairns, Sir H. M'C.
Cartwright, Col.
Cave, S.
Cavendish, Lord G.
Cayley, E. S.
Cecil, Lord R.
Churchill, Lord A. S.
Clive, hon. G. W.
Close, M. C.
Cobbold, J. C.
Cochrane, A. D. R.W.B.
Codrington, Sir W.
Cole, hon. H.
Cole, hon. J. L.
Collins, T.
Conolly, T.
Corry, rt. hon. H. L.
Cross, R. A.
Cubitt, Mr. Ald.
Cubitt, G.
Curzon, Visct.
Dalkeith, Earl of
Damer, S. D.
Dawson, R. P.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. W. E
Dunne, Col.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, hon. W.
Elcho, Lord
Estcourt, rt. hn. T. H.S.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Gilpin, Col.
Gladstone, Capt.
Gladstone, rt. hon. W.
Goddard, A. L.
Gordon, C. W.
Gore, J. R. O.
Gore, W. R. O.
Graham, Lord W.
Greenall, G.
Gray, Captain
Grey, de W. Visct.
Griffith, C. D.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, Major
Hamilton, Visct.
Hanbury, hon. Capt.
Hardy, G.
Hardy, J.
Hartopp, E. B.
Hassard, M.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Heygate, Sir F. W.
Heygate, W. U.
Hill, Lord E.
Hill, hon. R. C.
Holford, R. S.
Holmesdale, Visct.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Howes, E.
Hubbard, J. G.
Humberston, P. S.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Jervis, Captain
Johnstone, hon. H. B.
Jolliffe, rt. hn. Sir W. G. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. Maj. S.
Lacon, Sir E.
Leeke, Sir H.
Lefroy, A.
Legh, Major C.
Legh, W. J.
Leighton, Sir B.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, C. P.
Leslie, W.
Liddell, hon. H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Long, R. P.
Longfield, R.
Lopes, Sir M.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lyall, G.
Lygon, hon. F.
Macaulay, K.
M'Cormick, W.
Macdonogh, F.
Mainwaring, T.
Malcolm, J. W.
Malins, R.
Manners, rt. hn. Lord J.
Miles, Sir W.
Miller, T. J.
Mills, A.
Mitford, W. T.
Montagu, Lord R.
Montgomery, Sir G.
Moody, C. A.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Murray, W.
Naas, Lord
Newdegate, C. N.
Newport, Visct.
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
O'Hara, C. W.
Packe, G. H.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Palmer, R. W.
Papillon, P. O.
Parker, Maj. W.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Peel, Sir R.
Peel, rt. hon. G.
Peel, rt. hon. F.
Pennant, hon. Col.
Pevensey, Visct.
Phillipps, J. H.
Philiips, G. L.
Potts, G.
Pugh, D.
Puller, C. W. G.
Quinn, P.
Repton, G. W. J.
Richardson, J.
Ridley, Sir M. W.
Rogers, J. J.
Rolt, J.
Rowley, hon. R. T.
Salt, T.
Sclater-Booth, G
Selwyn, C. J.
Seymer, H. Ker
Shirley, E. P.
Sibthorp, Major
Smith, Montagu
Smith, A.
Smith, S. G.
Smyth, Col.
Smollett, P. B.
Somes, J.
Spooner, R.
Stanhope, J. B
Stanhope, Lord
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Stuart, Lieut. Col. W.

Stracey, Sir H.	Walcott, Adm.
Sturt, H. G.	Walker, J. R.
Sturt, N.	Walpole, rt. hon. S. H.
Talbot, hon. W. C.	Walsh, Sir J.
Taylor, Col.	Watlington, J. W. P.
Thornhill, W. P.	Welby, W. E.
Thynne, Lord E.	Whitmore, H.
Thynne, Lord H.	Williams, Col.
Tollemache, J.	Woodd, B. T.
Torrens, R.	Wyndham, hon. H.
Tottenham, C.	Wyndham, hon. P.
Trefusis, hon. C. H. R.	Wynn, Col.
Trollope, rt. hon. Sir J.	Wynne, W. W. E.
Upton, hon. Gen.	Yorke, hon. E. T.
Valletort, Visct.	
Vance, J.	TELLERS.
Vansittart, W.	Heathcote, Sir W.
Verner, Sir W.	Packe, C. W.

Main Question put, and *agreed to:* Bill read 2°, and *committed* for *Wednesday* next.

House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, February 28, 1861.

MINUTES.] *Sat First in Parliament.*—The Right Honourable Arthur Marcus Cecil Hill Lord Sandys—Was introduced by virtue of a special Limitation in the Patent, dated 19th June, 42d *Geo.* III., after the Death of his Brother.

PUBLIC BILL.—2ª Statute Law Revision.

MILITIA OFFICERS.—EXAMINATION.

QUESTION.

In answer to the Earl of DONOUGHMORE, Lord HERBERT said, that officers of militia regiments which had been embodied eighteen months would be admitted to the regular army by the militia examination under the circular of October last until the 30th of June next. Of course it was optional—and many had availed themselves of the option—to go through the other examination, known as the "examination for direct appointments." But if they chose they might undergo the militia examination, and if they were examined before the 30th of June the examination would hold good, though the appointment might be of a later date.

STATUTE LAW REVISION BILL.

SECOND READING.

THE LORD CHANCELLOR in moving the second reading of this Bill said, that it consisted of only one enacting clause of a very few lines, but that clause referred to a schedule containing a vast number of statutes and parts of statutes to be repealed. It was admitted that the statute law was in a most unsatisfactory condition. Since Magna Charta there had been upwards of 14,000 public Acts passed, and of that ponderous collection many had been repealed, many had expired, and many had become obsolete. Now by our law, although an Act of Parliament might become obsolete, it was not thereby repealed. Desuetude did not effect repeal, and any obsolete Act might at any time be brought into operation by any person. The object of the present Bill was, first, to expurgate the ponderous volumes in which this immense mass of statues was contained, expressly repealing those that were really no longer practically in force. This was no doubt a difficult and delicate duty, for no lawyer, however laborious had been his studies, could take upon himself to state what statutes were now in force, and what had been repealed; particularly after the vicious mode of passing Acts of Parliament, by which statutes were repealed, not expressly, but by simply enacting that all statutes inconsistent with that particular Act should be repealed. The difficulty, of course, was to decide what statutes were inconsistent with it. This Bill was the result of the investigations of Mr. Reilly and Mr. Wood, two gentlemen of great learning, ability, and understanding. Copies had been sent to all persons who were likely to take an interest in the subject, and they had been asked whether any of the Acts in the schedule were in force or ought to remain unrepealed. There had been one or two useful suggestions in reply, but generally the answer was that all might safely be swept away. If it were done a step would be gained, and the statutes would collapse into a fifth part of their present bulk. An expurgated edition would be most useful to the Legislature, the Judges, and the magistrates, and would enable us afterwards to carry on the work of consolidation with greater advantage to the public.

LORD CRANWORTH said, the subject was a very important one, and he congratulated his noble and learned Friend on having introduced this measure, which would produce a very great improvement in the present condition of our statute-book. He had the pleasure of the acquaintance of the two learned gentlemen to whom the matter had been entrusted, and he thought the House might repose full confidence in their competency and fidelity.

Lord CHELMSFORD said, the question here was not so much whether they ought to read the Bill a second time, but what they were to do with it afterwards. He understood his noble and learned Friend to propose that the House should trust to the accuracy and fidelity of two gentlemen, whose qualifications he would be the last to disparage, who, he said, had gone over the statute book, and had selected those statutes that had been either virtually or expressly repealed. But would it be right that the House should trust so entirely to these two gentlemen as to pass the Bill without any other examination? He understood his noble and learned Friend to say that he had not himself gone over the Bill; and for his own part he could not pretend that he had the time to go through it. If the noble and learned Lord could pledge himself as to the accuracy of the Bill, their Lordships would have no hesitation in accepting it; but it was impossible that he could go through it, and therefore it had better be referred to a Select Committee. He thought it was especially a case for a Select Committee, for he was sure there could be no satisfactory result from an examination of this Bill in a Committee of the Whole House.

The LORD CHANCELLOR said it was utterly impossible to make any progress with Bills of this sort unless some faith were placed in the accuracy of those who had made themselves responsible for it. He could not pretend to have gone through the Bill, but he would pledge his word thus far, that, in his belief, the House might adopt the Bill with perfect confidence. He would recommend his noble and learned Friend to follow the practice adopted in assaying coin, take a specimen here and there, and judge by it of the accuracy of the mass. [Lord Chelmsford said he had done so already.] He hoped his noble Friend had found no inaccuracy in those portions he had examined.

The Earl of DONOUGHMORE thought this was a very unsatisfactory proposal. Here was a measure of the highest importance, which neither the Lord Chancellor had gone through, nor, as he understood, the Attorney General, but they were asked to adopt it on the authority of two learned gentlemen who were wholly responsible for its correctness. He thought the Bill ought to be sent to a Select Committee.

The LORD CHANCELLOR said a Select Committee would be a mere shadow and a delusion. If the Committee sat day after day for six months it could not examine the Bill thoroughly.

Bill read 2^a, and *committed* to a Committee of the whole House on *Thursday* next.

DILAPIDATION OF GLEBE HOUSES.

QUESTION.

Viscount DUNGANNON asked the most rev. Primate, Whether any Measure, approved by Convocation, and sanctioned by the Episcopal Bench, is to be introduced during the present Session relative to the Amendment or Alteration of the existing Law in regard to Dilapidation of Glebe Houses? On a former occasion, when he asked the same question, he was given to understand that the subject had been taken up by the right rev. Bench and the Government, and that a Bill was in preparation to be introduced into the other House of Parliament; but through some mistake or delay the Bill was not introduced last Session. It was a matter of great importance to the parochial clergy of the country.

The Archbishop of CANTERBURY said he felt obliged to the noble Viscount for taking so much interest in this matter. He certainly had hoped that before this time a Bill would have passed into law, but it had been prevented by unforeseen circumstances. There was a general wish among the clergy that the question should be settled, but a difference of opinion existed, and he had no hope of any Bill passing through Parliament unless they could obtain the assistance of the Government. Such a Bill had been drawn up, and was now being considered in a shape in which it was hoped it would receive the Government support.

Viscount DUNGANNON hoped that it might at any rate be introduced, and it might be circulated through the country, and the opinions of the clergy taken on it preparatory to legislation next year.

METROPOLITAN RAILWAYS — DISPLACEMENT OF LABOURERS.

PETITIONS. OBSERVATIONS.

The Earl of DERBY *presented* a Petition of Leaseholders and Occupiers of Property in Praed Street and its Vicinity, in the Parish of Paddington, complaining of the injustice which they suffered at the hands of the Metropolitan Railway Company, under the powers given them last year, and praying that further powers sought by the Metropolitan Railway (Improvements, &c.,) Bill may be withheld until they shall have complied with the Provisions of the Lands Clauses Consolidation Act. The noble Earl said it was impossible for their Lordships to enter into the details which would be necessary to give the relief asked for, but the petitioners did not pray to be heard by counsel before any Committee, and all he could do, therefore, was to move that the petition should lie on the table. The noble Earl also presented petitions of the London Institution for the Advancement of Literature and Diffusion of Useful Knowledge, and of Owners of Property and Residents in Finsbury Circus, praying to be heard by Counsel against the Finsbury Circus Railway Station Bill: also, Petition of Rev. William Denton, Perpetual Curate of the Parish of Saint Bartholomew, Moor Lane, Cripplegate, praying that no Railway Bill be allowed to pass which would lead to the Destruction of the Homes of the Poor, without first securing suitable Dwellings for the Persons displaced. The noble Earl then said, My Lords, these petitions do not bear immediately upon the subject which I am about to bring under the notice of your Lordships—namely, "the displacement of labourers in consequence of great public works in the Metropolis." I have given notice of my intention to call attention to this subject, not because I am about to trouble your Lordships with any lengthened observations, still less to propose a specific remedy for the grievance complained of, but because I think the matter is one which deserves serious consideration, more especially as it affects in the most vital manner the interests of a large portion of the population who are utterly unable to protect themselves against legislation, however unfavourably it may bear upon them; and, moreover, because I am quite satisfied that this question is one which deeply concerns the social and moral interests of this great Metropolis. The petition intrusted to me is from one individual only; but this individual has been for eleven years the incumbent of one of the poorest and most densely-peopled parishes in the heart of this Metropolis, and may, therefore, be supposed able to speak with a tolerable knowledge of the feelings, the opinions, the wishes, and the circumstances of the people by whom he is surrounded. I shall have, by-and-by, to refer in some detail to the particular circumstances of the parish which I now bring forward as a sample of others similarly situated. Before doing so, however, it may be well to call your Lordships' attention to the extent of the railway schemes which are submitted for the consideration of Parliament during the present Session. I have been told that the total extent of railways now in operation in the United Kingdom is between 9,000 and 10,000 miles; besides which Parliament has sanctioned 3,000 miles more, which are in various stages of progress, and some of which are advancing towards completion. There are now also before Parliament, asking for the sanction of the Legislature, no fewer than 240 new railway schemes. Of those 117 are schemes brought forward by new companies, and 120 are schemes of old companies, chiefly for branches or extensions. The extension lines of the old companies embrace a distance of something more than 1,000 miles; the new companies propose schemes extending over more than 2,000 miles; so that Parliament is now asked to assent to the construction of 3,000 miles of railway, or about one-third of the railway communications already existing in the United Kingdom. I need not say that, of course, a comparatively small proportion of those lines affect the Metropolis or its immediate neighbourhood. From the Report of the Board of Trade it appears that although some have been or will be abandoned, there are in the Metropolis—some of them traversing its very heart—15 new schemes, comprising in the whole a length of railway extending to 24 miles and upwards; while in the immediate suburbs (not including Greenwich and Woolwich and the south-eastern districts) there are seven or eight schemes which will extend to 40 or 50 miles. In the Metropolis and its suburbs, therefore, 60 or 70 miles of new lines are proposed, a great portion of these passing through the most crowded streets. Now, My Lords, I wish to call your attention to the Report of a Commission issued so far back as 1846, and presided over, I think, by Lord Canning. This Commission laid it down that if, at any time hereafter, it should be deemed advisable to admit railways within these limits (meaning from, say, the Edgeware Road to Grosvenor Place in the line of the west, and from Finsbury Square to London Bridge as the extreme east, which are exactly the limits within which these schemes fall), this should be done in conformity with some uniform plan, carefully laid down under the authority of the Government, and sanctioned by the wisdom of Parliament; and that under no circumstances should the thoroughfares of the Metropolis, and the property and the comfort of its inhabitants be surrendered to separate schemes brought forward at different times and by different companies. That was the opinion of the Commission of 1846; and now, in 1861, we have within these limits 15 railway schemes, wholly unconnected with each other, and by companies wholly independent of each other, those railways extending through the district to an extent exceeding 24 miles. I hold in my hand a map issued by the Board of Trade of the railways now proposed. Your Lordships will see a large patch on the map marked by a bright red spot. That is the proposed Finsbury station, intended to be the centre of all the railways from Wormwood Scrubs on the one side, to Stratford on the other. The railway to which I wish to call attention is a very short one—little more than half a mile in length. It is called the Metropolitan Extension Railway, between Finsbury Circus on the east, and Smithfield on the west, and it bears a small proportion to the 24 miles which are to be constructed, many of which are to be carried through districts not less crowded than that I am referring to. Your Lordships will see on this map a line from the North-Western Railway (the extension to the docks) which runs in nearly a direct line from north to south. It is called the North London Railway, is about 2¾ miles in length, and runs from Kingsland down nearly to Finsbury Circus. Then there is another and an independent scheme for the establishment of a gigantic railway terminus, occupying the whole of Finsbury Circus, and something more. I will say a few words to your Lordships before I sit down; but for the present I will deal with the Metropolitan Extension line between Finsbury Circus and Smithfield. The population of this parish, which is not an extensive one, is given in the *Clergy List* at 4,500; but I am informed by the incumbent that it now considerably exceeds 5,000. The number of houses in the parish is not more than 500, and, therefore, there are 9, 10, or 11 persons to each house. In the whole parish there is not a single gentleman's house, or even one large shop. The whole population consists of the poorest classes, the grade of shopkeepers, costermongers, and lowest dock labourers. [Earl GRANVILLE: What is the name of the parish?] It is St. Bartholomew, Moorfields, Cripplegate. Throughout the whole parish there are not 10 families who occupy a house to themselves, although the bulk of the houses contain only 3 rooms. The incumbent tells me, "the aristocracy of my parish consists of families who are able to indulge in the luxury of 2 rooms." But the greater number of families have 1 room, and 1 only; and this is sometimes divided between more than 1 family. Well, through this parish it is proposed to carry the railway. Out of the 500 houses, and the 5,000 inhabitants, there are under notice more than one-half of the whole number of houses, and very nearly one-half of the in-inhabitants. Your Lordships must see at once that the class of persons who inhabit this parish are utterly helpless to prevent any extension against their own interests. These persons are all weekly tenants. Of course, the railway company select the poorest class of property if they have any choice in such a district. They give ample remuneration to the owners, who are exceedingly glad to part on good terms with a property which is of the most unsatisfactory character. Out of the 5,000 inhabitants at this moment considerably more than 2,000 are under notice. It may be said, and perhaps it will be said, that these populous parishes are improved by driving a broad line of railway through them that will at least let air and light into these centres. I will not deny that there may be some advantages attending the construction of a wide street, or even a railway, by letting in light and producing a circulation of air in such districts; but we must not shut our eyes to the hardships and suffering at the expense of which these improvements are made. Even supposing the number of persons who will be turned out of their dwellings in the parish I have spoken of are under 2,000 — and this is but a part statement, for the number will be raised to 9,000 in the Metropolis on the whole—yet it must be recollected every removal involves a loss of the means of living. The occupations of the people tie them to a particular spot, and by removing they lose their employment, their customers, or the tradesmen for whom they work. If they remove they are deprived of the means of earning their living, and at one blow you deprive thousands of the means of supporting themselves and those dependent on them. But, my Lords, it does not certainly follow that they will remove. The danger is, that, instead of removing to some other neighbourhood, they will only settle into the already crowded dwellings left in the other parts of the district, and fix themselves upon these overcrowded and wretched abodes, rendering the "last state" of that parish "worse than the first," as they will be cooped up into a much smaller space, and subjected to still greater hardships and discomfort. My Lords, it would be idle to trouble your Lordships with many details of the evils caused by the overcrowding of dwellings. There is abundant information on the subject in a variety of official documents which have created the most painful feelings in the Members of this House. But I have here a Report of the Sanitary Committee of the City of London made by Dr. Letheby; that Report is now four years old; but I fear the state of things it describes has not been greatly changed since it was made. What do your Lordships say to this? Dr. Letheby states that in 1,989 rooms there were living 5,791 persons—a husband, wife, and often four or five children in one room. Adults of both sexes—sometimes of the same, sometimes of different families—lodged in the same room, men and women herding together like savages, and where the slightest regard to the ordinary rules of common decency was impossible. He adds that the physical degradation and discomfort hence arising were blighting the morals and the existence of the rising generation. My Lords, this is the state of things officially described by Dr. Letheby four years ago. The lapse of time has not altered this state of things with regard to this vast mass of persons. And if this is the case it, at all events, behoves your Lordships to be careful how you run the slightest risk of giving an indiscriminate sanction to schemes that must necessarily dislodge large numbers of the poorer population of the Metropolis; to be careful how you run a risk of aggravating these already fearful evils. My Lords, the petition I hold in my hand states as the opinion of the petitioner, that this overcrowding of dwellings is the main cause of habits of drunkenness and improvidence, and that these evils will be increased if the too scanty number of the dwellings of the poor is diminished by carrying out the railway schemes before your Lordships. And in connection with this subject I may, perhaps, advert to another scheme that bears, if not directly yet indirectly, on the comfort of the working classes of the City. There is a scheme proposed for converting the whole of the space of Finsbury Circus into a large railway station. The plan is brought forward unconnected with any railway company whatever. The Bill is asked for by a Railway Station Company without a railway, as other companies have asked for a Railroad Bill without a station. Now, what is the area of the space of Finsbury Circus? Though the inhabitants prize it highly and cannot imagine anything more luxurious than that space open to the air, and adorned with trees, yet the whole of the space unoccupied does not exceed three acres and a-half. But this ground is unoccupied under rather peculiar circumstances. Some fifty years ago the Corporation of London, as trustees for property in Moorfields, obtained the right of building on it; but at the time the appropriation was made it was distinctly provided by the Act of Parliament that a large space of ground should be reserved for the recreation of the public. In consequence of this Act, these three and a-half acres remained unbuilt on; it is the only space in the neighbourhood where people can take air and exercise, and it lies within fifty yards of the crowded parish I have alluded to. The proposition is that the whole of the inclosure, ornamented with 200 trees and shrubs, and the space outside, used on Sundays as a promenade by the working classes, shall be taken and converted—not into a railway by which a circulation of air might be occasioned, but into a large railway station—thus doing away with that chance of recreation and fresh air the people of the neighbourhood now have. The inclosure is surrounded by some fifty houses of the better class, tenanted by medical men, the clergymen of City parishes, and others of the higher class, whose avocations detain them in the City. By the inclosure of the space whatever comfort is now enjoyed by the infirm and by children will be destroyed. I believe the proposed inclosure will not directly affect the lower classes, but indirectly it will. It is the only place within a short distance where they can have fresh air, and that will be taken away from them. Consequently, with regard to the lower classes in this neighbourhood, the inclosure will be a serious annoyance to them, and a great inconvenience. In a sanitary point of view there cannot be any question that the inclosure will be highly detrimental to the health and comfort of the whole vicinity. Among the buildings it is proposed to remove is that of the London Institution, established for the encouragement of literature and science. It has an extensive library; it has been an acquisition to all classes in the neighbourhood, yet it is to be swept away, and with it, of course, all its advantages. My Lords, there is one prayer in the petition that I am not prepared to accede to, though it is a very natural one. It is a very extreme prayer; and the question it raises has already been brought before your Lordships by the noble Earl below me (the Earl of Shaftesbury). It is that every railway company shall be compelled at their own expense to provide lodging accommodation for a number of people equal to those their works may displace. That proposal was discussed by your Lordships on a former occasion; but it appeared that in some cases it would be impossible, as ground could not be converted to the purpose; in others it would be unnecessary, as there would be enough vacant houses, or spaces where houses could be built to receive those who were dislodged. Your Lordships, also, have always been jealous of allowing railway companies to embark in any speculation not connected with their lines, and thought it inexpedient to make them land or house jobbers. The proposal was amended by my noble Friend, I think, on my suggestion; and I believe railway companies, on applying for their Bills, are now required to state the number of houses they propose to destroy, and what precautions they have taken against the evils caused by that destruction. This requirement has, I am sorry to say, failed, for every petition, by some means or other, gets over the difficulty. As far as I know this is not one of the points into which Parliamentary Committees are bound to inquire before giving their sanction to any Bill. As to Finsbury Circus, the parties petitioning are the London Institution and the principal inhabitants of the neighbourhood; and one inhabitant has petitioned singly. They are in a station of life which enables them, if they think they have any grievance, to submit it to the proper tribunal. But the Metropolitan Railway, to which I first referred, is actually an unopposed Bill, because, in all the district through which it passes, there is not a single person of sufficient means or influence to bring the subject before your Lordships. The inhabitants are not only going to be turned out of their dwellings, but they are to be turned out without notice, and without the possibility of having their case heard before the Committee on the Bill. A Bill so destructive in its operation surely requires watching; but, nevertheless, it will pass unopposed, unless my noble Friend the Chairman of Committees should think it necessary to bestow upon it a little extrajudicial attention. I find that up to last year no such thing was ever thought of as occupiers being allowed to remonstrate against being displaced; but I have been told by a gentleman who was on a Committee of the other House last year to which the Blackwall Extension Railway was referred, that the Committee did entertain a petition from the labouring classes, who joined together to present it; and the Committee, very much to the disgust of the counsel engaged in the matter, not only listened to the statements of the petitioners, but also rejected the Bill in deference to the prayer of the labouring classes. In the case I have now brought under your Lordships' notice there can be no opposition, and it is for your Lordships to say whether any course can be adopted to prevent such injury being done to so many persons. I have said I do not think the course we ought to take is that which is recommended by the petitioners, of laying down an abstract rule that every railway company should be required to find accommodation for as many persons as it deprived of homes. It has also been suggested that a trust should be created, and that each railway company should pay to that trust a sum sufficient to provide dwellings for those displaced by its operations, a regular and stipulated rate of interest being paid to the company for the money so advanced. That is only one of various schemes which have been suggested, and upon which I offer no opinion. My desire is that before infinite evil is done, before an infinite number of persons are turned out of their homes, before infinite injury is done by adding to the already overcrowded dwellings in the district—that before all that is done, that your Lordships may appreciate the gravity of the question, and that the Government may consider what means can be adopted to mitigate an evil the magnitude of which no one can dispute. I am not prepared to move anything, but I cannot help thinking that if your Lordships consider the statement I have made possesses any force, the appointment of a Committee would be of advantage to inquire into the effects upon the population and the social condition of the Metropolis of the great extension of railways. The deliberations of such a Committee would, I think, be no waste of time, and its appointment would be received with gratitude by those who are prevented by their poverty from coming forward and seeking that redress and inquiry which the law has provided for all that are able to avail themselves of it.

THE EARL OF SHAFTESBURY: My Lords, I am glad that the subject has been taken up by the noble Earl, and I hope it will meet with the attention which its gravity demands. In 1853 I submitted this subject to your Lordships' consideration; but I did not succeed in obtaining what I desired. I moved that the parties undertaking these great works should be held responsible to the parties whom they displaced; and that while they sought to make profit from a proceeding which spread devastation throughout a whole neighbourhood, it was not right that the gain should be all on one side and all the loss on the other. I did not obtain the Committee I asked for, but a Standing Order was passed, which required that a return of the number of houses that would be demolished and of persons who would be displaced should be made before any Bill should pass. These Reports have been regularly made for the last seven years, and nothing can be more useless than they have proved to be. I have only had time to take seven Bills, which are now submitted to Parliament, and in those Bills I find powers taken to demolish 1,145 houses, and to displace 5,422 persons. That is the result of my researches into seven Bills; and if it be true that there are more than 200 Improvement Bills coming to this House this Session, your Lordships will see that the ravages they will cause will be as great as if a foreign army had invaded the country, plundered the inhabitants, and dispersed them in all directions. But in order to appreciate fully the effect of these improvements, you must go to the spot before the demolition and after it has taken place. I have felt it my duty for many years to inquire into these matters, and I have visited threatened districts where the poor people were living in ignorant security. They are generally poor working people who could not realize their position until the pressure actually came upon them, and when three or four weeks' notice was given them that they must quit their homes, or the houses would be pulled down over their heads. This order to turn out fills them with consternation; they rush in all directions to seek for a home; the husband or wife loses time and wages in searching for a dwelling-place; and probably when the period comes for quitting their abodes, they have not been able to provide another for one of two reasons; either they have not had sufficient time to look about, or they have not been able to find a house to receive them. The consequence is, that at the last moment these hundreds or thousands rush in vast crowds into already overcrowded dwellings of the neighbourhood, necessarily to the utter neglect of all considerations of decency or of health. I will just give your Lordships the results of an examination that was instituted only last week. A great demolition of houses took place a few years since in the neighbourhood of Field Lane, City. A thousand houses were pulled down, 4,000 families, comprising 12,000 individuals, were turned out and driven into the surrounding tenements. The result of an inquiry made a few days ago is as follows:—I took 45 courts within the compass of a few minutes' walk; 20 of these courts contained in the aggregate 250 houses, in which were 1,133 families, each occupying one room. The average number of persons in each family was five, and the general size of the rooms was from 15 feet by 10 to 8 feet by 9, and the rent of each room averaged 2*s.* 4½*d.* per week. The total number of inhabitants in these rooms was 5,665. That is in the City, under the care of Dr. Letheby, whose Reports have been referred to by the noble Earl, and whose exertions have been highly praiseworthy, and have been attended with beneficial results; but the state of things defies his power wholly to remedy. Without the City the state of matters is still worse. In the vicinity of Cow Cross there are 14 courts, in which I find there are 173 houses, containing 586 rooms, occupied by a like number of families. The total number of persons is 3,764, the average number in a room being 6½. The size of the rooms varied from 15 by 12 to 9 feet by 9. These rooms were, in all instances, low, dark, dismal, and dirty; and it was with difficulty that I could stand upright in them. Some were so narrow that, by stretching out my arms, I could touch both walls at the same time. In eight smaller courts, leading out of Holborn Hill I found 66 houses, containing 314 rooms, the average size of which was 8 feet 3 inches by 7 feet 9 inches, and yet into these rooms were crowded no less than 1,479 inmates. I will also give the results of an examination of 401 scholars at the Field Lane Ragged School, on the 25th of February last. I found that they represented 284 families, of which 178 were occupants of single rooms. Of these I found that in 17 families there were three persons sleeping in a room, in 20 there were four, in 38 five, in 32 six, in 38 seven, in 24 eight, in 8 nine, and in 1 there were ten persons slept. The average rent was 2*s.* 4*d.* a week. I found that 99 families occupied two rooms each, the average number of each family being seven, and the rent 3*s.* 8¼*d.* a week. It is impossible, my Lords, to exaggerate the physical and moral evils that result from this state of things. It is impossible to describe its effect on the population. I would not for the world mention all the details of what I have heard, or even of what I have seen, in these scenes of wretchedness. But there are to be found adults of both sexes living and sleeping in the same room, every social and every domestic necessity being performed there; grown-up sons sleeping with their mothers, brothers and sisters sleeping very often, not in the same apartment only, but in the same bed. My Lords, I am stating that which I know to be the truth, and which is not to be gainsaid, when I state that incestuous crime is frightfully common in various parts of this Metropolis—common to the greatest extent in the range of these courts. Again, as to the effects of all this on health, can anybody doubt that anything can be more prejudicial to the human system than the filthy squalor, the fetid air, and depressing influences of these dwellings? When you ask why so many of the working men betake themselves to the ale-house and the gin-palace the answer lies in the detestable state of their homes. You cannot expect a man of even some strength of principle and affection to bind himself for a whole evening to such a filthy apartment and vitiated atmosphere. Even if he has any turn for literary pursuits or mental improvement it is impossible for him to carry it out in such a miserable den. Nor does the depressing influence stop there. These men are driven to the gin-palace to seek excitement and sustain their sinking nature; and I have had it from hundreds of both women and men that this cause, and this cause alone, has driven them to the use of ardent spirits. The proof of it is that we have now in the model lodging-houses hundreds of families, the fathers and mothers of which were drunkards of the worst kind; but, being now brought into a condition where health of body can be maintained they have entirely given up their beastly habits, and become decent Christians and good members of society. My Lords, I will not now repeat my proposition, however just I may think it, and although I believe it will be the principle eventually laid down by Parliament—namely, that those who gain the whole profit should bear some measure of the loss inflicted by these displacements of the working population. But I must protest against any further sanction being given to those wild schemes by which large numbers of these poor people are turned out of their abodes, and sent into the overcrowded tenements in all directions, and yet the projectors never complete the work they have undertaken. Last year I protested against part of the open space at Smithfield being taken; and yet a considerable part of it has been taken for the purpose of being covered, and the people shut out from the advantages of purer air. A proposition has also been made to take away part of Lincoln's Inn Fields. A greater act of cruelty, and I may say of tyranny, towards the working classes could not be conceived. Serious evils result from the juvenile population having no places for recreation. Poor children having no other ground accessible to them, trundle their hoops and play at "cat" in the thoroughfares, sometimes to the inconvenience of the passers-by; and I learn that recently no fewer than fifteen young boys were sent to Coldbath Fields Prison for no other offence than indulging in these amusements. I am myself very glad that these children do thus play at "cat," and trundle their hoops, and annoy the public; for it will make the public look to the cause of the evil, and do what they can to remove it. But a prison is the very worst school in the world for these young boys, and it is a cruelty to them that they should not have some means of innocent enjoyment. It has been said, my Lords, that suburban villages might be provided for the working classes, and I have had various plans placed before me. There are, doubtless, great difficulties in the way, and the very greatest is offered by the people themselves; because suburban villages would produce the separation of the working classes from the scenes of their labour. The labouring man must live near the scene of his work. When I consulted the working men themselves on the subject I found them much more ready to go to a distance from London than their wives, the managers of their households. I have not heard one woman speak in favour of the suggestion. They one and all said that such a removal from London would break up their connections and deprive them of the 3*s*. or 4*s*. a week they are now enabled to earn; while in these villages, the inhabitants being all of the same degree of life, they would not be likely there to obtain those little jobs by which they now eke out their husbands' wages. All these are points of great importance to the interests of the labouring man and his family, and require to be carefully considered. For myself, my Lords, I am surprised at the calm and orderly manner in which the people submit to these privations, and to what they must regard as great acts of oppression. There is one other point which I must mention. Your Lordships may depend upon it that seven-tenths of the pauperism of this country arise from habits of intoxication and the recklessness and extravagance they engender. The experience of the late severe frost brought this truth to light in the most unmistakeable manner. I am quite certain that a very large proportion of those who appeared at the police offices, and pressed on the various institutions for dispensing the bounty of the public were persons who ought not to have been in so destitute a condition, who were brought into it by their own fault, and who, having been in the receipt for years of wages amounting to 30*s*., 35*s*., and even more per week, might, but for their drunken habits, have easily laid by something for an evil day. No doubt there will always be many persons who will give way to intemperance; but I am sure that if you improve the domiciliary condition of the people, and enable them to live in decency, health, and comfort, by removing them from the contaminating influences, socially, morally, and physically, to which they are now subject, you will reach the root of the evil, and do far more good than by any improved administration of the Poor Law, or by any appliances of private benevolence: because you will help the working man to maintain his own cause, stand up for his own rights, and support his own family without being a pensioner on the public. The poverty of this country is not a necessary and inevitable poverty. The wages of labour and the amount of work to be had are such that, if the people were only sober, thrifty, and careful, they might be the most happy and comfortable people on the face of the earth. Nine-tenths of our poverty, misery, and crime are produced by habits of intoxication; and I repeat that I trace those habits, not altogether, but mainly, to the pestilential and ruinous domiciliary condition of the great mass of the population of this Metropolis and the large towns of the country. I am exceedingly glad, therefore, that a great political leader like the noble Earl has taken up this question, for I can now hope that it will receive the attention which it deserves.

THE BISHOP OF LONDON expressed his thanks to the two noble Earls who had just spoken for bringing forward this subject in which the clergy of the Metropolis were greatly interested. And especially he rejoiced that so practical a proposition as the appointment of a Committee of their Lordships had been suggested with regard to it. Their Lordships might perhaps think that the east-end was the part of London which was in the most piteous condition, as being inhabited entirely by the poor; but he believed that nearer their own doors would be found poverty more squalid and miserable than any existing at the east-end of the Metropolis, and that arising from the very cause to which their attention was now called. He was informed by a clergyman interested in the spiritual welfare of St. John's parish, in the very neighbourhood where they were now sitting, that when Victoria Street was formed 5,000 persons were displaced in his parish, one-fourth of whom took refuge in the overcrowded districts on the other side of the river, while the others found shelter within his own parish; so that, as a general rule, every house before inhabited by one family came to be inhabited by three or four. Their Lordships had that night heard no exaggerated account of the miseries which ensued from this state of things. When the Blackwall Railway Bill was brought before the House of Commons' Committee it was felt that the case called for some particular action; and the particular action taken was this—the gentleman who was proprietor of the houses to be pulled down, being a man who fully answered to the responsibilities of his position—a man who was not contented to receive the rents of such miserable houses without attending to the wants of the people, who kept a medical man to attend to their health, and a missionary to look after their spiritual wants—was heard before the Committee, and the Committee resolved that without his consent the houses should not be pulled down. He believed this subject had only to be extensively ventilated and the owners of property would understand what was required of them in relation to it. The poor could not attend themselves before railway committees; they must trust in being represented by the owners of property: and these persons, when their attention was drawn to the subject, though they might gain some money by the exchange, would not be so ready to accept what would lead to the utter ruin of their tenants, and the example of the gentleman examined before the Blackwall Railway Committee would be imitated by other proprietors. The metropolitan clergy, he had stated, were very much interested in this matter. In the case of the clergyman who had signed one of the petitions which had been presented to their Lordships, as a matter of fact, his private and personal interest would probably have been promoted by the proposal to remove a large portion of his parishioners. They had heard what his parish now was; it certainly would not be in a worse condition. Last year this gentleman came to him (the Bishop of London), and said the whole parish, church and all, was to be swept away by the railway, and he might have contented himself, receiving a compensation, and enjoying a sinecure instead of a laborious parish. But he was thankful that the clergy of the Metropolis had more regard for the welfare of their flocks than for their own convenience. He trusted, as this matter had been brought before the public, the proprietors of houses as well as the clergy would see what their duty was in relation to it. He could not doubt that the particular proposal which had been made of a Committee to inquire into the subject would, if adopted, have great effect in remedying the evil complained of.

Earl GRANVILLE: This is a subject, my Lords, most interesting in itself, and it has been treated in a most interesting manner by the two noble Earls and the right rev. Prelate who have spoken upon it. I will myself take the opportunity of alluding to one or more points raised by the noble Earl who has introduced the subject. As far as my recollection goes I think the first point touched upon by the noble Earl was the number of railway Bills, including the Metropolitan Railway, awaiting the consideration of this and the other House of Parliament; the second question touched upon was as to one of these railways and the Finsbury terminus; and, lastly, there was the great evil of the displacement of labourers connected with all those improvements in the Metropolis by the railway works being carried on. With regard to the first point, the statement made by the noble Earl as to the enormous mileage of railways over the country, there can be no doubt it is enormous, though in some cases the railways have not been very profitable to their shareholders, chiefly owing to Parliamentary procedure and the conduct of companies themselves; but they have added enormously to the prosperity and welfare of the people. With regard to the mileage embraced in the schemes now before Parliament, which the noble Earl stated at 3,000, it is quite clear that this is a matter which, in the present state of knowledge possessed by the public in relation to the practice of Parliament, might be left very fairly to itself. It must be remembered that when a number of Bills for a certain mileage are promoted a great many of them are rival lines which have no chance of being sanctioned by Parliament. Besides, there is another question which must have its weight—where is the capital to be found for all these railways when the rate of discount at the Bank is 8 per cent? With regard to the Metropolitan Railway, when the noble Earl, carried away by his zeal on another subject, which we all know interests him deeply, describes the devastation produced by railways to be as though an invading army had passed through the land, I would have your Lordships to consider that some of these lines will be of the greatest advantage to the Metropolis. It is impossible to see our overcrowded streets without feeling assured that these railways, if properly constructed, will add enormously, not only to the comfort of the Metropolis, but to the increase of its capital, the fund out of which labour must be paid, and therefore to the welfare of the labouring classes themselves, besides to a large extent increasing the salubrity of the Metropolis itself by opening new lines of communication; and any general increase of the salubrity and sanitary condition of the Metropolis must be acknowledged at least as much to affect the poor as any other class. With regard to the second point, the Finsbury Circus terminus, my first impression would certainly be unfavourable to any scheme which had a tendency to close up any large space of open ground in the Metropolis; and that would no doubt be strengthened by the very able *ex parte* statement of the noble Earl against the particular line. But while the noble Earl was certainly justified in calling attention to a particular line, so that it may be watched when it came before the House, nothing would be so unfair as to come to any judgment on any private Bill without the opportunity of hearing what the promoters have to say in favour of the line. I now come, my Lords, to the third point, and here, in one particular, I entirely agree with every noble Lord who has taken share in this debate—I mean the enormous, the incalculable evil of the poorer class in the Metropolis being so crowded together as has been described, and as we have too much reason to believe, truly described. No one knows better than the noble Earl (the Earl of Shaftesbury) the evil is great, and the remedy is most difficult. The only suggestion the noble Earl who first spoke made on the subject was the appointment of a Committee of Inquiry; he did not offer any remedy for the state of things he described. The difficulties are enormous. Palliatives may be applied; but when you come to deal with the Metropolis, containing a population of 2,500,000, it is almost impossible to apply palliatives. There are the model lodging-houses, and we all know the Metropolitan Association, which has worked so beneficially in this direction. I remember reading an eloquent speech of the noble Earl (the Earl of Shaftesbury), in which, with reference to this subject, he made a most touching appeal to charity. He said it was useless to go to the capitalist, and the work must be done by charity alone. A great many of your Lordships are shareholders—I am myself one—in the Metropolitan Association for Improving the Dwellings of the Poor. We receive 2 per cent for our money. It is more than we expected; but it is not an amount which would induce capitalists to regard it as a profitable investment; and when you come to deal with this great question, the failure of sufficient interest for your money has an important bearing on the case. I was so much impressed with the importance of this matter that I consulted one of the great contractors as to whether it was not possible by an association of the more influential parties, embracing men of great capital, to give that sort of interest which would tempt to speculations of this sort; but with great regret, after considering the subject in all its bearings, he confessed to me that it would be perfectly fruitless. Another objection to such a scheme is that a great part of the people who go to such places to live are persons who can afford to pay for the better kind of lodgings. Even in the model-lodging houses a great many of the tenements are taken by persons whose means are above them, and are not that class of destitute persons who are huddled up in small rooms, and for whose relief these buildings were intended. The difficulty of dealing with the matter, therefore, I say, is very great. But it may be said if the evil exists why do you aggravate it by making new railways? In the first place, I would call your Lordships' attention to the fact that a great many of these metropolitan railways are underground railways which go under several miles, taking only one house for a station, where, therefore, you will have the *minimum* of interference? They cannot, therefore, be compared with the above ground railways in the amount of destruction committed; nor by any means with some of the recent improvements by making large streets, which, without any compensation whatever destroy great numbers of small houses. As to the practical part of the question, it is clear, I think, that the the very fact that the Standing Order to which the noble Earl referred has been moved year after year, and that the evil still exists, is a proof that it has been ineffectual, and that the railway companies cannot build houses as substitutes for those which they destroy. I understand that the promoters of some of the metropolitan railways now before Parliament propose, not that the companies themselves shall become householders, or land jobbers, but that they shall be bound to run a certain number of trains a day to carry the labouring population to the outskirts of the Metropolis at very cheap fares. As the rents in the suburbs are lower than in the midst of the City, the working classes would thus be enabled to procure accommodation on much the same terms as they now pay. While the charwomen and others engaged in certain occupations would find it necessary to remain in the towns, a larger area would be thrown open to the bulk of the working people. It must not be forgotten also, that many of the streets and alleys which are threatened with destruction are so disreputable, and seem to possess such an irresistible attraction for the dissolute and criminal classes that, as long as they exist, there is no hope of their ceasing to be the haunts of vice. I am not sure, therefore, that you are not doing a positive act of kindness to the poor in removing the worst description of these houses. I will not prolong this discussion further. I am quite sure that nothing can be more useful than that the subject should be ventilated; and, I trust, that the right rev. Prelate's expectation may be fulfilled, and that the landowners of the Metropolis may be led by what has been said to-night to look after the condition of their more helpless tenants. I doubt, however, whether any great advantage would be derived from the appointment of a Committee. The subject will necessarily come under the consideration of the Private Bill Committees to whom the various schemes will be remitted, and if a Select Committee on the general question were also to be appointed it would lead to a double investigation of the same matter, and to the examination of parties twice instead of once. I would suggest that the Railway Bills should be grouped in such a way that all those which involve this question should be sent to the same Committee, who would give these details a careful consideration. But if the noble Earl should think it right to propose the appointment of a General Committee, I am sure your Lordships will give to the Motion that attention which any proposal proceeding from so high an authority would deserve.

EARL GREY said, he entirely approved the suggestion of his noble Friend that the new railways should be made the means of affording relief to the labouring classes in regard to house accommodation. The noble Earl who introduced the subject (the Earl of Derby) had pointed out the great difficulties which arose from displacing the working classes from their present homes, but he had not been convinced that those difficulties could not be met. At all events he was certain that they were not in a situation to pronounce one sweeping condemnation of every scheme which involved a displacement of the houses occupied by the labouring classes. He could not conceal the disappointment he felt when his noble Friend who represented the Government in that House declared himself unable to suggest any mode of avoiding the dangers which were so forcibly indicated by the noble Earl. The more they considered the subject the more they must feel that the question of metropolitan railways demanded the most anxious and careful consideration. It was a question which ought to be dealt with upon some distinct and comprehensive principle. The extract which the noble Earl read from the Report of the Committee which sat some years back must carry with it complete conviction to the mind of every man who was capable of comprehending the question. It was most unsatisfactory to learn that, while the evil was so pressing, the Government had no remedy to suggest, and were willing to throw that great question loose to the consideration of one or perhaps two or three ordinary railway Committees, who would be ignorant of each other's views. A question of so much difficulty and importance could not be dealt with in that way. It had been stated that those who were most interested in the matter would not be able to appear as parties before an ordinary railway Committee. The truth was that the existing machinery for dealing with the whole subject of railway legislation was altogether insufficient to meet the difficulties of the case. The existing arrangements ought to be reviewed, and some better plan than the present must be devised. He could not but believe that, whatever evil might arise from delaying the metropolitan railway Bills for another year, it would be infinitely less than would be produced by passing a hasty decision on the question, and permitting a certain number of lines to be constructed, which might afterwards turn out to be inconsistent with a general scheme of a matured and well-arranged character. He hoped the Government would not allow this subject to remain in its present unsatisfactory position. To the Government they had a right to look to solve the difficulty. They knew the number and character of the works to be proposed before Parliament met, and it was their duty to have considered the subject, and to have been provided with some remedy for a difficulty which was so apparent.

The Marquess of BATH said, he thought that the whole of their present machinery for dealing with these questions was inadequate to meet the requirements of this case; inasmuch as a Select Committee of inquiry into a railway project could not hear any parties whose property it would not affect. He believed that the people living in the neighbourhood of Finsbury Circus, for instance, would have no *locus standi* before a Committee appointed to consider the proposal for constructing a railway terminus at that point. He would suggest to their Lordships that the petitions which had been presented by his noble Friend should be referred to the Select Committees that were to take those schemes into their consideration, with an instruction from the House that each Committee should inquire how far the proposed lines would affect the interests of persons who occupied houses in their neigbourhood. He believed their Lordships need not waste much sympathy upon the promoters of those undertakings. They were got up in many cases between an attorney and an engineer, who, after creating a company tried to make the best terms they could for disposing of the project to some large railway company already in full operation, those two officials being thus enabled to obtain the fees which formed the great object of their labours.

Lord REDESDALE said, the simple fact was that it was utterly impossible that the railway system of the country could be properly controlled unless they had a Railway Board. He had said so over and over again for years whenever the question had been mooted. But the railway companies did not like the idea, and the Government were indisposed to take it up, and so nothing was done in the matter. It was very true, as the noble Earl had said, that the Government knew before Parliament met what schemes were to be brought forward; but before they could move in the matter the preliminary steps had been taken and expenses incurred by the promoters. If they wished to deal properly with the whole question they ought to establish a Board to which the promoters of any scheme should be required to submit it, in order that it might be decided whether it was fit to be laid before Parliament; they could thus interfere for the purpose of delaying or rejecting a scheme at the moment when their interference could be really effectual. If a certain amount of discretion were vested in a Government Board, at least as far as metropolitan Bills were concerned, he could not see that it would do any harm, and believed it would do a great deal of good. What the noble Marquess (the Marquess of Bath) had said as to the origin of such schemes was true in a great many cases. A number of attorneys, engineers, and, above all, a contractor got up a scheme of a railway between them, and, whether it was received or rejected by Parliament, in one way or another these persons managed to make their profit out of it. But if such schemes were referred to a Government Board they would discover whether they were supported only by a few professional men, or by the people in the neighbourhood of the proposed lines. In his opinion no parties would gain more from the appointment of such a Board than the existing railway companies who were often placed in an unfair position when they were asked to subscribe to branch lines proposed by parties who could not raise, and had no prospect of raising, a third part of the means necessary to complete them. Powers were then inserted by which existing companies were to be at liberty to subscribe large sums, and who were unable to refuse their requests in consequence of pressure that could be brought to bear upon them. Those companies were all more or less connected with engineers and contractors, and a great pressure was put upon them to make them undertake very injurious expenditure. With regard to these metropolitan railways he was unable to suggest any means of meeting the case which had that evening been submitted to the notice of their Lordships, simply because there was no proper machinery for dealing with them. The Finsbury Circus speculation was just as if persons had proposed to take Grosvenor Square for a railway terminus, and had got up the scheme, not because the Great Western or the North Western had expressed any desire to have a station in Grosvenor Square, but because the promoters thought they should find their interest in obtaining for it Parliamentary sanction. The Finsbury Circus Company had made no return of any houses of the labouring poor being displaced, and he believed that in the locality the houses were of a good character. The Metropolitan Railway extension from Smithfield to Finsbury Circus returned that it would displace 1,100 labouring poor by destroying 172 houses; but by the return of the clergyman of one of the parishes the displacement would be very much greater. He supposed that the returns were either carelessly taken, or it was very difficult to calculate what number of persons came under the denomination of labourers. By the returns received from those lines which were now being carried out immediately within the Metropolis it appeared that 880 such houses would be destroyed, and 3,882 of the labouring classes displaced. There were six other railways within the metropolitan district which made no return with respect to the demolition of any houses; yet, he supposed, it would be impossible to run a railway into any part of the Metropolis which would not be attended by that effect. He did not think it desirable to refer all the metropolitan lines to one Committee. The Charing Cross line and the Finsbury Circus line served districts totally different; and the effect of referring the whole of the lines to one Committee would be that the Committee would inquire very carefully into the first or second; but, then, being uncommonly tired they would pay very little attention to the other schemes. As far as the mere consideration of the Bills was concerned they had better be divided into groups, and referred to separate Committees. At the same time the whole subject of the accommodation of the public by metropolitan railways required grave consideration, and, except that objection might be taken by the promoters, he saw no very great harm in deferring the consideration of the schemes for a year or two, as had been suggested, when they might be in possession of some report upon the subject. He believed there was a great deal of sense in the recommendation of the Committee referred to by the noble Earl that Parliament should not sanction anything like a general central terminus. The railway, which had, at first, been much ridiculed — the Underground Railway, with stations at different points — was likely to afford considerable accommodation by bringing persons to the termini of the great lines where the trains were made up, and was far better than a central terminus which would bring all the passengers going into the country to one point, and that point in the centre of the Metropolis. The existing companies showed great rivalry in metropolitan extensions, and, instead of benefiting, he believed they would ruin themselves. He believed that if they asked the South Western they would find that they had never made a shilling by extending their line to their Waterloo Station. He believed that the Charing Cross Railway would not add materially to the profits of the South Eastern Company. He believed, indeed, that enormous expenditure on metropolitan extensions was hardly ever repaid, and, although it was desirable for the public advantage that there should be a great number of central stations, he preferred that people should be taken from the central districts to stations outside London rather than that the railways should be brought into the centre of the Metropolis. How could several Committees deal with the whole question? One Committee might come to a sound conclusion and reject a Bill; but another Committee, wanting the same discretion, might by a bare majority sanction a less desirable line. It was not fair, perhaps, but it was a necessary consequence of the system; whereas a Board must act upon some uniform and comprehensive system. If the subject were really of the importance which noble Lords attributed to it, he hoped that they would at last adopt what he had from the first advocated — namely, a Railway Board of some kind, in whom the public would have confidence and which would, at all events, be responsible for the decisions it pronounced.

Lord STANLEY of ALDERLEY said, that with regard to the proposition to suspend all the schemes now in Parliament until the whole subject had been considered they ought to remember the present position of the metropolitan railways. The ground was almost entirely occupied. Some of these lines were already in the course of construction, and in others the Bills sanctioning the undertakings had passed through Parliament. For instance, the Company for making a subterranean line from Paddington to Farringdon Market had obtained their Bill, and the works would be completed this year. Another metropolitan railway was open almost close to their Lordships' doors — in Victoria Street. The line to Charing Cross was sanctioned, and the works were in progress. There was, in truth, very little remaining to be done in dealing with the general question, and it would be very hard on parties who had incurred great expense in preparing Bills for the extension of useful lines if their schemes were postponed until that House had declared its opinion on a subject which, in its main features, was concluded by what had been already sanctioned. He deprecated as much as any one the inconvenience which it was urged must result from displacing large numbers of the working classes; but, in the first place, he had to observe that the subterranean railways affected the dwellings of the poor less than any other town improvement, and were productive of the greatest public benefits, while at the same time they did not destroy as many houses as any of the great streets which were being made through some of the most abominable and worst parts of the town. There were two other great schemes in contemplation which would displace ten times as many houses as all the railways—the scheme for erecting new courts of law between Lincoln's Inn and the Strand, and the scheme for a great metropolitan hotel in Holywell Street; and surely their Lordships were not prepared to say that they would suspend every great plan for the improvement of the Metropolis which might displace any of the poorer classes and drive them to seek fresh homes. If they waited until they had devised a remedy for that, the town would remain unimproved to the end of the chapter. Not one of their Lordships—not even the noble Earl (the Earl of Shaftesbury) who had given so much time and attention to the subject—had suggested a remedy, and at present he saw no possibility of a remedy. Though there might be some advantage in appointing an independent Committee to consider the whole subject and to endeavour to devise a remedy which might be applied in future contingencies, he strongly deprecated the appointment of any Committee which would have the effect of suspending the great operation of existing railways, or the progress of the Bills now before their Lordships' House.

The LORD CHANCELLOR rose, to correct a mistake into which the noble Earl below (the Earl of Shaftesbury) had fallen. No proposal had been made to close up Lincoln's Inn and build new courts of law on the space. Such a scheme he should deprecate most strongly. What was proposed was to build them on the area between Lincoln's Inn and the Strand.

Petitions *ordered* to lie on the table.

House adjourned at a quarter to Eight o'clock 'till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 28, 1861.

Minutes.] Public Bills.—1° Labourer's Cottages.
2° Inclosure; Marriages Validity.
3° Bank of England Payments.

CONVICT ESTABLISHMENT AT BERMUDA.—QUESTION.

Lord NAAS said, he wished to ask the Under Secretary of State for the Colonies, Whether any alteration has taken place in the treatment of the Convicts at Bermuda; whether the hulks are still used; and whether there is any truth in the report that a Mutiny has lately occurred among the Convicts at that establishment?

Mr. CHICHESTER FORTESCUE said, no change that he was aware of had taken place in the treatment of the convicts at Bermuda. With respect to the hulks one was not now used owing to the reduction in the number of convicts, but the other was still required, as there was not sufficient prison accommodation for the convicts on shore. No report of anything in the nature of a mutiny had reached the Colonial Office. With regard to the latter part of the noble Lord's inquiry, it would be seen by papers which had been laid upon the table last Session that there was great reason to doubt the accuracy of the statements made by the chaplains—statements, no doubt, well intended, but greatly exaggerated, and derived from information, in many cases not true, given by the men themselves. An intention had been entertained of sending out a special Commissioner, but a vacancy having occurred in the Governorship of Bermuda advantage had been taken of this opportunity to appoint a gentleman who was himself a military engineer, and whose ability was well-known at the Colonial Office, and from him the Government expected to receive at no very distant day a full report of all the circumstances.

GRAND JURIES (IRELAND).

QUESTION.

Mr. SULLIVAN said, he would beg to ask the Chief Secretary for Ireland, Whether it is the intention of Her Majesty's Government to introduce this Session any measure for the alteration and amendment of the Grand Jury Laws of Ireland?

Mr. CARDWELL said, it was not his intention to introduce any measure on the subject in the present Session.

THE RED RIVER TERRITORY.

QUESTION.

Sir LAWRENCE PALK said, he wished to ask the hon. Gentleman, the Under Secretary of State for the Colonies, Whether any steps have been taken by Her Majesty's Government to open the territory on the Red River and the Saskatchewan, in British North America, to Colonization, in pursuance of the recommendation of the Select Committee of 1857?

Mr. CHICHESTER FORTESCUE said, he was afraid it would not be found quite so easy a matter to open those regions to colonization as the question of the hon. Baronet seemed to imply. The first proceeding must of necessity be to transfer certain portions of those countries from the rules of the Hudson's Bay Company to the Government of Her Majesty. A Bill had been prepared for this purpose, but before it could be brought in it would be necessary that the negotiations with the Company, which involved many points of a difficult character and included important questions of compensation, should be brought to a close. He hoped, however, that his noble Friend at the head of the Colonial Office would be able to introduce a Bill on the subject in the course of the present Session.

THE UNIVERSITY OF DURHAM.

QUESTION.

Mr. FENWICK said, he would beg to ask the Secretary of State for the Home Department, Whether the attention of Her Majesty's Government has been turned to the Endowments in the hands of the University of Durham, and the educational results shown by a Return recently presented to this House, and whether it is intended to take any steps in consequence?

Mr. CLIVE said, that his right hon. Friend the Home Secretary had had his attention directed to the subject, and he (Mr. Clive) believed it was under consideration at present with a view to some steps being taken with regard to the matter. What those steps were he could not say; but he would request the hon. Member to repeat his Question to-morrow, when the Home Secretary would be in the House.

DEFICIENCY OF THE HARVEST.

Order for Committee of Supply read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Mr. CAIRD said, he rose pursuant to notice, to call the attention of the House to the serious deficiency of the late harvest, and the consequent necessity for increased economy in the public expenditure. He was aware that, in taking that course, he was assuming considerable responsibility; but as the question had not been touched upon either in the Speech from the Throne or in the observations which fell from Ministers or the leaders of Opposition, he felt it a public duty to bring the matter under the notice of the House. It would be necessary for him to give a short history of the weather during the last season, and its effects upon the harvest. In October, 1859, we were visited by an early frost more severe, probably, than any in the memory of persons now living. This not only prevented a large breadth of wheat from being sown, but its effects were felt in the almost total destruction of some of the green fodder crops. It was followed by a severe winter, which caused great suffering to the stock farmers; and the cold wet spring which ensued put them to enormous expense in buying fodder and carrying their stock forward to grass. A cold wet summer followed the cold spring, and though there were heavy crops of grass, little progress could be made in getting them in, and very few crops were well saved. The same unpropitious weather continued during the harvest, and, for thirty-five out of the forty days preceding the end of August rain fell, and the temperature was thirteen degrees below what it had been in the previous season. The few intervals of sunshine did not admit of the crops being harvested to any extent, except in the finest and earliest parts of the country, and in some of the later counties—Derbyshire, Staffordshire, Northumberland, and elsewhere—part of the crops remained in the field as late as January. The scarcity in the corn crop was aggravated by a failure in the potato crop, which, although not of as much importance in this country as in Ireland, nevertheless involved an increased demand for corn. He was sorry to say that the prospects of a future harvest were, likewise, seriously affected by the unpropitious weather which had lasted through the autumn seed time, and had rendered it impossible that they could hope, even at the best, for more than an average crop this year. The House would not be surprised to hear that the result of so much bad weather had been highly disastrous. No reliable data existed as to the breadth of corn sowed, and all that they could hope to do was, therefore, to form an approximate estimate. He had frequently pressed on the House the advantage of procuring returns of the acreage of the crops, and the advantage of such a system must now be evident. No objection would be offered by the great body of the tenant farmers, and the returns could be obtained at a very small expense. They had, however, no accurate data of that kind with regard to England. With regard to Ireland they had; and from them it appeared that the wheat crop in that country had declined in extent one-sixth as compared with what it was in 1857. He did not know nor did he think that there was a diminution to the same extent in England; but, though they had no accurate statistics to guide them in respect to the extent of the crop, they did possess some facts which enabled them to form an opinion as to the yield. During many years observation he had found the Board of Trade returns to afford good comparative data of the yield. He had examined those returns from the various market towns; and, taking the five months from the 1st of September to the 1st of February for the last five years, he found that the returns for the last year showed a deficiency of no less than 36 per cent from the average. Besides the Returns taken by the Board of Trade, very praiseworthy efforts were made by newspapers to supply the public with authentic data. *The Agricultural Gazette* had done much in that way, and as a result of its inquiries made an estimate in August which was subsequently confirmed by a Return published in February in *The Mark Lane Express*. He found that out of 313 Returns regarding the wheat crop, more than three-fourths represented that there was a deficiency varying from 20 to 60 per cent below an average crop. There was a similar deficiency in potatoes. He had made private inquiries of eminent agriculturists in various parts of the country, and had received full corroboration of the facts which he had now laid before the House. Other evidence also confirmed these facts. The returns of railways, running through corn-producing counties, did so. The Great Northern Company complained that, for the last six months, there had been a falling off in the traffic in consequence of the deficiency; the Eastern Counties repeated the same tale, and the North Western had suffered from the same cause. With all these facts before him, he came to the conclusion that, estimating both quantity and quality —for there was even a greater deficiency in quality—the yield of corn at the last wheat harvest would prove at least one-third deficient. In Scotland, he was happy to say, things would be very different. The wheat harvest there had been favourable; but hon. Gentlemen would understand how little that told on the general consumption of the country when he stated that the entire wheat yield of Scotland would not supply more than ten days' consumption for the whole country. From Ireland the accounts were conflicting. It appeared that in the earlier districts there was an average, but that, in the later, the results had been as disastrous as in England. But the best proof of the deficiency of our own crops would be found in the consumption of foreign corn. He had obtained from the Custom House the comparative returns of imports during the last five years. From these he found that, for the five years preceding last year, the imports of wheat and flour, during the six months from August to February, were on the average 2,438,000 quarters, while for the six months from August to February last they were 5,627,000 quarters, or more than double the average of the preceding five years, and more in those six months than in any one whole year, except the year 1853. Such had been the beneficent results of free trade. While there was famine in our fields there was none among our people. He believed that we had just reaped the worst crop since 1846-47, the time of the failure of the potato crop. He would say a few words on the result of previous deficient harvests. In 1828, 1829, and 1830 there were three consecutive deficient crops, which were not—as was very much the case with the present deficiency —confined to this country, but extended over Europe. These were followed by the French and Belgian revolutions, and in this country the great agitation for the Reform Bill. From 1836 to 1841 there were six partially deficient crops. In 1839 there were large imports and severe pressure, and discounts rose. In 1845, 1846, and 1847 there were bad crops, with the potato famine in Ireland. There were many failures in 1847, and high rates of discount; and the second French revolution and disturbances in all parts of the Continent took place in the following year. They then came to the period when free trade was in operation. The first deficient harvest after 1848 was in 1853. It was a deficiency of 29 per cent, as tested by the corn returns of the Board of Trade. That of the present year he took, by the same test, at 36 per cent; but the deficient harvest of 1853 was followed by a magnificent harvest in 1854, and there was no monetary pressure of any serious character, and no disaster occurred in the country. They now came to 1860, which appeared to be the worst crop we had had since free trade; and, unlike 1853, we had not only a bad crop, but a bad crop following a series of years of great public expenditure, while the deficient crop of 1853 followed a series of years in which there was only a very moderate expenditure. Mr. Porter, in his work on the *Progress of the Nation,* calculated that during the first fifty years of the present century this country did not on an average receive more than three weeks' consumption of foreign corn in each year. In the present year it would probably receive not less than six months' consumption for the whole population. The demand for meat and wool had naturally turned the attention of the farmers more to that branch of their business. Accompanying that there had been a gradual rise in the rate of agricultural wages throughout the country. Both tended to diminish the breadth of corn. The consequence of this had been that within the last six months we had imported more foreign grain than we had done in the ten years between 1820 and 1830. We had the satisfaction of knowing that, while there had been a shortcoming in this country, there had been a good crop on the Continent of Europe, and a superabundant crop in the United States of America; so that the people of this country had no reason to fear that bread would get either excessively dear or scarce. During the six months that elapsed between August and January, 1859, our imports of corn from America amounted to 148,000 quarters; for the corresponding six months of the last and present year our imports were 2,195,000 quarters, for which we paid nearly twenty times as much as the American corn cost us in the previous year. From Russia and France the imports of corn were also large. Altogether, and looking to the increased prices, we had already paid for our imports of corn of this year an excess of £12,200,000 over last year. In making these large imports of grain we had necessarily incurred a great expense, and the increase in the price of bread to the people of this country had been very considerable. If we assumed, which he thought we might fairly do, that the wheat consumed in this country amounted to 20,000,000 quarters annually, it was obvious that 1*s.* a quarter on that quantity, when the price rose or fell, amounted to £1,000,000. We had, during the last six months to pay 14*s.* a quarter more than in the preceding year, so that the cost to the country was thus an increase of £14,000,000. In the last deficient year, 1853, the crops were one-fourth better than this year, and there was then no severe pressure of expenditure upon the country. But now, with a much worse crop, with an increased population, with money at 8 per cent, and apprehensions of commercial distress, with our trade with America interrupted, the pressure upon us would prove much greater than in 1853. In these circumstances the Army and Navy Estimates had been laid before the House. The reductions in these Estimates were very small and did not in any degree correspond to the great loss we had sustained in our resources from the causes he had stated. The circumstances of the country this year were very different from the last. Then there was great uneasiness on the Continent, and we were engaged in a war with China, the expense of which could not be computed. There was now less apprehension of the peace of Europe being disturbed, we had security at home, and the war with China had been brought to a close. In those circumstances, he thought there ought to be a far greater reduction in the expenditure of the country, and he trusted the House would not consent to pass one item of expenditure that was not strictly demanded by the necessity of the country.

AFFAIRS OF SYRIA.—QUESTION.

MR. SEYMOUR FITZGERALD said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has received any information as to a Note said to have been presented by Prince Labanoff to the Minister for Foreign Affairs at Constantinople, commenting on the Report made by the Grand Vizier to the Sultan of the result of his inquiries into the complaints of the Christian subjects of the Porte; whether that Note has received the support of the French Minister; and whether the subject of that Note, and the demands it contains, are to be brought under the notice of the Conference at Paris? He did not desire to detain the House long upon the subject of his notice, but it involved a question of so much importance that he hoped he might be allowed to make a few remarks. His hon. Friend the Member for Ayrshire (Sir James Fergusson) had put upon the paper a notice in respect to a kindred subject, and he would rather have followed his hon. Friend, as no one was better qualified than he was to address the House on the subject. But as that was not possible according to the rules of the House, he would put the question of which he had given notice to the noble Lord. Before referring, however, to the circumstances that had made it desirable to give this notice, he would venture to call to the memory of the House and of the noble Lord an incident of great gravity that occurred not long ago, but which, in his opinion, threw no dubious light on the policy of certain foreign Governments. Shortly before the present Government came into office an announcement appeared in the public journals, both of this and foreign countries, to the effect that an alliance offensive and defensive had been entered into between the Governments of France and Russia. The importance of this announcement could not be overrated, and such was its gravity felt to be that the funds of this country fell in one day not less than 5 per cent. It was considered by the Government then in power to be their duty to ask for some information with reference to such an announcement from the Government of Russia. The reply of Prince Gortschakoff to the inquiries made produced a great effect at the time, and attracted the particular notice of the right hon. Gentleman the Member for Carlisle. The reply was, that he would not deny that there might be an understanding between the Governments of France and Russia, but all he would undertake to say was, that that understanding contained nothing hostile to the interests of England. He should not have recalled that incident had it not in his mind an important bearing on what since had occurred with respect to Turkish affairs. In the early part of last year he had felt it his duty to call the attention of the noble Lord (Lord John Russell) to a circular addressed by Prince Gortschakoff to the representatives of Russia at the various Courts of Europe. That circular declared that from information possessed by the Russian Government, it appeared that the condition of the Christian population of the European provinces of Turkey was so deplorable, and that they suffered under oppressions so grievous, that it became the duty of the European Powers to interfere; and collectively to call upon the Porte to fulfil the promises obtained after the Crimean war, and from which it had up to that time grossly departed. The importance of that circular could not be overestimated, because it was clear that the Court of Russia still persisted in that policy which had for years exercised such a disturbing effect on Europe, that it was still desirous of putting itself forward as the protector of the Christians in the European provinces of Turkey; and that, notwithstanding the result of the Crimean war, it still pursued what had been its constant policy of interfering actively in the internal affairs of Turkey. The noble Lord did not conceal from the House his sense of the important character of that circular, and he insisted in his remarks on the importance of maintaining the prestige of the Sultan's authority, which he said was menaced by the circular in question. The noble Lord added that, so far as he could learn, the statements of the Russian circular were not accurate; that the Christian subjects of the European provinces of Turkey were not suffering under any exceptional system of oppression; and that, although defects existed in the Turkish system of government, there was no reason for thinking that the condition of the Christian population was such as to call for European interference. The noble Lord applauded the resolution of the Turkish Government to issue a Commission to inquire into the subject. At the head of that Commission was the Grand Vizier, who made a tour through these provinces, and himself inquired into the condition of the Christian population. He satisfied himself that the representations made by the Russian Government were not founded in fact, and the information since received by the noble Lord confirmed the representations of the Grand Vizier. He must now pass from this subject in order to point out how the interference on the part of Russia with the Christian population of Turkey naturally led to discontent and disorder in those provinces. Contemporaneously with the publication of the Russian circular Achmet Pasha was Governor of Damascus and the representative of the Sultan there. He felt it his duty to represent to the Government of the Sultan at Constantinople that, owing to the interference and intrigues of foreign emissaries, so much irritation and uneasy feeling had been caused that it was impossible for him to become responsible for the maintenance of the public peace. He represented that his force was so feeble that, if disorders did occur, it would be impossible to interfere by force of arms, and that if he were unsuccessful the authority of the Sultan would not only be disturbed in the districts of Syria, but also that the prestige of the Sultan's name and authority would be greatly compromised elsewhere. Shortly afterwards, it was announced by the Turkish Government to Achmet Pacha, that in consequence of the circular of Prince Gortschakoff, the tendency to discontent and irritation had so much increased among the European provinces of Turkey, that it was impossible to spare him any reinforcements. Achmet Pacha sent in his resignation, which was accepted, and, at the time of the outbreak of the disturbances, he only held office until the arrival of his successor. He wished the noble Lord to observe, that the very first effect of the interference of Prince Gortschakoff by means of this circular, to which he had called the noble Lord's attention last year, was this—that it rendered it impossible for the Sultan to support his officer even where his authority was menaced; and, therefore, led in no ambiguous degree to the disturbances that had since occurred. At the present time the position of affairs was somewhat altered. For some time the attention of those who were interested in Turkish affairs had been drawn to the approaching termination of the French occupation in Syria. He had already expressed his opinion with respect to that occupation. He believed that by its continuance not only was the peace of Syria endangered, but that a hostile spirit was rapidly growing up between the various sects and creeds in those countries, the result of which it was impossible to foresee. The fanaticism caused by the presence of the French troops would provoke fanaticism on the other side, violence would be met by violence, and it would be impossible to tell where these troubles would stop. From Syria they might spread to Arabia and to further countries in the East, and even to India. The question was, whether a prolongation of the French occupation in Syria were necessary? The Turkish Government denied its necessity, and alleged that they were ready to make themselves responsible for the preservation of the peace in Syria; and, where able, to protect the Christian population. At that very moment, when it would be supposed that the interest of every European power was to support the prestige of the Sultan's name to the very utmost of its authority, the Minister of Russia again came forward with a proposition which the noble Lord himself had described last year as materially interfering with the authority of the Sultan. He impugned the veracity and even the honesty of his highest officer, and at the very moment when it was important that the Sultan's power should be supported the representative of the Russian Government did his best to sap and undermine that authority. Nothing could be further from his object than to say one word which would add to the embarrassment of the noble Lord the Foreign Secretary; he understood and appreciated the difficulty of his position, and delicacy of the case with which he had to deal. He did not wish to raise a discussion on the general question of the occupation; his object was to strengthen the hands of the noble Lord to the utmost, and to urge the necessity of maintaining that course of policy which had been so long advocated by the noble Lord at the head of the Government—namely, that of supporting to the utmost the independence of the Turkish Government at this time. In the most earnest words at his command he would impress upon the noble Lord that by no vacillation at the approaching Conference, by no concessions against his better judgment, should he consent for one moment to the adoption of any steps on the part of the Governments of France and Russia which should promote, in the smallest degree, that policy whch he honestly believed they were at that moment endeavouring to carry out. On that account it was that he desired to put the Question of which he had given notice. He wished to say a few words on another subject before he sat down. When the attention of the noble Lord was called the other night to the case of the unfortunate men who had been lately tried and condemned for their alleged participation in the outrages in Syria, he (Mr. FitzGerald) thought the noble Lord had not given the House satisfactory assurances, and he entreated the noble Lord, in the interests of humanity and justice, to take more decisive steps in their behalf than he seemed up to that moment to have adopted. It was notorious that from the beginning to the end of the outbreak one of them—Said Bey—had done his very utmost to maintain tranquillity, and that hundreds of Christians owed their lives to him. He was tried and on certain evidence condemned to death. On a reperusal of the evidence it was held to be insufficient to justify his sentence, and he was a second time put upon his trial. He was again sentenced to death, yet after that second trial the evidence was not considered sufficient to justify his conviction. The House would scarcely believe that that unfortunate man was at present undergoing a third trial, and he had no doubt that if the British Commissioner retired from Syria that person, who had done so much to protect the Christian subjects of the Porte, would be ruthlessly condemned. In the name of humanity and justice he appealed to the noble Lord to take some prompt steps in this matter, more efficient than those indicated the other night. With respect to the other wider and more important question which he had put, he had already said that he did not desire for one moment to embarrass the noble Lord. All that he urged the noble Lord to do was steadily and earnestly to pursue that policy which so distinguished the present Prime Minister when at the Foreign Office, and he was convinced that the only means of maintaining peace was by arresting, at the very outset, those intrigues which he believed were going on at present against the independence of Turkey.

SIR JAMES FERGUSSON said, he rose to ask the Secretary of State for Foreign Affairs Whether, in the event of the French occupation being prolonged beyond the period fixed by the Convention of July, 1860, Her Majesty's Government are prepared to act upon the right reserved to the other Powers by that Convention of uniting bodies of their troops with those of France in the occupation; and whether Her Majesty's Government are in possession of further information upon the subject, which it will be consistent with the interests of the Public Service to communicate to the House? He hoped the House would not charge him with presumption in again calling its attention to a subject on which he had felt it his duty more than once to address it, but that it would show that tolerance to him on this occasion which it never failed to exhibit towards those who addressed it upon questions of great moment, when they were actuated by sincere convictions. The question was one of great and pressing importance, and he begged to remark that, if the influence of Parliament was to be brought to bear upon it at all, it should be exercised at once and without any delay. The question of the prolongation of the occupation of Syria by France was one which would probably be decided very shortly, if it had not been already decided. The House would recollect that a short time since the country was startled by a rumour that France was preparing to annex certain provinces belonging to her neighbour, questions were asked in that House with a view of ascertaining what information the Government had received in reference to the matter. The Government, in the first place, expressed their ignorance of any such intentions on the part of the French Government, and afterwards deprecated any remonstrances or discussion upon the subject. No discussion consequently took place on the matter, and before Parliament became possessed of accurate information the time had passed by for interference — the annexation of Savoy and Nice had taken place, and the frontiers of Switzerland were destroyed. Now, although the responsibility attaching to Members of that House was such as to induce them to abstain from irritating discussions, or from interfering with the free action of the Government, yet it was equally the duty of Members not to suffer the influence which Parliament had ever exercised on the affairs of the world to be silent upon a matter such as he was about to draw attention to. When the Convention that sat in Paris last summer arranged that an armed occupation of Syria by France should take place, it was stated that that occupation would be only for a limited period. He thought that this country had looked with some jealousy upon that occupation, as an infraction of the principle of that treaty for the support of which so much money and so much blood had been expended. It was, however, hoped that the Government would take every step to prevent that occupation being prolonged. Nevertheless the French press were allowed to advocate the prolongation of the occupation, and the projected adulatory address of the French Senate to the Emperor claimed it as a right for France to protect distressed nationalities, and praised the Emperor's policy in avenging the slaughter of their fellow-Christians. It was evident that unless the other Powers of Europe interfered the occupation of Syria would be prolonged. If so, no one could fortell when it would cease. It behoved them, therefore, at such a crisis of affairs to express themselves in language becoming that House, and to urge upon the Government the duty of interfering to prevent this country from being, by as grave a departure from a just policy as led to the Russian war, again drifted into a conflict, the consequences of which might be more serious than any the world ever saw. It was by vigorous action adopted in time that such evils were prevented. He would beg the House to bear with him while he gave a slight sketch of the circumstances preceding the recent outbreak, as up to the present time they had not looked into the origin of those disasters. It was not because the intrigues which had been going on had not been mentioned that they had been overlooked. For a long time Syria had been exposed more than any other part of the world to the interference of foreigners. A multiplicity of races and religions combined to produce anarchy and discontent. The races differing in their superstitions which occupied the Lebanon had never become united; but from generation to generation they had been engaged in bloody strife. It was most unfortunate that a country so divided should be placed under the authority of a minister so incapable as that of the Turkish Government. It was to be regretted that the weakness of that Government had been taken advantage of by the other Powers to gratify their personal ambition, and to promote their intrigues. The Russian war commenced by the interference of Russia and Turkey in Syria. It was not the sudden incursions of the Druses and Maronites that produced those massacres, as was evident from the contents of the despatches which had been received on the subject. The Foreign Office must have been aware that when the massacre of Jedda broke out there was a feeling of animosity brooding over the whole of the East. The mutiny of the Indian army was connected with the massacre of Jedda. There was a massacre at Aleppo, and at another place. And as it appeared by a despatch received at the Foreign Office it was at that time hourly expected that there would be a fanatic outbreak in the shape of an attack by the Mussulmans on the Christians. That impression was increased by the fall of Delhi. But by the vigorous action of the Government of that day in punishing the leaders in the massacre of Jedda those additional horrors were averted. The letters which he had received from that part of the world expressed gratitude to our Government for having saved the people there from the murder and rapine with which they had been threatened. The energy of our Government had the effect of changing the demeanour of the aggressors from insolence and brutality to that of politeness to the Christians, and subserviency to the European inhabitants of that part of the world. Amongst the Christian population were persons who were possessed of considerable wealth. Documents were in existence to prove that intrigues were fomented in which the Maronite bishops were mixed up—the people were, in fact, entreated to rise up against their superiors. Arms were said to have been forwarded from Beyrout to the extent of 200,000 weapons. He had himself seen a despatch from our consul at Jerusalem, in which he stated that not less than 30,000 weapons had been sent from Jerusalem alone. It was further stated that the Bishop of Sidon was concerned in those matters. That Bishop had been educated in France, and was subsequently introduced into Beyrout by the Consul General of France. At that place he had been for years the active promoter of French intrigue, and his exertions in that respect were rewarded by the gift of a silver sword. He (Sir James Fergusson) was informed by a gentleman of the highest honour and veracity that the vigilance of the Turkish army officials had been eluded by a gross trick. A quantity of arms had been conveyed in coffins, over which the priests had actually read a religious service, in order to carry out the deception. Whilst he (Sir James Fergusson) was there, a civil war took place, which resulted in the feudal lords being driven out of the country. That temporary outbreak ended, the country continued in so bad a state that a fresh outbreak was expected. The conviction in that country, which had never wavered, was that French agency was actively at work stirring up the Maronites to a sense of their dependence upon France, and to an expectation that if they rose upon the Druses their acts would be commended. Finally, last year that contest broke out which had led to such disastrous results. He would not dwell on that subject longer than to show how unjust were proceedings founded upon the idea that the Druses were alone in fault. The noble Lord stated that attacks had been made by the Druses upon the Maronites, and by the Maronites upon the Druses. He did not want to palliate those atrocities. All he said was, it should not be assumed that all the injustice of the case lay with the one side alone. Mr. Grant, in his despatch from Damascus, said that for some time previously in every part of the mountains there were going on preparations for war; and there was in existence a letter addressed to a Maronite bishop, which showed that a plan had been concerted for the destruction of the Druses, and that the war which took place was as much the work of the Maronites as of their opponents. He believed, however, that if the British Government had stationed a small force on the coast no outbreak would have occurred. Much of the evil which had happened was owing to the defective character of the Turkish system of administration. Of late years there had been a succession in Syria of weak and sometimes culpable governors. The troops, moreover, behaved very ill in Damascus and the places of the Lebanon. His hon. Friend the Member for Horsham had stated that the Governor of Damascus was not so culpable as he was alleged to be, inasmuch as he had only a force of 400 men at his command to keep order in a city of more than 10,000 inhabitants. A few years since a conscription was ordered in Syria, and particularly in Damascus. It appeared there was a difficulty in obtaining the proper number of troops, and a peremptory order was issued that the prisons should be opened. That order was acted upon, and all the scoundrels that had been confined in them were drafted into regiments. These men, by a counter order, were brought to Damascus. They were quartered in the towns where the massacres took place, and accompanied the troops in the atrocities that took place after the Druses were victorious over the Maronites. One of the officers against whom the gravest suspicion existed at Baalbec only saved his own life by assisting in the conviction of his superior officer. Again, he was prepared to show that the most scandalous influence was used by the French authorities in all these affairs. Immediately after the signing of the Convention of Paris last summer the French troops sailed to the East—so immediately afterwards, indeed, that preparations for their departure must have been made long before the consent of the European Powers had been obtained. Those preparations were of a very extensive character, out of proportion to the number of troops sent; while the troops themselves were in excess of the 6,000 for which permission was given by the other European Powers. They exceeded the proper number by about 1,500 in the first instance, and reinforcements had since gone to Beyrout. At present the French force in Syria consisted of upwards of 8,000 men—the very flower of the army. It was remarkable that they were told in 1859 that the French army which was sent to Italy was intended for Cochin China. In the same way the army which was sent out last year by France to Syria was said to have been intended as a reinforcement of the army in China. Before their arrival peace had been signed between the Maronites and the Druses; the country had tranquillized itself, and the best policy would have been to let it alone. By the vigorous action of the Turkish Pacha at Damascus, a number of the guilty had been brought to justice, and the pacha was proceeding as rapidly as possible to punish the remainder. Had the French remained at Beyrout to support the Turks, as they were expected to do, they would doubtless have afforded material assistance to the Turkish Government in chastizing the authors of the disturbances; but they advanced into the interior of the country as soon as they could, and their passage through the mountains of the Lebanon was marked by pillage, murders, and atrocities of every kind, committed by the Maronite mob who followed them, and revenged themselves under their protection. He was afraid, moreover, that in many instances the French soldiers were far from being free from blame with respect to some of the vilest atrocities that were perpetrated. The accounts which he had received of the manner in which the French troops had conducted themselves included a number of cases—not doubtful, but well authenticated, guaranteed by British gentlemen, with the names and dates all given with perfect accuracy, which might well stain with disgrace the force under whose auspices they occurred. Out of more than 100 persons who were murdered he would mention a few examples of the barbarities committed. At a little village occupied by the French six individuals, some very young, others very aged, had their throats cut. At another place a child of not more than six years of age, was torn asunder by a man, who was named. At the same place several children, from two to six years of age, were strangled or had their throats cut. These atrocities were committed on the 27th and the 28th of September. At another place, within a short distance of where the French General was sitting at breakfast, a man was barbarously murdered. At another place, near the French head-quarters, a Druse woman was stoned by boys until she fell, and was then beheaded with a sword taken from a French soldier by a Maronite woman who had been cohabiting with the Zouave immediately before. An Englishman standing by told him (Sir James Fergusson) of this fact, and that the woman when first assailed had applied to the French for protection and was refused. In another place a bedridden man was dragged out of his house with many wounds in his body, and when he was found by his (Sir James Fergusson's) informant a ploughshare was sticking in his throat. These were the acts of the Maronites, and many of them took place under the eyes of the French soldiery, who made no efforts to interfere. Such instances as those would, he was sure, plead his excuse for detaining the House. In addition the Maronites were everywhere allowed to uproot the mulberry trees, destroy the villages, and carry off the property of the unfortunate Druses. Moreover, the French exactions, imposed as indemnity for the Maronites, far exceeded anything that the Druses possessed, suffering as they were under a deficient harvest. In some instances these exactions were enforced by French soldiers; while in many others acts of cruelty were only prevented by the interference of the British Commissioner, who had, by his justice and impartiality, earned the honour and respect of every honest man in Syria. The noble Lord said last year that nothing could be more unfortunate than that anything could be done which should destroy or weaken the independence of Turkey; but the conduct of the French commander towards the Turkish troops was likely to produce precisely the effect which the noble Lord deprecated. Not only had he insulted the Government of the Sultan in every way, but he had so acted as to compel the Turkish General, Ismail Pacha, one of the European officers who fortified and defended Kars, to resign his command in disgust. Again and again had the French troops been quartered upon ground already occupied by the Turkish soldiers, and in one instance the French, in defiance of the guards, pillaged a village which was occupied by the Turks. These and other circumstances had compelled General Kmety to retire from his command. The tone adopted by the Druses presented so marked a contrast to the desire of the Maronites for the wholesale slaughter of their enemies that he must beg permission to read a few words of a petition from the former people which had appeared in the newspapers, and which had been forwarded to him from Beyrout. After stating that the two nations—the Druses and Maronites—had long lived together, some times in peace, and at others at war, the petition went on:—

> "At all times, great as is the calamity of war, it is one which happens here below among God's creatures. Even as it has broken out at different times between the great and small Powers of civilized Europe, so, in the course of past times, it has taken place more than once between the two nations of the Druses and the Christians. Each war has been followed by a renewal of peace, of alliance, and of friendship, as will be again the case, we hope, after the late hostilities; for in all the wars which have taken place in the world, no one has ever sought to confound those who have bravely fought as men and soldiers with the criminals who have assassinated or who have acted as brigands. The first are considered as worthy of honour, because of their courage; the latter are deemed worthy of punishment, because of their crimes. In like manner, no one confounds peaceable people, who have not even taken part in the war, with those who have acted either in one category or the other. Thus, one portion of your slaves have taken no part in the last war, and the rest have fought honourably for the defence of their persons, their families, and their hearths."

The criminality, however, was to be fixed upon the Druse chiefs, and, accordingly, a trial took place at Beyrout. These chiefs, he must observe, voluntarily gave themselves up, and went to Beyrout under an assurance from the British Consul General that they should have a fair trial. What sort of a trial they had received he would give the House some little idea. He had seen two gentlemen who were present at the trial, and one of them, Mr. Bourke, told him that this was the manner in which the proceedings were conducted:—If evidence was inconclusive to convict, if it reflected on the Turkish officials, if it was not expressed in language adequately strong, the witness was withdrawn, conversed with, and made to understand that which was required of him, and in some instances had stated diametrically opposite to his original testimony. At Said Bey's trial the prisoner had no assistance; the evidence against him was given in his absence, though he was allowed to peruse it afterwards. The Court was violent against him, and if he cross-examined the answers were omitted or altered. Evidence tending to innocence was omitted. Upon the last case mentioned here he must say one word. It would be a lasting disgrace to this country if the head of Said Bey fell. The despatches which had been laid upon the table showed that his sister had protected 400 or 500 Christians from massacre; before the disturbances broke out he warned the consuls at Beyrout of what was to be expected, and implored that active measures might be taken to prevent them. No man had stronger motives for desiring peace than he did; a rich landed proprietor, he had nothing to gain but everything to lose by violence. Seeing that the testimony against him was, as he was assured, perjured; that Christians who wished to give evidence in his favour had been beaten and ill-used, and that, contrary to all principles of justice, he had, under the eyes of the European commission been placed upon his trial three times at the dictation of the French officers, he said that it was incumbent upon this country, unless it would be shamed before the nations of the East, to interfere for Said Bey's protection. What must decide as to whether the occupation by the French troops should be prolonged was, did the aspect of the country justify their withdrawal? He believed that every day the French troops remained in Syria the prospect of its ultimate pacification became less. Their avowed predilection for the Maronites, their refusal to recognize criminality on any but one side, and their disregard for the principles of justice could not produce other than injurious consequences. The view which their generals took of their mission was very different from that entertained in regard to it by our Government; we were responsible for their deeds, because we were represented by them, and if their stay in Syria was to be prolonged we ought to have troops of our own side by side with them, in order that if we had a common responsibility we might at least be the guardians of our own honour. We had no military commissioner with the French army; our Government had no official connection with that army, nor had the commission which sat at Beyrout, and of which Lord Dufferin was a member, any control over it. The French commander received instructions different from those which were given to the French commissioner at Beyrout; and how, under those circumstances, could we take care that we were not disgraced by an army which acted in our name? If there was danger in weakening Turkey—if Turkey as had been alleged, when interfered with would only break into fragments, how could it be strengthened by insulting the Turkish functionaries, by preventing the Turkish soldiers from pacifying the country, and by committing in the name of justice atrocities which were a disgrace to humanity?

MR. LAYARD said, that he hoped the House would kindly extend to him its indulgence while he addressed a few words to it on the subject. He would in the outset say, that there was so much of the foreign policy of the Government which he believed really represented the feeling of a large majority of the English people that he should be sorry to say anything which might lead them to think that he differed from them with reference to that policy. Moreover, with regard to Turkey, the noble Lord at the head of the Government had always pursued a wise and consistent policy, and one in accordance with English interests, and he, therefore, trusted that he should not be misunderstood in the remarks which he was about to make. The subject, however, was one of such enormous importance that the House ought not to be silent upon it, and he should therefore express himself with frankness in regard to it. He must say that he looked upon the Convention and upon the occupation of Syria as a most disastrous occurrence. He believed it to be disastrous on account of the principles and precedents which it had established; he believed it to be disastrous in the results which it had already produced; and he believed that it would be disastrous in the results which were likely to follow. What were the principles and precedents to which he had referred? The representatives of the great Powers met at Paris and laid down the principle that they could interfere in the affairs of a foreign State, and not only interfere, but occupy a portion of that State with an army. He might be told—and from the observation of the noble Lord (the Secretary of State for Foreign Affairs) he apprehended that that would be the answer—that Turkey was a consenting party. It appeared to him that the consent given by the Turk came under Dr. Johnson's definition of a *congé d'elire*—throwing a man out of a three pair of stairs' window and recommending him to fall soft. It was true the Turk had been to a certain extent a consenting party to the Convention, but he should like to know whether he had not been forced into being a consenting party. He was well acquainted with the eminent Turkish statesman now representing the Ottoman Porte at Paris, and with the opinions which he entertained, and he knew that he, for one, would never freely consent to see his country occupied by a foreign army. Would they have pursued the same policy with regard to a Power not in the same position as Turkey? If so, why did they not go into Austria and occupy Venetia, where he hesitated not to say there existed more cruelty, oppression, and injustice than in any part of Turkey? But mark what a principle the action taken in pursuance of this convention would establish. If one country could interfere in the internal affairs of another, and could occupy that country with its army, why might not another Power be at liberty to do the same? There was a report that Count Orloff had gone to Constantinople—might it not be to act the part of another Menschikoff? For a long time the thunder had been rolling on the Danube; accounts of intrigues had been received, massacres had been reported which had never taken place, and exaggerated accounts had been forwarded of facts in themselves of small importance. What did all this foretell? There was another Power, which might, and which could with great ease bring about disturbances and massacres in portions of the Turkish dominions; and would she not at once say that she had a right to send an army to keep down the outbreaks which the Sultan himself was unable to repress. Bulgaria had a mixed population, and he undertook to say that the agents of Russia could in a very few days get up a movement there. What would be the consequence? Why, Russia would apply to England—as she would have a right to do—and say, "France occupied Syria to put down disturbances, I will now occupy Bulgaria with the same object, and I have a greater right to do so, because Bulgaria is nearer to my frontiers than Syria is to France." Persons expressed surprise at the facility with which Russia consented to the occupation of Syria, but it had never surprised him. On the contrary, it was what he had expected. Russia had no interest in Syria; but she had a strong interest in Bulgaria, and would justify the occupation of it on precisely the same grounds. But in Asia there were also mixed populations. In Armenia there were both a Christian and a Mussulman population; the Patriarch of Armenia at this moment was a Russian subject, and Russia could get up a movement there any day. The result would be, that in a short time they would have a Russian army in Bulgaria, a French army in Syria, and another Russian army in Armenia; and the very thing for which England went to war some years ago, and for which she spent so much blood and treasure, would be filched from her. The plain and simple course when the Convention was proposed would have been to call on Turkey to put down the insurrectionary movement in Syria. She knew at the time that she could put it down. She stated that she could do so, and she proved her ability to do so; because, as they had heard that night, before a French soldier put his foot on the soil of Syria the disturbances had ceased, the massacres were at an end, and a reconciliation had taken place between the Druses and Maronites. He did not blame the noble Lord the Foreign Secretary for the course which he had taken; he had acted under pressure, and he trusted he would be able to show the House that he had protested against the occupation of Syria. But the policy of intervention, whether regarded in its present effects or in its future aspect, was equally disastrous. One element to be eliminated from the discussion was, that portion of the inhabitants of Damascus and other cities, an idle and vagabond population, which professing to act from religious feeling, but more probably animated by motives of plunder, had murdered Christians and sacked houses. He did not care how severely they were dealt with, or how many of them were punished; but the quarrel between the Maronites and Druses stood on a very different footing. A long series of feuds existed between them which broke out last year, as they knew, with deplorable results. In paliation of these he would not say one word; they all remembered too well the heartrending accounts which reached this country. But it had been asked again and again who were the cause of the outbreak? The document read by the hon. Member for Ayrshire (Sir James Fergusson), which was published at the time, showed beyond question with whom the strife originated. In that and other documents the Maronite bishops called upon their flocks to spare neither man, woman, nor child, but to exterminate the whole Druse race. He knew from the best authority that when that proclamation was given to the French papers the French Government refused to allow it to be inserted, although the proclamation was perfectly genuine. These announcements heralded a terrible massacre; but for that the Maronites were the responsible parties, and it was now known that the Druse chiefs expressed their readiness to treat on any terms which might be recommended by the consul, and even to give hostages to the Christians to avoid going to war. What had subsequently taken place? The French, under the Convention, sent an army to Syria. With what object did they go there? It was stated that they went there for the purpose of maintaining the cause of Christianity and of humanity. Was it the way to maintain Christianity to be guilty of most atrocious acts of injustice? If so, then he would say, shame on such Christianity! The statements they had heard from the hon. Gentleman opposite he hoped were not true; at all events they seemed to require some explanation. But they had another remarkable statement, from the highest authority, in "another place," no less a person than the Under Secretary of State for Foreign Affairs. The words of the noble Lord seemed rather doubtful, but they read as if under the sanction, or at any rate with the cognisance of the French army, 150 unoffending Druses had been put to death, among them being 25 women and 86 children. If that were true, and if the French had sanctioned the destruction of the Druse people by the Maronites, then it ought to be distinctly stated that we had no part in such deeds, that English honour was clear, and that our Christian sympathy was better than that. It was now twenty-two years since he first went to Mount Lebanon. At that time the magnificent slope was covered by the most industrious, peaceable, contented, and happy population he had ever seen; every square inch of ground was cultivated like a garden, and where the rock pierced out from the bosom of the mountain, earth had been brought from a great distance and with extreme toil to form a little patch of cultivation. Never had he seen anything to be compared to it. Every traveller who visited the place was lost in astonishment at the beauty of the scenery, and the wealth and tranquillity of its inhabitants. In other parts of Syria travellers met wild Arabs and encountered danger; caravans, too, were sometimes plundered. But in the Lebanon the greatest security existed; the traveller was received everywhere with welcome by a mixed population, at the head of whom was the old Emir Beshir, at whose palace all guests were welcome, and whose house was full of feudal retainers of both creeds, with their horses and arms. The old man's toleration was so great that even his orthodoxy was suspected, for, it was whispered, that whilst outwardly a Druse he kept in his private apartments a Catholic priest who performed for him the services of that faith. Compare with that picture the ruin, the desolation, burnt houses, destroyed villages, a scattered population in a starving state, and the old Emir Beshir murdered, and let it be asked to what causes these horrible results were attributable. To foreign ambition, foreign intrigues, foreign missionaries, foreign consuls, foreign intervention, and foreign protection. Wherever the same causes existed the same results would be found. He trusted that what they had heard of atrocities committed by French troops with the sanction of their officers would be denied.

SIR JAMES FERGUSSON: I beg to explain. I should be sorry that any misapprehension existed about so serious a matter. I did not intend to say that acts of violence were committed by French soldiers; but that on certain occasions they were present, and therefore I thought not free from blame.

MR. LAYARD said, he was glad the matter had been explained. But the hon. Member certainly did say that one of those occurrences took place within fifty yards of General D'Hautpoul's tent. He hoped these charges would be repudiated by the French nation; but it was of no use denying that the state of things which had existed for the last twenty years was mainly owing to French intrigues. France united herself with the Maronites; and eventually England, if she did not ostensibly unite herself with the Druses, no doubt came to be regarded by them as a friend and supporter, as against the French, who were the upholders of the Maronites. He knew to what extent this system had been carried in the East; and he wished the noble Lord the Minister for Foreign Affairs would lay before the House the Reports drawn up by Mr. Alison, a distinguished member of the Diplomatic Service, who had officially visited Syria on more than one occasion. Those Reports had been drawn up before the outbreak of the disturbances, and he ventured to say that anybody reading them must feel that, sooner or later, the massacre which had occurred would sure to take place as a necessary result of those intrigues.

He would next refer to the conduct of the Christians. He should be glad if the ideas entertained by many in England with regard to Christianity in the East were somewhat enlightened. The noble Lord had told the House with how many lives the Christians thought they could be satisfied; they had only required 4,000 out of an entire male population of 8,000, and when beaten down by a kind of Dutch auction, they put their very lowest demand at 1,200; and who was it that had made this request? Why Bishops—those Christian Bishops whom some people were benighted enough to imagine represented the primitive Church; and he had even heard of some deluded persons who had desired to put themselves under their ministry. Let them compare the conduct of the Christians with that of the Druses. He had the honour of being a member of the committee for the distribution of relief to the suffering persons in Syria; and he was glad to say that the committee was founded on most liberal principles. He joined it upon the ground—and would not have been tempted to do so on any other consideration — that the word "Christian" should be struck out of every document connected with it. Their principle was that relief should be given to all without distinction of person — Christians, Jews, Mahomedans — to whoever was suffering. They were a committee for the purposes of humanity, and not of politics. What was the result? The Christians in Syria for the most part, when they heard relief had arrived, left their work and came seeking for assistance; and he was informed, on good authority, that in many cases they had blankets and other objects given to them, which they went round the corner and sold, and then came back for more. He had received from a gentleman in Syria a letter of which he would read the following extract:—

> "The righteous Christians of Damascus are making a trade of the calamity. They give certificates of good offices rendered to Turks who shared in the massacre (who can pay), for a heavy sum, of course; and, on the other hand, they denounce Moslems to whom they owe money—the rope extinguishes the debt. The Russian Consul complains bitterly of a case of the first kind, where 200 signatures testified the innocence of a man who was concerned in the attack on his Consulate."

What had the Druses done? The hon. and gallant Gentleman (Sir James Fergusson) had read their petition. It was a remarkable fact that, while the Christians came down in numbers to seek relief, not a single Druse did so. Noble men! With true fortitude they lived on bread made of acorns, and died one by one sooner than come in and ask for charity. Let the House contrast their conduct with that of the Christians. It was always so. A brave nation was always generous, and possessed of high qualities; and a cowardly nation, bloodthirsty. He believed that nothing could be more disgraceful than the conduct of the Christians in the mountains, and during the trial of those Druses. He was not advocating the cause of the Druses, but when such occurrences as had been described took place, it was the duty of hon. Members to examine matters fairly and impartially; and, viewing all the circumstances, he did not hesitate to assert that it would be to the infamy of this country if the execution of the Druses who had been condemned took place. The effects of the Convention had been disastrous, and so would be its results in future. Further intervention in the way provided by it should be renounced. The Turkish Government did not want a prolongation of the armed intervention in Syria. They might, perhaps, be got to consent to it. But had they not told the European Powers that they did not want it, and that they were able to keep down the disturbing parties in Syria without it? Yet, in opposition to that statement of the Turkish Government, the French were allowed to keep their troops there. What was the logical conclusion from that? Why that the five great Powers assembled in conclave could dispose of any part of the territory of a weak State. That conclusion was a most dangerous one; but it nevertheless logically followed from what was being done in the case of Syria. If the Turkish Government were able to take care of the country, they ought to be allowed to do so; but the French said, "If we leave Syria, the events of last year will again occur there." No doubt they would; but, who would make them occur? Who but the French themselves? Had they not got every bishop and priest in Syria under their thumb? Could they not to-morrow, if they left, get up a rebellion there? Of course they could, and then throw the responsibility on this country, because their troops had been withdrawn. How long was that state of things to continue? If the people were left to themselves a reconciliation would take place, and an end would be put to these feuds; but if occupation were countenanced when the French departed, of course, they would get up another disturbance in Syria; and, of course, that could not be the end of it. Whatever might be the opinion of the other Powers, England ought to act on one great principle—namely, that foreign occupation should cease. Turkey ought to be left to govern Syria if she could; and if she could not, those in the country itself, who could govern it, would do so. What we ought to do was—let them alone. He believed that if the French withdrew their troops, and the people were left to themselves, the Druses and Maronites would soon find out that their best plan was to make peace and to cultivate their lands again. Such a desirable state of things was impossible so long as the French troops were left in Syria, and the European Powers gave their sanction to the occupation. He repeated that the Convention was the most dangerous political measure that had been adopted in Europe for years. In conclusion, he wished to repeat that his observations were made in no spirit of hostility to the noble Lord the Foreign Secretary, or the Government. He made them in the hope that he would be supported by the House and the country when he asked the noble Lord, for the sake of peace, to use his influence to put an end, as early as possible, to this disastrous Convention.

LORD JOHN RUSSELL: Sir, I will endeavour, with respect to the very serious discussion that has arisen, to be as impartial as possible, because I feel it is of the utmost importance. I do not question the right of hon. Gentlemen to find fault, if they so think fit, with much that has taken place in Syria; but, on the other hand, we ought not to make charges against the Government or the army of a great nation with whom we are in alliance without the strongest proof and evidence that that which we impute to them is founded on truth. Now, Sir, I will in the first place reply to the observation of the hon. Member for Horsham, and then refer to what has taken place with regard to Syria. The hon. Gentleman (Mr. FitzGerald) asked me a question with respect to a note presented by Prince Labanoff to the Minister of Foreign Affairs at Constantinople; and he has referred correctly to what I stated last year with respect to occurrences which had taken place at St. Petersburg, and the proposition to the Turkish Government that there should be a joint commission. I was convinced that such a joint commission would impair the authority of the Turkish Government. I was more convinced of that by the answer of Prince Gortschakoff to our objections. He said that unless European Commissioners were present, the witnesses who were brought forward to prove abuses and crimes committed by the Turkish officials would be afraid to tell the truth; but, if that were so, it was obvious that the presence of the European Commissioners might be made to serve as a protection to Turkish witnesses when they came to tell falsehoods of their own Government in order to weaken its authority. The plan of an European Commission, as the hon. Gentleman knows, was relinquished. They have lately made a new proposal—I am not sure whether it is a note or not—that an inquiry should be instituted at Constantinople with the Grand Vizier or some other high officer of the Porte at its head; but that proposal has been rejected by the Turkish Government, and, I believe, has not been renewed. The Russian Government have made another proposal—namely, that the reforms now in contemplation by the Grand Vizier should be communicated to the Foreign Ambassadors. In that proposal Sir Henry Bulwer, our Ambassador, concurred, and thought the step a desirable one. I agree with him that it would be very desirable; but of course it is not intended that those Foreign Ambassadors should do anything more than point out the way in which the proposed reforms might be effected, leaving it to the Turkish Government to adopt such suggestions, or reject them, as they might think fit. With regard to bringing the note to which the hon. Gentleman refers before the Conference at Paris, that is not necessary. It is founded on the Report made by the Grand Vizier to the Sultan. It states that that Report was founded on very defective information given to the Grand Vizier, and that many evils and abuses exist which were not brought to his knowledge; and it gives details in support of that allegation. But that is not a question for the Conference. It is a question for the Porte. We have said at Constantinople that it was our desire that the Grand Vizier, or the Minister for Foreign Affairs, should make an answer to that note because the charges are very grave, and ought not to be passed over without some notice.

I come now to the affairs of Syria, and I am very sorry—speaking not only from official sources, but also from the reports of officers and other gentlemen who have travelled in the country—that I am obliged to concur in much of what the hon. and gallant Member for Ayrshire (Sir James Fergusson) has mentioned. It should be stated, in the first place, that by an arrangement made in 1842, and confirmed and enlarged in 1845, two separate authorities were set up in the Lebanon, to a great degree independent of the Turkish Governors of the provinces in Syria. One is a Christian, and is called the Christian Caimakan; the other, who is over that part particularly inhabited by Druses, is called the Druse Caimakan. Those two officers exercise their authority under an European arrangement come to by the great Powers, and it has been stated, and I believe it, are viewed by the Turkish Government with considerable jealousy. The Turkish Government would have preferred—and I do not blame them for it—to have their own authority paramount, and not to have separate authorities, under an European arrangement, who, to a great extent, were independent of the Sultan. Now the hon. and gallant Member for Ayrshire stated part of what occurred at Damascus; but there are other statements which I have heard, which I am inclined to believe, and which should be told, because when we have to consider this question, so vast in its extent and so great in its importance, it is not desirable to avoid the difficulty of the situation, or to shut out from view any errors which we should endeavour to repair. The officials sent by the Porte into the provinces are, in some instances, found to be worthy, excellent, and honest governors. But there are others who make it their object to amass wealth as rapidly as possible by means of oppression, and by withholding from the Sultan that which is his due. It has been stated that the Governor of Damascus was instructed to levy a certain body of troops, which troops were to be at the disposal of the Government for service in any part of the Empire when required. The Governor did not raise those troops, but he informed the Sultan that he had done so, and regularly received the means of paying them. He went on for two or three years receiving pay for the troops, and was at length desired to take them to the provinces on the Danube, where their presence was required. He had no troops at his command; but he then did what the hon. Gentleman has alluded to—he cleared the prisons, took the most notorious murderers and robbers who had infested the province, and enlisted them in regiments that were to be sent to the extreme frontiers of the empire on the Danube. In that way he thought he would be able to answer the demands of the Sultan, and at the same time rid the province of some of the worst characters to be found in it. But, unfortunately for him, there arrived information that his own province was likely to be immediately disturbed, and would require the protection of the troops he had raised, so that he had to call back those very men of whom he had hoped to get rid, and to employ them in putting down the revolt, when, in fact, they were the men most likely to join in the plunder. They did, in fact, join in the plunder, and to them was owing much of the loss of life and property which shocked us so much last year. I state this, not only because I believe it to be the fact, but because when we are called on, and justly called on, to pursue our ancient policy with regard to Turkey, we should not lose sight of the maladministration that pervades the provinces of Turkey. These are occurrences which are liable to occur, and which it is impossible for us to foresee or prevent. Sir, the hon. Gentleman who spoke last, said, with great truth, that for many years there has been a great amount of foreign intrigue in the dominions of the Porte in Syria. I have been told, and the story is not unlikely, that a certain Maronite bishop used to pay visits to the French Consul, and talk with him over the topics of the day, and afterwards point out to the Maronite chiefs how constant he had been in paying those visits, and impress upon them the belief that this was a sure sign they would receive the support of the French Government whenever they came to require it. That is a probable story, because, while it is true that persons in the situation of consuls, in order to give themselves importance, often take too great a part in the local affairs of the provinces in which they are placed, it is likewise true that the inhabitants of a country such as Turkey are very guilty of setting up parties by which they hope to gain supremacy—more especially when they have, as in the present case, persons whom they have considered their enemies for centuries. The Maronites were able to introduce a vast quantity of arms into the country, and, on the other hand, the Druses also had prepared to arm. I stated last year that I believed these two parties were waiting for and watching each other, and that each of them had long been prepared to enter into deadly conflict. I should say that while the one party, the Druses, had nothing like true religion about them, being partly Mahomedans but still more idolators, those who are called Christians have no right to that title, unless you gave it to those who are totally ignorant of the doctrines and who violate all the principles of Christianity. It happened that a dispute of no great importance took place on the road between Beyrout and Damascus. A person, either Druse or Maronite, was killed in the dispute. The parties who heard of it—I believe the Christians—came down and killed three or four or more of the opposite party. The two parties then assembled in arms; and were ready to enter into conflict with each other, but the Druses, being superior not in numbers, but in strength and valour, got the ascendancy and committed those horrible massacres which shocked the feelings of all Europe last year. We cannot forget that in two or three towns, and in some of the villages, every person found armed or unarmed was put to death; and that the streets were so crowded with corpses that the stench became intolerable. These and other details, which I need not refer to, were related to us on the authority of Mr. Cyril Green, who knows the habits of the people, and who visited the scenes of the massacres. All Europe was shocked by these accounts. Nothing at that time had taken place at Damascus, but there was great fear lest massacres should also occur at Damascus and other places, and the great Powers of Europe met in conference at Paris. The French Ambassador stated to me, and I stated it to the Cabinet, the apprehension of the French Government, and their intention to propose at the Conference that a body of European troops, without mentioning the nation to which they should belong, should be sent at once to Syria. It has been mentioned to me very lately by the gentleman who, I believe, was one of the informants of the hon. Baronet opposite that it was his belief that if foreign troops had not been sent to Syria there would have been the same massacres at Bagdad and Jerusalem that had taken place in other parts of the province. My hon. Friend (Mr. Layard) has stated that the Turkish Government were not disposed to consent that foreign troops should be sent to Syria, and that they were coerced into a consent. I say to this, in the first place, that unless the Turkish Government had consented, I should have thought it my duty not to have directed our Ambassador at Paris not to sign any protocol; but, in the next place, I must confess that the consent of the Sultan was not a willing, but a reluctant consent. It was founded, I imagine, on this ground, which cannot be controverted, that if the massacres had extended to Bagdad and Jerusalem, and if intelligence of them had been circulated throughout all the fanatical portions of the Mahommedan population in other parts of the Turkish empire, and if other massacres had taken place, so that no safety remained for the Christian subjects of the Porte, then some at least of the Powers of Europe would have interfered, not in Syria alone, but in other parts of the Turkish Empire. If in such a case I had come to this House and stated the fact that thousands on thousands of the Christian subjects of the Porte—men, women, and children—had been destroyed by the fanaticism of the Turks; that the secret societies known to exist in the Turkish provinces had set on foot these massacres, and that the Turkish soldiers had not interrupted them; that the Turkish regiments stood quietly by and saw the massacres taking place; and that in consequence of this other European Powers threatened intervention—and that I called upon the House to assist the Turkish Government and defend the authors and spectators of these massacres—would that have been a good case to have placed before the House? Would the House have consented to it? Would the hon. Baronet who complains of the occupation by the French—would my hon. Friend, if he had then been a Member of the House, have stood up and defended such a course? The course we adopted was designed to limit the extent of the disaster as much as possible. At the same time I think few greater misfortunes can happen to a country than an occupation by foreign troops. But this I must say for the French Government, that from the beginning of the discussion and during the execution of the Convention up to within a few days ago, they have said that if it were the wish of the European Powers to send other than French troops to take part in that occupation they were quite as willing to see them in Syria as the troops of France. I believe that the French Government were quite sincere in that declaration which they have repeatedly made. I may be blamed for not taking advantage of it; but I considered that there were serious evils in a joint occupation. Only a few days ago I received from the Earl of Elgin a representation that he hoped we should soon be able, together with the French Government, to put an end to the occupation of Canton, because, he said, that a joint occupation by the troops of two different nations would surely lead to differences and dissensions, jealousies of command, and various difficulties that would make that occupation a misfortune to the place itself, and inconvenient to the occupying forces. But if that is the case with Canton, where neither England nor France have any sympathies with the Chinese, what might have been the case with Syria, where, as it has been truly said, the Maronites have constantly looked to France as the protector of the Roman Catholic Christians, as they call themselves, and where the Druses have as constantly turned to the English as their protectors. What unfortunate consequences might have arisen if the French detachment had gone up to Haurân, and if the English being there also had thought the Maronites had too much protection and the Druses not enough? Therefore, although I did not say I never would consent to it, I was unwilling to make it a joint occupation, and I always thought it should end as soon as possible. Every hon. Member will remember a letter published by the Emperor of the French, in which he declared that he had consented very unwillingly to the occupation of Syria by the French troops, and that if it lasted only three months it would please him much better than if it lasted six.

The conduct of the French troops has, indeed, been such as to expose them, or a part of them, at least, to the remarks that hon. Gentleman have passed upon them. It is not that they have taken any part in these murders by the Maronites. But I am sorry to say that my reports from Syria, from Her Majesty's Commissioner there, from a gentleman who went there as an agent from the English to be with Fuad Pacha, and from officers who were there on leave, and remained there—all concur that the Maronites, under the protection of the advance of the French into the Lebanon, took the occasion to wreak their vengeance upon those whom they considered their enemies, and that old men and women and very young children were murdered in cold blood by these Maronites, and without even the semblance of their being brought to justice. But this is one of the circumstances which make me wish to see that foreign occupation ended. That foreign army is placed in this dilemma:—It sees committed atrocities such as I have mentioned. It knows, perhaps, the persons who have committed them. If it does not interfere it is said that it has almost sanctioned, that it has permitted murders to take place without punishment. But, on the other hand, if these troops sent sergeants, or corporals, or officers to take these persons and bring them to trial, then they would be justly liable to the charge of taking upon themselves the administration of the Turkish authority in a Turkish province, and it would be said it was no longer a Turkish but a French authority that prevailed in the Lebanon. That is the dilemma—that is the consequence of a foreign occupation, and it is not a reason for continuing that foreign occupation, but for discontinuing it. I must add, however, that we have stated these matters to the French Minister for Foreign Affairs, and he says that his accounts from Syria are entirely the reverse, and that he does not believe a word of what our Ambassador was instructed to say. I stated the matter quite lately to the Count Flahault, a man who has himself fought in the wars of Europe, a man of distinguished military character, who in the wars of the Empire was a distinguished officer. He naturally was shocked at such an imputation. He could not believe that the honour of the

French arms could be so called in question, and so tainted by charges of this kind. It was the natural and honest indignation of a man of honour upon hearing such things imputed to the arms of his country. I can only say that I do not believe while the French occupation continues, we can provide a remedy against those acts of individual vengeance; for they are merely individual instances, as there has been no such massacre as that of the Druses last year. The only remedy we can have is by a cessation of that occupation.

The case of Said Bey has been mentioned, who, I believe, was perfectly innocent of the charge of taking part in these massacres. Lord Dufferin, Her Majesty's Commissioner in Syria, has used every effort to obtain a fair trial for this man. He has desired persons to attend the trial, and has remonstrated against what he considered the injustice and the false evidence to which he was exposed. He has done his utmost to save him from an unjust condemnation. I have no doubt he will continue his efforts, and I expect that the life of this man will be saved. But here, again, we have to contend with the defects of the Turkish administration and the Turkish character, because our notions of justice consist in bringing the witnesses face to face with the man who is accused, and allowing him to cross-examine them with the view of proving the falsehood and defects of their story if any exist. But in Turkish justice it is much more common to say, "A crime has been committed; we must inflict punishment for that crime. A life has been taken; we must have a life." But as to the particularity of the evidence, as to the *minutiæ* which prove a man to be guilty, all that is superfluous. All they say is, "Here is a crime committed; here is an accused man brought into court; let that man be punished; and then the ends of justice will be satisfied." Let that be recollected, too, which I have before stated, that with regard to the Druses and the Maronites the Turk does not willingly see the authority of the Sultan defied. Therefore, when the French say, "Let the Druses be punished," the Turks are willing to listen to those representations, and heartily agree that the Druses ought to be punished. When, on the other hand, the English say, "These Maronites have committed great atrocities," the Turks agree that punishment should fall upon them. The Turk, of course, holds that the Turkish power ought to over-ride both the Maronites and Druses, but between the two it is very difficult to get justice done. Well, I can say little as to the Conference at Paris, but some little I can add to what I stated the other day. When that Conference met, the French Minister of Foreign Affairs stated all the apprehensions that were entertained in Syria that if the French troops go away the massacres will be renewed. Such was the statement he had received, and he laid it before the Conference of the Powers. The Turkish Ambassador said, on the other hand, that he believed tranquillity had been restored, that the Turkish power was sufficient to maintain that tranquillity, and he saw no reason why the occupation should not end at the time fixed by the Convention. But, on further discussion, the Ambassador of Austria—and Austria is a power like ourselves anxious to maintain the independence of Turkey—said he thought that some time might be fixed, and that until the Lebanon was more settled, and that some authority more capable of keeping order was established, it was desirable that the French troops should remain. He suggested that a period, such as the 1st of May, should be fixed at the time at which the occupation should cease. The Turkish Ambassador received that proposition and said he was willing to transmit it to his Government; and there the matter rests. I quite agree in all that has been said as to the desirability of an evacuation taking place. We must, of course, act partly for ourselves, and partly in combination with the other great Powers, more especially with Austria, who in all these discussions as well as in all former discussions has shown herself sincerely desirous to maintain the independence of Turkey. Without saying anything in reference to other Powers, I will state with respect to Austria that I believe she is sincere in her wish to maintain the independence and integrity of that country. I certainly will do my best to put an end to the French occupation, which, I believe, was useful in the beginning, not only in the places I have mentioned, but in other parts of the Turkish Empire, when there was a notion that but for it massacres might have occurred which would have been attended with dreadful consequences to Turkey itself. Now, however, the danger and the occasion have passed away, and I wish to see the occupation at an end.

Mr. FITZGERALD said, he wished to explain that the Governor of Damascus to whom he had alluded was the last Governor, and not the one to whom the noble Lord had referred.

Mr. CONINGHAM said, he thought the discussion had opened up a much larger question than the temporary occupation of Syria. It showed that the authority of the Sultan within his own dominions was incapable of maintaining order and administering justice between the mixed subjects under his rule. The noble Lord the Secretary for Foreign Affairs was ready to proclaim the principle of non-intervention in some cases, but he had not acted rigidly up to his principle in the case of the French intervention in the Turkish dominions. He wanted to know whether, in the not very remote contingency of a revolution in Hungary, the English Government would enforce the principle of non-intervention, or allow the troops of Russia to march into that country? He had such an opinion of the spirit of the British people, whatever might be the professions of the noble Lord, that he would be compelled, and that in no hesitating manner, to act upon the principle of non-intervention. When the intervention of Sardinia in the affairs of Venice had been expected, the noble Lord had written an emphatic despatch, which he could not sufficiently condemn, and, considering the Power represented by the noble Lord, that despatch amounted to a virtual command to Sardinia not to interfere. He believed, if Turkey had been allowed to settle her own affairs there would be no great difficulty in effecting such a settlement. The struggle on the European Continent was as to who was to have the mastery. It was for that the Emperor of the French was struggling, and struggling bravely, for he sought to uphold the honour and dignity of the French nation. What he found fault with in the British Government was that they carried out a timid and halting policy, instead of manfully and openly upholding the Liberal cause in Italy and throughout the world; sometimes supporting Austria, at other times encouraging the revolutionary party in Italy against French interests. The fire of revolution was fermenting over the whole of the nations of central Europe; and he believed the day was not distant when they would secure their freedom, as the people of Italy had done.

Lord John Russell

THE STATE OF THE NAVY.

RESOLUTIONS.

Sir JAMES ELPHINSTONE said, he rose to move the series of Resolutions of which he had given notice on the condition of the Navy. They had recently renewed the navy by the addition of a magnificent steam fleet, and they now found that they must begin the work of re-construction by the adoption of a kind of vessel entirely unknown before, constructed on principles as yet very imperfectly understood; for, in fact, the whole theory as respected building iron-cased ships was at present in the most uncertain condition. During the last twenty years they had spent an enormous sum of money in the construction of shipping, notwithstanding which the idea had been steadily gaining ground among every class of the community that the government of naval affairs had not been found equal to the national exigencies. The administration of naval affairs was so clumsy that it was utterly impossible that they could be carried on with efficiency. For this he blamed entirely the system, and not the individuals who performed the duties of that department. The question did not at all involve the character of the many eminent men who had managed our naval affairs during past years. On the contrary, they resembled the crew of a ship sent to sea in an unseaworthy state, which it was impossible to keep afloat, and not the slightest slur could be cast upon them in the matter. Although the administration of the Admiralty was admitted to be bad, and although its machinery had grown entirely out of date, the question had always arisen—how were they to repair it; by what means were they to reconstruct it so as to enable it to perform its functions properly. He had consulted many high authorities upon this subject—men rising in the profession, and upon whom in times of trouble would devolve the duty of conducting our fleets—and he had always found them agreed not only on the point that there must be some change, but on the main features of the change In order to place his views before the House he had drawn up a statement showing the various reforms which were needed, and a series of Resolutions which followed as a mere corollary from his statement. He did not expect, on the very short notice it had received that the House would adopt those Resolutions at once, but, no doubt, they would lead to a full consideration of the question, and if eventually adopted, he thought they would go very far to get them out of their present difficulty.

It was plain to every one who had looked into the matter, that it was of great importance that naval affairs should be conducted with efficiency and economy, and that to ensure the efficiency of the navy, upon which the safety of the country and its best interests depended, it was necessary to have a sufficiency of active experienced officers, and a highly disciplined, well-trained, and contented body of seamen, with a reserve of each for war. At present we had a sufficiency of active experienced officers, but we had not a highly disciplined, well-trained, and contented body of seamen. Accounts from all quarters agreed in stating that the discipline of the navy at the present moment was much below par. He had not himself, within the last three years, seen a single one of Her Majesty's ships in what he could call really smart order or a state of perfect cleanliness. The crews were unusually defective, and he could read extracts on that subject which would surprise the House. Boys trained to the service were equal in value to more than two of such men as now entered it; and they could have plenty of boys trained to it if they only increased the number of their training schools. Another indispensable requisite was the construction of ships armed on the most improved system of modern warfare. The strength of our fleet ought to be equal to the strength of the combined naval forces of France and Russia, and the introduction of iron-cased ships established a new feature in the character of war, rendering an immediate reconstruction of our fleet absolutely necessary. It was a matter of complaint that ships of an obsolete character had continued to be built long after the other nations of Europe had seen the necessity of change. When the right hon. Gentleman the Member for Droitwich was at the head of the Admiralty, he began to build iron-clad ships, and it certainly seemed to him that some of those ships ought to have been completed long before this time. The *Warrior* was to have been launched in May, last year, and he could not imagine why it was thought necessary to extend the time which was allowed to the contractor. She was not launched until the 28th of December, and then the Admiralty deliberated a long time with regard to the plates with which she was to be covered, and declared eventually that the plates should be grooved. The result was, that although the planing machinery, both at Woolwich and the Thames Iron Works, had been employed ever since in planing the edges of the plates, they were not even yet in such a forward state as to enable the Admiralty to form an idea as to when the vessel would be ready. Then, again, the *Black Prince* was only launched yesterday. How long would it be before they would be able to send those two ships to sea and discover whether they were after all the right thing or not? Our neighbours on the other side of the water had a considerable number of those ships; we were very inferior to them in that respect, but it did not appear to him, from the Navy Estimates, which had been laid on the table that evening, that there was any intention to take a Vote for the purpose of increasing the number of our iron-clad ships. Then, again, it was evident that by the present mode of manning the fleet they did not obtain the best class of seamen. In order to obtain a ready supply of seamen in all emergencies, a sufficient staff of well-organised recruiting officers was necessary. The Naval Commission which sat two years ago recommended that school-ships should at once be established at all the outports of the kingdom. Had that been done at once, and had a sufficient number—8,000 or 10,000—been entered, those boys would then have been sixteen or seventeen years of age; and he would rather go to sea with well-trained boys of that class than with such seamen as were now found on board the ships. The bounty had brought utterly unfit men into the navy; it had collected the scum of the seaports—men who were both morally and physically incapable of forming good seamen, who required punishment to keep them up to a proper state of discipline; but whose enfeebled and diseased bodies were unable to bear that punishment. The Naval Reserve was a very good idea, but it had only answered to a very limited extent. They had only got 3,000 or 4,000 men, but they wanted at least 40,000. They had discovered at Hastings and in other places that the men at the outports were perfectly willing to enter the service as a volunteer force, and to practise at the guns, and he thought that if the gentry of the neighbourhood took this matter up they would be able to get together a body of about 300,000 men — aquatics of all kinds, such as fishermen, longshore men, cobble-men, and men of every sort who got their bread upon the water, and who were as accessible to the influence of men of respectability in the neighbourhood as those of the rural districts were. Such was the kind of naval reserve which he desired; and he believed those aquatics would be a material aid to our navy in the event of any disturbance taking place. To render the service more attractive, it was necessary to establish a complete system of barrack accommodation, where the seamen might remain embodied under good officers, and the practice of disbanding whole crews which had arrived at a perfect state of discipline ought to be discontinued. The practice of paying off ships and turning the men on shore to ruin their health, and to fall into the hands of all sorts of cheats and sharpers by whom they were robbed and plundered, was a relic of barbarism, the existence of which was irreconcilable with the maintenance of a proper state of discipline. Docks or basins ought to be provided, in connection with which each ship might have her own storehouse, an exercising ground, and barracks, in which the men should remain under the charge of their officers. In that way a great part of the men might be barracked in the towns to which they belonged, near to their families and friends, and by that means gradually weaned from those temptations which at the present moment were cast in their way. The practice of paying off ships, he repeated, was perfectly incompatible with the maintenance of an efficient state of discipline, and it was impossible to stigmatise it in too harsh terms. It was melancholy to see a fine ship come home, all in the smartest trim, her hands under the most admirable discipline, knowing what each other could do to a pound, and all of them fit for the most arduous duty, and to reflect that in a few hours the ship would be stripped and her men sent adrift only to return miserable wrecks of their former selves; or, in most cases, he was afraid not to return at all, but to die of disease and neglect. The system was a disgrace to the age, and nothing more or less than a relict of barbarism. Last year, at the close of the Session, the noble Lord came down to the House, and in a speech replete with brilliancy, asked for £10,000,000 to fortify our dockyards. Why, if he had asked for £10,000,000 more for the purpose of making docks and barracks, and had explained the reasons, the House would have given it at once. All that the House required to know was that there was a real and actual necessity for the outlay, and that it was absolutely necessary for the maintenance of the efficiency of the navy that boys should be trained up to it, and it would give any money they asked for. Nor would the provision of such a system of dock accommodation be attended with any enormous expense. At Aberdeen a dock containing 39 acres of water, larger than any at Cherbourg, with an average depth of 19 feet, and 22 feet over the sole of the gate, had been constructed for £150,000 or £160,000. At Portsmouth there was an extent of mud beyond the north-wall of the docks, where, for a couple of hundred thousand pounds, we might excavate docks to hold 30 sale of the line; and there were 120 or 130 acres of Government land which would afford space for barracks, exercising grounds, and all other necessary accommodation. It was astonishing to him how little importance the Government had attached to dock accommodation. It was not so with the merchant shipping. Look at the docks at Plymouth, Stonehouse, Southampton, London, Grimsby, Leith, and Aberdeen. Why at Liverpool and London alone the merchant shipping had twenty times as much dock accommodation as was possessed by the whole of Her Majesty's Navy. So alive were the East India Company to the importance of dock accommodation, that as early as 1784 they built one of their extensive docks near Blackwall, and ten years afterwards they built the other, whereas, with the exception of a small basin of about seven acres and the dock at Keyham, Her Majesty's Navy were completely destitute of dock accommodation, and all the ships which came home were obliged to be stripped in the stream or alongside the dock wall. The next point was that the transport service ought to be extended so as to meet all the requirements of peace, and thereby to increase the school for training men who would be available for war. This was a most important point. Many ships which were useless for the direct purposes of war might be with advantage devoted to the transport service, and form an important auxiliary to the marine of the country. It was with the view of creating an administration capable of carrying out these objects that he had framed the following Resolutions:—

"1. That the mismanagement of naval affairs is due to the inefficiency of the present means of naval administration.

"2. That no efficient administration can be hoped for without direct personal responsibility.

"3. That to obtain direct personal responsibility, it is essential to abolish the Board of Admiralty, and to substitute for it a Minister of Marine, with a secretary in this House.

"4. That the Minister of Marine shall be directly responsible to this House for the conduct and management of naval administration.

"5. That he shall be assisted by a council of not less than four naval officers, whose opinion he may consult, but to whom he is not bound to defer.

"6. That the members of council be appointed for five years.

"7. That each department of the navy shall have a known and acknowledged head, appointed also for five years.

"8. That the heads of departments shall be directly responsible to the Minister of Marine, and that he shall be responsible to the country that efficient men fill them.

"9. That all promotions and appointments be the act of the Minister of Marine in council, submitted to him through the proper heads of departments, but for which he is personally responsible.

"10. That all naval commanders-in-chief be empowered to manage, and be responsible for, all questions of detail relating to their command.

"11. That the following departments are, in the opinion of this House, of sufficient importance to require the special superintendence of separate heads:—The discipline and training of the navy, and general superintendence of the fleet in commission, and the submission of the appointment and promotion of officers; the manning of the fleet; the construction of the navy; the victualling of the navy; the paying of the navy; the controller of the coastguard; the Royal Marines; the medical department; pensions and rewards; the store department; the department of works; the hydrographer; the transport service."

Those Resolutions might not be perfectly drawn, but he believed that they contained the germ of a plan which would, in all probability, by whomsoever it might be carried out, be the means of getting us out of our difficulties. He did not intend to press them to a division, but desired that they should act as a guide to the Committee which was about to be granted; and he, therefore, hoped that the terms of reference to that Committee would be made sufficiently wide to embrace all the subjects to which they referred. The present was, no doubt, a crisis in our naval history. We could not go on much longer spending enormous sums in constructing and reconstructing our navy without having any direct responsibility for this expenditure. The Admiralty broke down in the Baltic. It was admitted that they could not send out any more men, and that such as the fleet was it must remain. The ships were then of the most inefficient character. We had vessels without bottoms, and mortar boats without bows, and good service was not to be got out of them. Now the navy was to be re-constructed, but he had no confidence in the Board of Admiralty who were intrusted with this duty. You could not point to a single thing which was to be done and find the man who had to do it. In Sir Charles Napier the House had lost a man of great ability and of indomitable courage and honesty, and he feared there was now no one whose voice could be raised so effectually upon the abuses of the navy. In reply to his strictures the Government defended Admiralty management in general, but the House could never find out, for instance, who drew the lines of ships, who placed the engines in them, and how the country became possessed of such a number of inefficient vessels. They were told that the draughts came out of the Surveyor's Office, but that meant anything or nothing, and gave no information respecting the great failures which had occurred in the navy. He heard that the Government now intended to grant a Committee of Inquiry into the working of the Board of Admiralty, but the witness whose evidence would be of the greatest importance was under orders to sail for the Cape on the following Saturday. He hoped that the departure of Sir Baldwin Walker would be countermanded, for he believed that the gallant officer would do good service by his revelations of the mismanagement existing in his late office, that mismanagement being totally beyond his control. In the Resolutions before the House, he (Sir James Elphinstone) did not wish to trench on the Motion which was to be made on the next day; but having some little knowledge of seafaring matters, he took the opportunity now offered of inviting a discussion, and of sketching, if possible, a plan by which the Admiralty business might be conducted in its several departments with some chance of efficiency. He now left the subject in the hands of the House, certain that they in their wisdom would devise a remedy for a state of things which had gone on from bad to worse, and the evils of which were now admitted even by the Government. The hon. Member then moved his Resolutions.

MR. H. BAILLIE said, that in rising to second the Amendment of the hon. and gallant Member, he was anxious to explain the reasons which induced him to prefer the Resolutions to the Motion for a Committee to inquire into the administration of the Admiralty of which notice had been given. A Committee of Inquiry was, no doubt, under certain circumstances, very useful and advantageous, but there were occasions on which it became practically an obstruction in the way of reform. When, for example, it was adopted by the Government in answer to remonstrances which were backed up by public opinion, and which, though distasteful to the Government, could not be resisted, such a Committee impeded reform, instead of aiding it. A Committee of Inquiry was an amusement in which the House of Commons delighted. Hon. Members were anxious, and even canvassed to have the opportunity of serving upon it, and knowing that he was not surprised at the willingness of the Government to appoint one; but what would be its result as regarded the public interest? No doubt the Committee would be impartially constituted. Hon. Members would be chosen from both sides of the House. It would sit during the whole of the present and perhaps of the next Session. A vast mass of evidence would be taken. Two ponderous blue books would be produced, and in the year following the question of Naval Reform would stand exactly in its present position, except that the Government would be armed with just as much evidence against reform as there was evidence now in favour of reform. Now, if the Government were of opinion that no such reform was required at the Board of Admiralty, they would be quite right in granting the Committee; because the Committee would, to a certain extent, satisfy public opinion. But if the Government thought that a reform in the Admiralty was necessary, and that changes might be made in that body with advantage to the public service, then it was the duty of the Government to make those changes without delay, and on their sole responsibility as Ministers of the Crown. But he feared the Government had no intention of carrying out any reform, and he was induced to draw that inference from an answer given by the noble Lord the Secretary of the Admiralty to a question put by his hon. Friend the Member for Portsmouth. The question was, whether the Government intended to appoint a new Controller of the Navy, the office being vacant, before they had received the Report of the Royal Commission appointed to inquire into the management of the dockyards. The question was a pertinent one; but the answer was, that a naval officer had already been appointed as controller for a period of five years. Now, that appointment was a very important one, and as it had been already made, it did not appear that any immediate change at the Admiralty was contemplated. He believed he should be able to show and prove that most of the waste and extravagance of the naval administration had been caused by the imperfect manner in which the duties of the office of controller had been performed. That being the case, he need not apologise for occupying the attention of the House for a short time while he entered into some details on the subject. He would first state what the duties of the surveyor or controller of the navy were; for, considering the appointments that had been made to the office, he almost doubted whether the Admiralty quite appreciated those duties. The terms surveyor and controller were used indifferently. Captain Symonds was called Surveyor of the Navy; Sir Baldwin Walker was called the Controller. Now the duties of the Surveyor of the Navy, as officially laid down by the Commissioners of Naval Revision in 1806, were these:—

> "The senior surveyor, besides the ordinary duty of his office in the committee of correspondence, is to direct in preparing the drawings of ships and vessels ordered to be built for His Majesty's service, either in the King's or merchants' yards, and to determine the dimensions and scantlings of their frames and masts and yards; to examine and approve all notes from the yards for task and job-work; to propose prices to be allowed to workmen not already established; to correspond with the officers of the yard respecting the propriety of estimates from the several dockyards, for an explanation of such parts thereof as do not appear clearly stated, and to make such alterations and additions therein as may be necessary; to consider the prices proposed by the officers of the yards for all works performed by contractors upon valuation; to visit the several dockyards, and to inspect the building and repairs of King's ships in merchants' yards," &c.

The House would observe that these duties involved the whole science of naval construction, the economy of labour, its adjustment and superintendence. All these were intimately connected with the office of Surveyor of the Navy. Previous to the year 1832 these duties were performed by a Board called the Navy Board, consisting of the controller and two surveyors, sometimes three. The duty of the second surveyor was to attend to the department of construction; the junior surveyor had the exclusive superintendence of the dockyards. In 1832 the right hon. Baronet the Member for Carlisle (Sir James Graham) was First Lord of the Admiralty, and a change was made as to the Navy Board. There was no man to whose opinion he would yield greater respect on this subject, or any other, than to that of the right hon. Baronet, who he regretted was not in his place. But when he made this change he was only at the beginning of his brilliant ministerial career; and the change was avowedly made as an experiment. By that change the Navy Board was abolished altogether; the surveyor at that time was Sir Robert Seppings, who had built some of the finest ships of war the country possessed. In place of the Board the right hon. Baronet appointed a single naval officer to do the whole duty, and that officer was Captain Symonds. He was distinguished in his own profession, was a man of ability, and had been an amateur shipbuilder; but it was avowed that he had no scientific or practical knowledge of naval construction. The appointment naturally caused a good deal of controversy. A debate on the subject took place in the House of Commons; and on referring to that debate he found that the most distinguished naval officers then in the House unreservedly condemned the appointment. It was condemned also by the most distinguished Radicals, among them by Mr. Joseph Hume. He mentioned that to prove that it was not made a party question, for the Radicals were at that period stanch supporters of the Government. It was about that time Mr. Hume declared he would vote that black was white to keep in the Ministry. But the appointment was strongly condemned by Sir Byam Martin and Sir George Cockburn. Sir Byam Martin regretted that the then First Lord of the Admiralty, passing over the pupils of the School of Naval Architecture, many of whom had had seventeen, eighteen, and nineteen years' experience of the duties of a shipwright, had appointed a gentleman as controller who, "though of acknowledged abilities, had no practical knowledge of the building of a ship. The very ship he was employed to build he was unable to make the necessary calculations for, and he actually sent to the Navy Board to ask them to make the calculation, so utterly incapable was he of doing it himself." Sir Byam Martin added that if none of the young men of the School of Naval Architecture were considered competent, there were still the master shipwrights of the dockyard to select from, many of whom had been practically engaged in the duties of their profession for forty years. Sir George Cockburn declared that the pupils of the Naval School were much more fit to be appointed to the office of surveyor than Captain Symonds. It had always been considered that the Surveyor of the Navy should be the actual superintendent of everything done in the building of a ship, and be able to tell the master shipwrights where they might have committed an error. Such were the opinions of two distinguished officers of the navy on the appointment. But he could adduce a much older authority against the principle of appointing as Surveyor of the Navy a man without practical experience of shipbuilding. It was that of Mr. Samuel Pepys, Secretary to the Admiralty in the reign of Charles II. He expressed an opinion almost identical with that of Sir George Cockburn. He describes the ruinous condition to which the Navy of England had fallen in consequence of not having a practical shipbuilder as a surveyor. He states that in 1679, when the Duke of York, who was Lord High Admiral, went abroad, he left the duties of the office to be discharged by Lords Commissioners; and such were the corruptions and abuses then prevailing that Sir Anthony Dean, the surveyor, and a man of practical experience, resigned his office in disgust. Upon the accession of James II., who was anxious to improve the state of the navy, he sent for Mr. Samuel Pepys, who recommended him to send for Sir Anthony Dean, a practical shipwright, assuring him that the want of such a person in the Civil Department of the Admiralty had cost His Majesty and his Royal brother no less than £500,000, no small sum in those days. The Board of Admiralty, however, did not take advantage of that example, and Sir William Symonds retained his position for fifteen years, building ships upon erroneous principles. During that period he launched sixty-four ships, and laid down forty-two others. The results of Sir William Symonds's proceedings were set forth in a pamphlet, published in 1847, by a naval officer, who based his statements upon official documents. He said that we had then twenty-nine sail of the line of from 2,000 to 3,000 tons burden, twenty-five frigates of various classes, and a host of corvettes and smaller vessels, besides fifty steamships; and scarcely one of those vessels swam upon the lines originally laid down for her construction, while many could not carry their armaments. The displacement of the *Queen* varied 270 tons from her lines as laid down, the *Albion* 250 tons, the *Superb* 230 tons, and the *Vanguard* 100 tons, while the experimental brig *Flying Fish*, if all her stores, guns, and deadweight had been left on shore, could not have swum at the line intended by her construction. The steamship *Retribution* of 1,600 tons, which cost £100,000, could only carry six guns, for although she had a magnificent row of maindeck ports she could carry no guns in them. In 1844-5-6 experimental squadrons were sent to sea in order to determine the merits of certain vessels, and the result was to arrest the progress of five first-rates building after the model of the *Queen*, and six 90-gun ships after the model of the *Albion*. In 1846 the Admiralty was further alarmed at the numerous failures of their ships to carry their guns and stores at the expected displacements, and a Committee was appointed to inquire into the subject. That Committee made a Report which resulted in an order to pull to pieces six 90-gun ships, and to construct others upon a different model. Those statements, he repeated, were made by the author of the pamphlet from which he quoted upon the authority of official documents. He (Mr. Baillie) would ask whether such a state of things did not need reform, and did not those hon. Gentlemen who lately signed a memorial to the noble Lord the Prime Minister for a reduction in our public expenditure think that it would be well for them to turn their attention to a system which involved such an enormous waste of public money? He was persuaded that the noble Lord the Secretary to the Admiralty agreed with him in that statement, for the noble Lord himself had said, "There has been a system of extravagant expenditure pursued in the shipbuilding department of the Admiralty which should be thoroughly looked into." He (Mr. Baillie) wanted to know whether that system had been thoroughly looked into. Pursuing the history of the Admiralty system of shipbuilding he next came to the year 1847, and then the career of Sir William Symonds closed. But he was not dismissed then for all the blunders and mistakes he had committed. He dismissed himself, or he would probably have been allowed to remain much longer in his office. The occasion of his retirement was remarkable. In 1847 the Board of Admiralty received information that the French had constructed an 80-gun screw ship to steam ten knots an hour. This took him by surprise, and they sent immediately for the Surveyor of the Navy and told him they must have a steam line-of-battle ship laid down. Sir William Symonds disapproved screw ships, and he immediately resigned his office. Then Sir Baldwin Walker was appointed, although why that officer was selected he (Mr. Baillie) could never discover. Whether they supposed that by his serving with the Turks he had acquired a knowledge of shipbuilding he (Mr. Baillie) did not know; but certain it was that Sir Baldwin Walker was much surprised himself at his appointment. Sir Baldwin Walker went before the Admiralty and plainly told them that he knew nothing about shipbuilding or scientific naval architecture; but the Admiralty said that was of no consequence, he would make a good surveyor, and he was appointed. It was fortunate for the country that Sir Baldwin Walker was a man of sound common sense, and did not, like his predecessor, appoint as his assistant a man who was as ignorant as himself; but he selected from the school of naval construction a most distinguished man, Mr. Isaac Watts, and to the assistance of that gentleman we were indebted that the ships built of late years could swim at the calculated displacement and could carry their armaments. Undoubtedly a superior class of ships had been built during the administration of Sir Baldwin Walker under the superintendence of Mr. Watts; but the right course would have been to appoint Mr. Isaac Watts the Surveyor of the Navy, and thus have had complete responsibility. As the case stood, if any blunders were committed, and fault were found with Sir Baldwin Walker, that respectable functionary might say that it was Mr. Watts who had built the ships. If, on the other hand, they complained to Mr. Watts, he might say that Sir Baldwin Walker had ordered the lines of the ships. He did not know to what extent Sir Baldwin Walker might have interfered with Mr. Watts, but certain it was that the administration had not been quite free from blunders. One of those blunders was the construction of the iron-cased ships during the Russian war which were sent out to the Crimea. Anything more extraordinary than the construction of those ships he supposed no naval man ever conceived. He was told that any shipwright would at a glance have told the Admiralty that it was impossible the vessels could be either propelled through the water or steered, so imperfectly were they built. He would like to know who was responsible for their construction—Sir Baldwin Walker, Mr. Isaac Watts, or who? Those ships, as his hon. Friend the Member for Portsmouth said on a former occasion, were sent out from this country; but as they could not be steered or propelled they were for weeks tossed about at the mercy of the winds and waves, and either never reached their destination at all, or only reached it after the war was over. Not so the French vessels of the same description. Having been made both to be propelled and steered they did arrive at the Crimea in time, and were present at the siege of Kinburn. There they were placed within 500 yards of the Russian batteries; those batteries they destroyed, the balls of the Russians falling harmless on their sides. The English officers who visited those French vessels after the action admitted that then and there the question of iron-cased ships was solved; the French recognized the same fact, and from that day directed their attention to their construction. Not so the Admiralty of this country. Whether it was that Sir Baldwin Walker was disgusted with the utter failure of his own ships it was impossible to say, but certain it was that he never turned his mind to the construction of iron-cased vessels; and it was not till the advent of the right hon. Member for Droitwitch to the Admiralty, who forced their attention to the matter, that the subject was entertained. All credit was due to the right hon. Baronet for that; for had it not been for his efforts we should have been much more behindhand in the construction of proper ships of war than we now were. We were still, it was to be feared, far behind the French; for it was said they would have twenty of those ships afloat before we had ten. However, we had made a commencement in this respect, and the result of our experiments remained to be seen. He now came to the resignation of Sir Baldwin Walker; and here he must remark the curious coincidence that Sir William Symonds should have retired just as we began to reconstruct our navy by the introduction of the screw propeller, and that Sir Baldwin Walker should have done the same just as we commenced the building of iron-cased ships. The officer appointed to succeed Sir Baldwin Walker was Admiral Robinson. The noble Lord the Secretary to the Admiralty gave rather an amusing reason for that appointment. He told the hon. Member for Portsmouth that Admiral Robinson was selected because of his knowledge of steam machinery. Now, steam machinery was precisely the thing which was not constructed in Her Majesty's dockyards. It was all manufactured in private establishments. We had, indeed, in the Royal dockyards workshops for repairing machinery; but it was evident that Sir Baldwin Walker's successor was chosen for his knowledge of that which was unnecessary. He knew not how foreign nations carried on such affairs; but he was inclined to think we should be much less tolerant of their errors and mistakes than we were of our own. What, for example, should we say if told that at Constantinople it was the practice, when an officer was wanted to superintend the dockyards and arsenals, to select a man who was openly declared to know nothing at all of the business which he was called upon to perform? What should we say if told that it was also the practice there, when a man was wanted to superintend shipbuilding, to appoint one who understood steam machinery? We might not be surprised at such things happening in Turkey, and we should feel infallibly certain that the sick man's days were rapidly drawing to a close. But as they were happening among ourselves we passed them by unheeded; and so in that happy-go-lucky fashion the Navy of England was constructed—that navy upon which the greatness, the power, and even the existence of our country as an independent nation absolutely depended. In making these observations let it not be supposed he had any wish to cast any reflection on those who constituted the present Board of Admiralty. It was the system of which he complained. He confessed that he thought the present Board the best we had had for many years. He freely admitted the honesty and great industry of the noble Duke at its head, as well as the great industry and practical ability of the noble Lord its Secretary. The other naval Lords, too, were all distinguished officers, and perfectly competent to discharge any duties they might fairly have cast upon them. What, however, he asserted was that the present system prevented them from devoting their abilities to the greatest advantage of the service. His hon. Friend had intimated that he did not intend to press his Resolutions to a division. But those Resolutions had not been hastily prepared; they had been drawn out with great deliberation by officers of distinguished merit. No doubt, they bore a strong resemblance to the system which prevailed in France; but, surely, that ought not to be any disparagement to them if the French system was found to work well in practice, while it also gave satisfaction both to the public and to the service. That he believed to be the case with the system in France. He for one feared that the system in this country gave satisfaction neither to the one nor the other. For these reasons he trusted that the House would take his hon. Friend's Resolutions into its favourable consideration.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'the mismanagement of Naval affairs is due to the inefficiency of the present means of Naval Administration.'"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. LINDSAY said, the Resolutions moved by his hon. and gallant Friend raised three distinct and separate questions. First, had they received full value for the large sums of money they had voted for the navy? secondly, had they kept pace with the progress of science in the description of vessels they had added to the navy list? and third, had they based their estimates on accurate information as to the naval armaments of foreign Powers? On each of these important questions he wished to say a few words, and first of all he wished to call attention to our total expenditure. It would conduce to the clearer understanding of the matter if the noble Lord the Secretary to the Admiralty would lay on the table in a condensed form a Return, first, of the total expenditure on the navy for the last ten years; second, the number of ships they had added to the navy in that time; and, third, the number of ships in commission on the 1st of January in each of these years, with the names of the ships, the number of guns, and the number of men employed in each ship. He had himself taken the expenditure from the Naval Estimates for the last four years, and he found that the Votes for 1858-59 amounted to £9,140,000, for 1859-60 to £9,800,000, for 1860-61 to £12,860,000, and for this year to £12,029,000. These were vast sums of money, and he feared when the House came to examine them they would be found not to have produced the results which they had a right to expect. That arose from various causes. Some of them had been dealt with by his hon. and gallant Friend who moved the Resolutions, and by his hon. Friend who, in a speech of great clearness and information, seconded the Motion. But there were others. Amongst them was the conversion of ships where in many cases it would have been better if they had built new ones; the constant changes at the Admiralty, every new set of Lords that came in having different notions; and the inability to fix responsibility upon any one. It was true the Secretary to the Admiralty had a seat in the House, but no one would think of fixing on him the responsibility of constructing their ships of war. He had long been one of those who felt that there was room for great and radical changes in the administration at the Admiralty. But, in his opinion, the House was the proper place to deal with this question, and though he could hardly go along with all the Resolutions of his hon. and gallant Friend, he thought they formed a step in the right direction. He agreed with the first, second, third, and fourth of the Resolutions, and with a portion of the seventh; though the duties at the Admiralty were divided into too many heads. He could not, however, agree with the fifth Resolution. He objected to the proposition that the Minister of Marine should be assisted by a Council composed entirely of Naval Officers; because, with all respect to naval officers, they were, as a rule, not the best administrators. Besides, the proposal would lead to the same state of things that existed at present, for a distinguished Member of the House, the right hon. Baronet the Member for Carlisle, who had always been regarded as a great administrator, had distinctly stated in evidence before a Committee of the House, that the First Lord of the Admiralty was virtually supreme, that he was not bound to take the opinion of any of his colleagues at the Board, but that he could act perfectly independent of them, and only took their advice when it suited his purpose. If they had not value for their money the fault arose in a great measure, if not entirely, from the system.

He would illustrate that by one case. They had now at the dockyards Admiral Superintendents, men of high position, and receiving large pay; and yet he did not hesitate to say that from the system which prevailed a clerk with a salary of £100 a year would fill the office equally well. And why? Because these officers had no power whatever; they could not send so much as a barrel of tar on board a ship without consulting "My Lords." Again, the captains of vessels had no power; they were treated as mere machines, and the sailors knew it. They could not punish an offender without reference to the Board; and how could the House expect either discipline or economy in the navy without responsibility? Give the captains responsibility and they would feel a pride in the condition of their vessels. He was sorry to say they had no inducement for such pride now. He would also give the Admiral Superintendents at the dockyards a discretionary power, subject to the control of the Admiralty, and then they might expect a competition between Portsmouth and Plymouth as to which could turn out the most efficient ships at the lowest cost.

The question of the manning of the ships had also been brought under discussion. They had spent a large sum of money upon that matter, and he was sorry to say to a large extent in vain. He had the honour to be named a Member of a Commission appointed to inquire into that subject. He considered the question calmly and seriously in all its bearings; and though it might be considered a bold thing for a person in his humble position to differ from the noblemen, Cabinet Ministers, and Admirals, who were his colleagues, yet he did differ from them, and after grave consideration, he entered his protest against their scheme, which he felt to be a clumsy one, and ill-suited to effect its purpose. At the same time, he could assure the House that he regretted as much as any one that that scheme had failed, which was a serious thing for any scheme launched by the Government, as there would be a great difficulty in retracing the step. He did not believe, however, that they would ever, under that scheme, get one-half the number of men they wanted; indeed, at present he believed they had not raised more than a tenth part. A question was put to the noble Lord the other night about placing a gun boat at the service of the long-shore men who had offered to volunteer, and he was very sorry his noble and gallant Friend did not think the scheme worth consideration. He knew there were difficulties in the way; but it would have been a great thing to secure the services of such men who were willing to incur all the expense and trouble of naval drill. To use a homely phrase, his noble Friend had given these men a great slap in the face, but he hoped it was not yet too late for him to take the scheme into consideration.

He would now come to the next question, whether they had kept pace with the progress of science in the description of vessels they had built? He found from various reports and pamphlets that as far back as 1855 gentlemen competent to form an opinion on these matters had distinctly stated that steam would entirely change the mode of naval warfare, and that the adoption of a description of gun which had the power of throwing shell, would bring all actions at sea to a speedy conclusion. The hole which an ordinary shot made in the side of a wooden ship could easily be plugged up by the carpenter. But if a wooden ship were struck by a shell between wind and water, the hole would be so large that it would be impossible to repair it, and the vessel must speedily sink. Now, those statements were made by scientific men certainly not later than 1856, and not in this country only but in France. The French Government were aware of this opinion; and since that time he was informed the French Government had not laid down a single wooden line-of-battle ship. They had directed all their attention to the building of iron-plated vessels which scientific men told them were, for all practical purposes, invulnerable. The fact was known in this country also. It was stated in the Report of a Commission of Officers on Naval Gunnery. But the Admiralty went on building large line-of-battle ships, notwithstanding that scientific men told them they would be sunk by the stroke of a single shell; and, further, that one iron-plated vessel would walk through a whole fleet of wooden ships, and sink the half of them, receiving very little injury in return.

He came next to the third question, whether the Estimates had been framed on an accurate information of the preparations of foreign Powers. It was especially the duty of the Government to know what

France was doing with regard to her naval armament. Now, he had been much in Paris during the last six weeks—he was happy to say on very different business from that they were now discussing. But he there heard a statement with regard to the naval power of France which, he would confess, had alarmed him. Because, although he had ever been a humble advocate for economy, he had always felt that they must, at all hazards, maintain their maritime supremacy; that if France went on building ships of the line, they must go on building, not merely a sufficient number of ships to cope with her, but a sufficient number to cope with France and any other of the great Powers of Europe combined. However much he might deplore it, it was a necessity. Their very existence depended upon it. They had Colonies in all parts of the world to protect, they had transactions with every part of the world, they had a flag in every sea, they lived surrounded by the ocean, and they had their homes to guard. Therefore, it was the first necessity of the ministers of the day to see that they had a navy, not only equal to that of France, but equal to the navies of France and any other Power combined with her. Well, as he had said, when he was in France he had received from this country a statement which had alarmed him, believing it to be accurate in all its details. It set forth that at the end of the last year France possessed 448 ships, of which 327 were steamers and 121 sailing ships. Many of these were transports, and gunboats, and small vessels; but the ships of the line were—35 steamers afloat and 2 building or converting, and 8 other effective sailing ships; total, 47. The frigates afloat were 36; building or converting, 12; sailing ships, 27; total, 75. Well, that was a large fleet. But another statement alarmed him still more. It was that France was building no less than 15 iron-plated vessels independently of the 5 floating batteries built during the Russian war. Those 15 vessels were to mount 318 guns, throwing 22,260lb. of shot, and having an aggregate horse power of 6,360. Two of these vessels were to mount 52 guns each, with 1,000 horse power; one was to be of 40 guns, and 900 horse power; three of 36 guns, and 900 horse power; 4 of 14 guns, and 150 horse power. The other 5 were gunboats, mounting each 2 guns and having 33 horse power. Now that was a large force; but when it was stated distinctly that all those vessels could be ready for sea by midsummer he must say he felt very uneasy. He said to himself he could not understand it. France was entering into treaties of commerce with us, apparently friendly and desirous to maintain peace with Europe, and, above all, with England. He was at a loss, however, to understand why the Emperor was building so large a number of iron-plated vessels, to be ready in the month of June. Although he had never entertained the idea that France contemplated invading England, it would be a very awkward thing to have a neighbour with such a number of iron-cased vessels ready by June, while we had not even one. He mentioned that to his friend M. Chevalier, who said the thing was impossible, that the votes would not admit it, but suggested that he had better at once speak frankly on the subject to the Minister of Marine. Well, he did so. He put into the hands of the Minister of Marine the piece of paper which had been sent him with the statement, and asked, "What means this mighty armament? Whatever you may think of the party who wish to maintain peace, there are 991 English people out of every 1,001 who are resolved to make any sacrifice to maintain our maritime supremacy; and if you build fifteen of these vessels they will insist that we build thirty; and if you build fifty, England will have one hundred." "But," he (Mr. Lindsay) added, "what is all this rivalry in arms leading us to? We are saddling the people of the two countries with extra taxes; we are engendering an ill-feeling between the two peoples; making them jealous of each other." The minister smiled, and said, "I did not think you believed those stories." He said, "They are sent to me in a form in which I cannot deny them. I wish you would put it in my power to to do so." The minister went into the matter fully, analyzed every one of those statements, and showed him that of this supposed fleet of fifteen iron-plated vessels only one was now ready, *La Gloire;* another would be ready in the course of the present year; that the *Magenta* and the *Solferino* would not be ready till at least a year hence; that three of those vessels of fourteen guns were not suited to go to sea, but were built as batteries for the protection of their harbours; and, in fact, that those fifteen vessels could not be ready for two years-and-a-half from the present time. That entirely altered the case, more especially when it was considered that the Emperor of France had not laid down a single wooden ship since 1856; and, as he must have a navy to protect his shores and his commerce, he would have that description of ship which his scientific men told him was the best for the purposes of war. No doubt he looked at wooden ships as being nearly obsolete. It had been further stated that he was about to build immediately ten more vessels of the size of *La Gloire*—even the names of three were given. There was no truth, however, in that. The Minister said, "If you go through our docks you will find blocks laid down, but no orders have been given for these vessels. I do not mean to say that in the course of years we shall not have ten more ships. In 1847 we laid down a policy under Louis Phillippe; and we go on, step by step, building a certain amount of vessels every year, and keeping pace with the improvements of the age." Not satisfied with making that statement, the minister presented him with a copy of the estimates for the navy, the statement recently laid before the legislative body, as to the condition of the empire. In that document, under the head of "Marine," he found the actual number of ships given. It was very different from the other statement; very different also from the belief generally entertained in this country. The only French men-of-war really worthy of that name were steamers. There were 88 altogether. Of these 12 were screw ships of the line, 23 mixed; total, 35. There was 1 iron-plated frigate, 10 ordinary frigates, and 6 mixed frigates; 17. There were 7 corvettes, and 28 despatch boats; making altogether 88 vessels afloat and equipped. The minister did not wish him to understand that that was the whole fleet. On the contrary, he gave him a small book published on the first of February, which contained a description of the whole of the ships of the French navy, and the stations at which they were. He had carefully analyzed it, and he found that France had 35 steam ships of the line afloat, and 2 building; total, 37. He would not trouble the House with the sailing vessels. Well, by the Return laid on the table of the House the other day, he found that this country had afloat at the present moment 53 screw line of battle ships, and 14 building or converting — total 67, besides 9 block ships— in fact, altogether 76 steam ships of the line, as against the 37 steam ships of the line belonging to France. Therefore, as regarded ships of the line they need not fear France, even were she combined with any other Power. Of frigates France had 17 screw ships afloat, and 8 building or converting. But what did they consist of? Five of them were of only 200 horse power, and one building was of 480 horse power. So that France had really, as stated in the Return, only 11 effective screw frigates. On the other hand, we had 31 screw frigates, effective vessels, and 12 building; a total of 43 as against the 25 built and building belonging to France. On neither of these heads, then, ships of the line or screw frigates, was there anything to alarm us. Besides, our frigates were vastly superior to any of the French. Any one of our frigates was superior to any one of the French. In paddle-wheel frigates France was before us. We had 8, France had 17; but the House was aware that for war purposes these were of little use, as one shot would completely disable the paddles. Taking all together, then, we were far before France. With regard to those instruments of destruction, the iron-plated ships, France had one afloat and ready for sea, and she would have another ready in the course of the year. Well, we had the *Warrior* launched, and she would be ready, as he understood, for sea in August. If we had done as we ought to have done—turned our attention to the building of iron-cased ships earlier, and he thought the country was deeply indebted to the right hon. Member for Droitwich for introducing the matter as he did when at the head of the Admiralty—we might have been in a very different position. France, as he had stated, had at present only one iron-cased vessel afloat, *La Gloire*, and he went over her at Toulon. In the dockyards of that place there did not seem to be that extraordinary activity in the construction of vessels of war which some people talked about. He had also been over the *Warrior*, and, looking at both ships with the eye of a sailor, he could say that he would not be afraid to meet in the *Warrior* two *La Gloires* as enemies. The *Warrior* was double the size and threw double the weight of metal. There was, then, nothing to alarm us with regard to French vessels of war. The Minister of Marine was anxious that the feeling of alarm in England on that subject should be got rid of. He said, "I have shown you everything; I have given you official documents; I will do more, if you desire. Will you go and visit our dockyards and arsenals? I will send a gentleman with you who will throw open everything to you, and you may see with your own eyes everything." He (Mr. Lindsay) declined, saying he was tired of wandering about; but the statement which he had received, confirmed by these books, was so different from what was commonly believed, that he had sent the figures of the Minister of Marine to his noble Friend the Secretary of the Admiralty, and extended to him the invitation of the Minister of Marine to visit the French dockyards and arsenals. He had received a reply in which the noble Lord pleaded want of time and pressing engagements, but still seemed to entertain doubts as to the accuracy of the statements. After receiving that reply from the noble Lord, he mentioned the subject to his Friend, M. Chevalier, and told him that he feared many of his (Mr. Lindsay's) countrymen were still unbelievers in regard to the naval preparations of France. Subsequently he received a letter from M. Chevalier, in which that gentleman made the following observations:—

> "We have in this country an old proverb: 'None so deaf as those who won't hear,' and I begin to fear it is pretty much so in this instance. You have a full statement of our navy—you have it in a blue book—you are told officially by the Government, and privately, in the most friendly and honest manner, by our Minister, that of iron-cased vessels France has only one fit for use, that in a short time we are to have a second, but that a full year must elapse before we can get two more, and two years before we shall be in possession of a fleet of six iron-cased vessels; and it is in the face of such a fact that England feels herself so dangerously menaced, that she spends millions without number to get rid of the peril of an invader. The Government here, and I may say the people at large, except some few individuals, are making all their exertions to give you the evidence of their feelings of friendship. It is of no avail; then what have we to do on this side of the water? Nothing, indeed, but to wait patiently until you have recovered full possession of your renowned wisdom and much-esteemed sagacity. . . . Our frigates are only eleven, and not forty-eight, as you have been told. . . As to the expenses of our navy, I have minutely gone over with you all the accounts, and you have seen how small they are compared with yours."

He quite agreed with that letter; it confirmed what he said to the House last year, when he opposed the measure for fortifications, when there was such a fear of invasion. An invasion! Did they mean to say any nation would attempt to invade 30,000,000 of free people? It was an idle dream, or something worse. Did they think any Power in Europe would attempt it? It was as idle as it was insulting to this country. He had no doubt several hon. Members still doubted the accuracy of his statement, and expected all these iron ships belonging to France to be afloat in July. If they would not believe the statements solemnly made by France; if they would not believe what he had seen, would a statement of the money the French spent annually in their navy be of any avail. He had examined the accounts minutely, and running over the expenditure he found France did not spend on her navy on an average more than £5,200,000 a year, including everything. He had taken the votes from the Estimates of 1858 and 1859, and compared them with the English Votes. He took 1858, it being a year of peace, when the expenditure of England was rather small, as compared with the three succeeding years. He took, first, the administration of the Admiralty in France in 1858, and it cost in round numbers £40,000; in England the Admiralty administration for that year cost £140,000; and in France they seemed to build ships in accordance with the improvements of the age, whilst in England they did not. Then the scientific branch in France, in 1858, cost £18,000, in England £60,000; and judging by results they found France had been producing the best description of vessels, whilst England still built on the old school in opposition to that very scientific knowledge for which it paid £60,000 a year. Altogether the sixteen Votes in France, in 1858, amounted to £5,274,000; and the seventeen Votes in England amounted to £9,140,000, and this year they amounted to £12,802,000. Of course he admitted that England had a larger navy to support and more ships in commission; but that could not account for the difference between £5,000,000 and £9,000,000, nor would it account for the difference between the £9,500,000 of 1858, and the £12,500,000 for the present year. With regard to the Motion for a Committee to inquire into the Admiralty, he quite agreed with the hon. Gentleman the seconder of the Motion before them, that the House had sufficient information to deal with the whole question. They had various Reports on the Admiralty already before them, and, having some experience in Committees and Commissions, he had no hesitation in affirming that if they sent that question upstairs it would not come down for a couple of years; and whenever, in the meantime, any complaint as to the Admiralty arose, the Committee would be referred to as a means of putting an end to the complaint for the time. The hon. Member for Portsmouth had given them an outline of the direction in which they should go, and it would be well if the House would go in that direction instead of deputing its power to a Committee. Considering the statements of the hon. Member for Portsmouth, and the hon. Gentleman the seconder of the Motion—considering further that they might expect the Report of the Commission appointed last Session to be before them in about ten days, it might be well to allow this question to rest till they had the Report of the Royal Commission on the table. Unless there was any urgent necessity for haste, the Estimates could rest for ten days; and then, having the Reports before them, they could deal with the question with greater facility, and with a better opportunity of having full information. In conclusion, he had to thank the House for the attention they had paid to him in making his somewhat lengthy observations.

SIR JOHN PAKINGTON: Sir, I think the debate has afforded ample proof how very extensive and complicated this question of naval administration is, and how desirable it is, if we wish to effect any practical good, that we should endeavour as far as possible to confine our attention to one part of it at a time. The Motion of my hon. Friend the Member for Portsmouth proposes certain very great reforms; but his speech consisted almost entirely of remarks, I am afraid only too well founded, on the present defective state of the crews and discipline of our men-of-war. In seconding the Motion my hon. Friend the Member for Inverness-shire adverted chiefly, if not entirely, to the question whether the building department of the Admiralty should be presided over by a naval officer or a professional builder? Again, the speech of my hon. Friend the Member for Sunderland, distinguished as it was by the acuteness, clearness, and industry which always characterises his speeches, was not addressed to the question immediately before us, but to naval affairs in general, and the superiority of armour-plated over wooden-ships in particular. These are subjects pressing for a decision, and upon which we have a right to receive—and I have no doubt we shall receive—a full explanation of the views of the Government. I doubt, indeed, whether we ought not to defer the discussion of these matters until after we have heard the noble Lord's explanation of the intentions of the Government. We could then consider these important subjects *seriatim*, and decide what policy we ought to adopt. I dissent from the hon. Gentleman the Member for Sunderland in thinking that it would be wise to affirm these Resolutions which my hon. Friend (Sir James Elphinstone) said he would not to-night press to a division, and that the House of Commons could thereafter decide what should be the constitution of the Board of Admiralty. Such a course would be without precedent, and I think it would be most inconvenient to settle these details of a great department of the State by a debate in the House of Commons. We have, however, to thank my hon. Friend for having drawn up a series of Resolutions, as a means of showing his views on this important and interesting question. Without approving all the details contained in the Resolutions of my hon. Friend, I agree with the hon. Gentleman (Mr. Lindsay) in thinking that they are a step in the right direction, and will commend themselves to almost everyone who has given his serious consideration to the subject. I will go further, and say that one main object at which we ought to aim is expressed in the second Resolution—namely, the necessity that exists for increased responsibility in every part of the government and management of the Royal Navy. I concur with my hon. Friend (Mr. Baillie) in his doubts whether a Committee of the House of Commons is a good machine for investigating this subject. I certainly gave notice of a Motion for a Select Committee, which I waived in favour of my hon. and gallant Friend, for reasons that I have already stated to the House. To-morrow I intend to give my support to the Motion of my hon. and gallant Friend for this reason, that the Government leaves us no alternative. I still think that the right mode of dealing with this subject is for the Government to undertake it. I think that the interests of the public require that the present constitution of the Board of Admiralty should be investigated and improved, but I have much more confidence in an investigation by the Government than in one conducted by a Committee upstairs, which must of necessity be a laborious and prolonged inquiry, occupying more than one Session, and thus making it a long time before we arrive at that reform which is necessary. If the Government is not disposed to enter upon this inquiry itself, I should prefer an inquiry by a Royal Commission to an inquiry by a Select Committee. The Government, however, have decided not to do this reform themselves, or to grant a Royal Commission; and, therefore, there only remains to support the Motion for a Committee of this House. I will assume that it is the intention of the Government to accede to the Motion to be made to-morrow for the appointment of a Committee of this House, and I will, therefore, say no more on that subject. I wish before I sit down to put a question to the noble Lord the Secretary to the Admiralty, of which I gave him notice this morning. My question is whether it is the intention of the Admiralty that Sir Baldwin Walker should leave England before he gives evidence to this Committee? I have heard with great surprise a report that Sir Baldwin Walker is to sail for the Cape on Saturday next, although the Committee is to be moved for to-morrow. Now, Sir Baldwin Walker, after his long experience in the building department, is, if not the most important witness who can be examined before that Committee, at least one of the most important witnesses whose evidence they will take. I will suggest to my noble Friend whether, if Sir Baldwin Walker is allowed to leave England the very day after the Committee is appointed, an impression will not be created in the public mind that the Admiralty do not desire to have him examined before that Committee? The noble Lord shakes his head, and I do not say that is the feeling of the Admiralty; but there is an obvious danger that such will be the impression on the public mind. I adverted to this subject in my place a few days ago, and I had hoped that the intention to allow Sir Baldwin Walker to leave England before he gave his evidence would be abandoned. I hope that my noble Friend will be able to assure the House that evidence so important as that which Sir Baldwin Walker can give will not be lost by a few days' delay in taking his departure.

Lord CLARENCE PAGET said, that when the right hon. Gentleman alluded to Sir Baldwin Walker's departure a few days ago he consulted the hon. and gallant Admiral who had given notice of his intention to move for a Committee (Admiral Duncombe) to ascertain whether he and the other Gentlemen whom he intended to propose as Members of the Committee desired the attendance of Sir Baldwin Walker to give evidence before them. He added that if it were the desire of the Committee that Sir Baldwin Walker should remain, the noble Duke at the head of the Admiralty would offer no objection, although very important duties called Sir Baldwin to his station. After consulting with those Gentlemen, the hon. and gallant Admiral stated that it was not necessary for Sir Baldwin Walker to remain and give evidence, because he had already given his evidence at large before a Royal Commission on the constitution of the Admiralty, so far as related to the department of shipbuilding. That was all the evidence he could give on the subject, and if he remained he could add nothing to that evidence. Even now, if it were the wish of the House of Commons that Sir Baldwin Walker should remain a few days to give evidence before the Committee, the noble Duke would not put himself in opposition to its wishes.

With regard to the Question before the House, he was not prepared to do justice to all the important topics which had been started in the course of the discussion. The House had, in fact, a little anticipated the Navy Estimates. The Motion of the hon. Member (Sir James Elphinstone) was couched in rather strong terms. It was like hanging a man first and trying him afterwards, and was not altogether consonant with the English love of fair play and of giving every man a fair trial before he was condemned. No doubt, the hon. Gentleman's sole object was to discover the best way of remedying what he considered to be the defects in the constitution of the Board of Admiralty, and some of his Resolutions contained suggestions that were certainly valuable. He was not prepared to agree in all the matters mentioned, and there was one most important omission, for the accountant's branch was not even adverted to. He wished to correct a statement which had been greatly misunderstood with respect to the Volunteer Marine Artillery. He could assure the House that, as he stated the other night, the Admiralty would do anything in their power to forward that great national movement. He was instructed to state to the House that if they could see their way to some practical plan of giving the Volunteer Marine Artillery proper practice with great guns they would be glad to do so. It must be obvious that if ships were to be placed all along the coast of England for the purpose it would be necessary to add largely to the naval expenditure. In practically considering such a project, it must always be borne in mind that a ship might be caught in a gale of wind, and the men might then be kept on board for several days, and the Volunteers fed and lodged at the public expense. The Admiralty were considering a proposition for erecting batteries with ship guns and all the necessary gear at various places on the coast, with the view of affording facilities for exercise to the Volunteer Marine Artillery to the Coast Volunteers and others. He was not prepared to say that means might not be found for giving greater assistance to these Volunteers, but all that he now stated was that the Admiralty were deliberating on the erection of batteries, as far as possible, along the coast. The hon. Member for Sunderland had referred to the appointment of officers of the Royal Naval Reserve. That question of officers had been dealt with at the Admiralty, and after a plan had been prepared in connection with the Board of Trade it was found that an Act of Parliament was required. His intention, therefore, was to bring in a Bill to enable the Admiralty to enrol merchant officers as officers of the Royal Naval Reserve. He thought such plan would be very popular in the merchant navy and useful to the country. The hon. Member for Inverness-shire (Mr. Baillie) had called attention to the appointment of the Controller of the Navy; and, beginning with Mr. Pepys, gave an interesting history connected with the matter; but, Mr. Pepys, clever and honest as he was, had some prejudice against naval men, and was not a very fair judge as to propriety or impropriety of appointing a naval man to the situation. It must be borne in mind that the building of ships in former days required two branches of knowledge —shipbuilding and practical seamanship. In the present days a knowledge of engineering also was required. The question, then, was which of these branches should be deemed the first? It had always been held that the practical naval officer had on the whole the most important duty to perform, as he had to see to the arming, rigging, and fitments of the vessel, and therefore it had always been held that at the head of the ship building department there should be a naval officer. It had been asked whether it was respectful, when the Commission was just about to report, to appoint a naval man to the office for five years. His answer was that a naval officer never could be said to be appointed permanently to such a post, as he might be got rid of to-morrow by his services being required in another way. Therefore he held that the noble Duke at the head of the Admiralty had done wisely in filling up the office, and had chosen, on the whole, the best man for it.

He would now make a few remarks in answer to the statement of the hon. Member for Sunderland (Mr. Lindsay) in respect to the French navy. The hon. Member had been in Paris, and appeared to have gained the confidence of all the most important persons there; and he was very grateful to the hon. Gentleman for the information he had given to the House respecting the French navy. The hon. Member said that the French navy was composed of very few ships, and that, in fact, there were only eighty-eight screw ships afloat. Well, a return might be made of the English navy showing not a very much greater number if all vessels were excluded, such as the French excluded, from calculation; he had looked to the French return of eighty-eight ships with a considerable amount of interest, and he found that it excluded all ships in reserve, all paddle ships, all small vessels, and all transports; and let the House remark that the French transports were magnificent vessels, and would do good service in war. He had no doubt that the Return was a perfectly honest Return in its way, but it was not, according to the English view, a correct Return of the navy. With regard to the British Navy he had laid on the table a return showing every ship building and afloat. The hon. Member talked about people being alarmed. There was no alarm, for there was nothing to be alarmed at, as the British fleet was in a very satisfactory state. However, though there was no cause for alarm, there was cause for making progress in the construction of iron-cased vessels. The hon. Member had told the House that France had fifteen of these ships, but that five of them were the old floating batteries used in the Crimea, that only *La Gloire* was launched, and the *Magenta* and *Solferino* would not be ready under two years, while the rest were in their infancy.

That was all a matter of opinion, and he had reason to believe that those ships were very nearly ready. He believed that every one of those ships, if the French desired it could be afloat this summer. He had had curiosity like other men, and had seen some of them. A sister ship of *La Gloire* was launched, another was ready to be launched, and he believed that the others were in a fair state of preparation. Let the House remember that the French had fifteen iron cased ships, two were vessels of 52 guns, of a very large class. There were four others, sister ships of *La Gloire;* and four more of a very formidable character, which they called floating batteries. That made ten, and five iron-cased gunboats gave a total of fifteen, exclusive of the old floating batteries of the Russian war. We had only seven under construction. It was true ours were finer ships. He agreed with his right hon. Friend that they were much finer ships; but he said this, that if they found much more progress made over the water or among any other nation in building these ships it would be the bounden duty of the Government to come down to the House and state frankly and fairly what was going on with a view, if necessary, to extend the number of our iron-cased vessels. With regard to other questions to which reference had been made he would postpone his remarks until his general statement in Committee.

Mr. BENTINCK said, he could assure his noble and gallant Friend that he did not share the views of his distinguished predecessor, which had been adverted to; nay, he went further, and would say that he was exceedingly glad to see his noble Friend holding the post which he now occupied to the great advantage of the service. But he believed that with all the independence of character of his noble and gallant Friend even he was not entirely exempt from those inconvenient trammels which surrounded official men. He thought that he traced symptoms of these trammels in the remarks of his noble and gallant Friend upon the subject of the Naval Volunteers. No doubt every hon. Member had perused the printed statement which he held in his hand, and which was signed by Captain Harcourt. The document contained a statement of facts, and some correspondence with his noble and gallant Friend, and in the course of the statement Captain Harcourt said that the two remarks which his Lordship made to him were that in all probability the Board of Admiralty would not incur the expense of feeding these men if the ships in which they were driven to sea by stress of weather; and, also, that they would not consent to put on board men who were not subject to the laws of naval discipline. He (Mr. Bentinck) thought that he saw the trace of official trammels in that answer, for he could not but think that when the object to be attained was so obviously advantageous, and where the expense was so comparatively trivial, his noble and gallant Friend, if he had taken the course which he himself approved, would at once say "Even if you go to some expense there is no possible way in which you can get such an efficient class of men so cheaply as this." Even if the expense of keeping the men on board in a case of bad weather coming on were incurred the expense would be perfectly absurd as compared with the advantage of giving the men an opportunity of training. Surely if they were to give the system official encouragement so slight an additional outlay ought not for a moment to be considered. He hoped that his noble and gallant Friend would induce those who influenced him to reconsider the matter, and that before the Estimates were passed the Government would be prepared to make the trivial outlay which would be necessary for an object already sanctioned, and the utility of which was generally acknowledged. He had listened with great attention to the hon. Member for Sunderland, but he was not going to touch upon those parts of his speech which had been answered by his noble and gallant Friend. There were, however, one or two other points to which he must advert. Everybody must concur with him that, at all costs, the maritime supremacy of this country must be maintained; and he was glad to find that his hon. Friend held the view that our navy ought to be equal to that of France and of any other country combined with it, which meant that it ought to be equal to compete with the whole world. His hon. Friend had given them some curious and interesting anecdotes with reference to the French navy, and had also entered into the very broad and intricate question of the intentions of France. His hon. Friend rather inferred that they were to anticipate, as one of the results of the Treaty with France, a continuance of amity with that nation. All he (Mr. Bentinck) could say was that in so doing they would be trusting to a broken reed. His hon. Friend went on to say that the French were only doing that which they were required to do in order to maintain their position as a first-class nation. He (Mr. Bentinck) should like to know what possible argument could be urged to show that France required any navy at all, comparatively speaking, in order to maintain her position as a first-class nation. He apprehended that France was exclusively a military nation, and that she did not require a navy like that she now possessed to maintain her position. He contended that the naval strength which France now possessed could only be used for the purpose of aggression; and that to buoy themselves up with the idea that France in constructing these vessels meant peace was absurd, and such an opinion was clearly not worthy of the great ability of his hon. Friend. His hon. Friend then touched upon the discipline of the navy, and suggested that the constant system of telegrams from the Admiralty had an injurious effect, but he (Mr. Bentinck) should like to remind his hon. Friend that there were other causes which affected discipline. The tone of the discussions in that House, the tone of the public prints, and other circumstances affected it. Every jury which had to try a question between a foremastman and the master of a merchant ship were doing all in their power to subvert it. On the question of commanders he had to remark that there was a great deal of hardship in the system adopted; and he thought that he could show at the proper time that the new arrangements were not over liberal. The hon. Member for Inverness had expressed his regret that the earliest opportunity had not been taken for trying every possible experiment with these iron-sheathed vessels. It appeared to him (Mr. Bentinck) that a greater mistake could not be committed than laying the vessels up in ordinary without first testing their sailing qualities. Then came the important question, who were the responsible parties in the management of the different branches of our naval service? He would state a fact for the purpose of illustrating the difficulty in which that point was involved. In the course of last Session he had been a Member of the Committee appointed to inquire into the defective condition of our gunboats; and in order to ascertain who was answerable for that evil, he had made a Motion to the effect that certain right hon. and other Gentlemen who had been members of the Board should be examined; but that Motion had been rejected by a majority of the Committee, and as he had been persuaded that that was the only effective mode of arriving at the whole truth in the matter, he had not any further attended its sittings. He hoped that the course which that Committee had pursued would not be followed by any members who might hereafter be appointed to inquire into the administration of the navy, but that they would sift the subject referred to them to the bottom.

SIR CHARLES WOOD said, he wished to make a single observation. He thought that the question as to the persons on whom the responsibility as to the gunboats rested had been once for all put an end to by the Report of the Committee which his hon. Friend (Mr. Bentinck) seemed to have deserted. Two or three years ago his hon. and gallant Friend, the late Sir Charles Napier, persisted in stating that he (Sir Charles Wood) had ordered those gunboats to be built without the slightest communication with the naval Lords. He had been surprised to hear that some difficulty had been thrown in the way of allowing evidence which would elucidate that subject to be brought before that Committee, but ultimately Sir Maurice Berkeley was examined, and gave most clear evidence that those gunboats were built with the entire concurrence of every naval member of the Board. The fact was, that he (Sir Charles Wood) had never had a misunderstanding with any member of the Board, and upon no material point connected with his office had there been any difference of opinion between him and the members of the Board over which he presided. There was another point to which he wished briefly to refer. The hon. Member for Inverness-shire (Mr. H. Baillie) had stated that the building of iron-plated batteries had been neglected in this country. But the fact was that in the year 1855 the French sent two of those floating batteries to the Crimea, and we also sent two; while in the following year we had not less than eight of them to the two possessed by the French.

MR. BENTINCK said, that he had made no allusion to the question who had ordered the gunboats to be built. The only point into which the Committee had to inquire was the condition of those boats at the end of a period of two years.

CAPTAIN TALBOT said, he thought the

navy would be very much disappointed by the speech of the noble Lord the Secretary of the Admiralty, since there was a general feeling among them that the affairs of the navy were not managed in a satisfactory manner. The system of administration was condemned by all. In the matter of building ships they might not be so much behind their neighbours, but in the manning of the navy they were vastly inferior. They had nothing to fall back upon in time of emergency. When the Russian war broke out they resorted to all sorts of modes of manning the fleet; but, though they had plenty of time for preparation, everybody knew that the fleet was most inefficiently manned. The arrangements they had recently made for the purpose also seemed to be inefficient, and their reserve was in anything but a satisfactory condition. He was very sorry to hear that the noble Lord was not able to announce that means were in preparation for putting us in a position to meet an emergency.

Sir MICHAEL SEYMOUR said, he thought it was quite clear that some change was necessary to meet the complaints of the unsatisfactory manner in which the business of the Admiralty was transacted. He was not one of those who thought that politics had influenced the Board of Admiralty of late years, at least to any great extent; but, undoubtedly, a contrary impression prevailed both in the Naval Service and in the country at large. The time had arrived when great public advantage might be derived from the labours of a Committee or of a Commission, although he was bound to say, at the same time, that successive Boards of Admiralty had worthily fulfilled the trust reposed in them by the country. Nor ought it to be forgotten that, under their guidance and control, the Navy of Great Britain had maintained the independence and dignity of our flag. Perhaps the greatest difficulty was the manning of the navy. Every attempt recently made to man our ships or to form a reserve had been a failure. The bounty had not succeeded, and the measures adopted upon the Report of the Manning Commission of 1853 had produced only a comparatively small addition to our force of seamen. At present we had actually not the means in reserve for manning a single ship. Whether the ballot should be put in requsition was a point upon which he would give no opinion, but the whole subject connected with the manning of our navy deserved the most careful consideration. He hoped that whatever might be done in future in the extension of the navy would be in the direction of iron-plated ships. He even thought it was worth consideration whether some of the line-of-battle ships ought not to be brought forward and plated. He agreed with the hon. Member for Norfolk (Mr. Bentinck) when he said the discipline of the navy ought to be such as to bear strict inquiry. He hoped it would always be such as to bear the most open criticism.

Sir MORTON PETO said, that with respect to the reconstruction of the fleet, it could not be denied that all scientific men were unanimously of opinion that the time had come when the Government should build no more timber vessels, and should expend no more money in altering the wooden ships already built. France had relinquished any such expenditure for some time past, and was building iron-sheathed vessels. He wished that some commission could be appointed to procure accurate information of what was being done across the Channel, for he had no faith in the statements which were made on that subject when a large expenditure was proposed here. The French did not come to a conclusion with regard to the discontinuance of wooden ships without good experience. In the attack on the fort of Kinbourn it was demonstrated that iron-plated ships would be the only safe ones. So in the attempt to force a passage into Sebastopol it was shown that our wooden walls could not cope with stone forts. The French government profited immediately by the experience thus acquired in actual warfare, but the English Government moved more slowly. The fact was that our dockyard staff had been trained to the construction of wooden ships, and when a man had once got into a particular groove, it was very difficult to move him out of it. Thus, the Admiralty and the dockyard staff had constantly opposed the introduction of iron vessels. Twelve years since he had entreated the Government to pause in the expenditure on wooden vessels, and a right hon. Gentleman on the Treasury Bench answered him by quoting the miracle performed by Elijah when he caused the hatchet to swim. Since then he had observed that the introduction of iron vessels into our navy had met with no encouragement whatever at the Admiralty. If he had anything to bring to the notice of the French Government, he always felt sure that it would receive the most careful consideration, and would be adopted if it seemed of practical value; but he should never think of going to Whitehall to propose anything, being confident that official routine would render its adoption practically hopeless. He was quite sure that the noble Lord, from whom they expected so much, found himself perfectly powerless at the Admiralty, and could only register the decrees of the Board. He (Sir Morton Peto) would resist the expenditure of a single shilling more upon the construction of wooden ships. He was sure of this, that no wooden ship ever constructed would live for five minutes before the broadside of such projectiles as now used from such a vessel as the *Warrior*. If that was the case, ought the Government to go on spending million after million on wooden ships when every shilling of the money would be utterly wasted? The fleet prepared under the last Administration, and added to by the present, was sufficient to meet every emergency. The French Government had ceased to build wooden ships; then, why should this country be put to such enormous expense for them? He was in Algiers when the Emperor arrived there, and he saw the *Gloire* enter the port with the Emperor's yacht, though it was very bad weather; the other steamers of the squadron were not then in sight, and did not arrive till some hours afterwards. The *Gloire*, therefore, had one element of superiority—speed; and any Admiral would admit that the commander who had the fastest ship had in his power one great means of success, as he could always choose his position. He had been told that the *Gloire* was not an easy ship in bad weather. That was possible; but they might rely on it, with the practical and scientific men the Emperor of the French employed, any defect found in one vessel would be remedied in another. The greater durability of iron-ships was also an important question. An iron-ship would be as good fifty years after she was built as on the first day she floated on the water. He knew from experiment that the wear of iron so applied was scarcely appreciable. In 1859, the right hon. Member for Droitwich (Sir John Pakington) quoted a report of Sir Baldwin Walker, stating that, with the exception of the ships that had then been recently built, there was scarcely a vessel fit to go to sea without extensive repairs. Was not that an important consideration in reference to iron vessels? If they could never know whether their ships, when built, were seaworthy, was not that an important point for the House to consider when dealing with the question? They had been told by the right hon. Member for Droitwich that the expenditure for new works and alterations in the dockyards themselves had increased 120 per cent. As their ships yearly increased in size, so the docks had to be enlarged also. If everything connected with wooden ships was constantly changing, and causing a constantly growing demand on the Chancellor of the Exchequer, should not the element of superior durability in iron ships claim the serious attention of the House? If they could get what would answer the purpose, and permanently, they should hesitate to spend millions on wooden ships when the only nation that could oppose England had ceased to build them. Let the Government effect some reasonable reduction in what was non-essential. Let them have what was efficient, and what the country could perfectly rely on; let them treat the question as men of business would treat it. They would not go on building vessels on an exploded system; they would only use their dockyards to repair the ships they had already built. But, unfortunately, the Government never took such a position. Its workmen were brought up only to build wooden ships, and if the Government constructed iron vessels, "Othello's occupation would be gone." Another consideration was that on board an iron vessel the same effective force of powerful guns carried by a wooden ship could be worked by one-third of the number of men the wooden ship required. With the difficulty experienced in obtaining sailors, that was an important consideration. Now, to construct an iron steam navy might require a large outlay of money. But that large expenditure might be spread over a number of years; and it would not press so heavily as the present continual large expenditure, the results of which were so unsatisfactory, while the after expenditure would be almost nominal. He believed the country was prepared to meet any expenditure necessary for its safety. But it would demand of the House that the money so given should not be wasted, that the country should have value received for all it gave. He knew there was a deeply-rooted feeling of dissatisfaction in the public mind on this subject; the country felt that this question required solution, and they would not do their duty to their constituents unless they met that feeling, and fully settled the question for ever. The hon. Member for West Norfolk (Mr. Bentinck) he had remarked, often indulged in observations on the motives and intentions of the French Emperor and the French people. Now, he ventured to say that very few Members of that House knew anything at all of the real feelings of the French people. They judged foreigners too exclusively from the statements of the representatives of the English Government at Foreign Courts. These official persons were in the habit of mixing only among one certain set of people; they never descended to the under strata of society where alone they could learn what were the sentiments of the great mass of the people. For a number of years he had employed large numbers of people in France, sometimes as many as 10,000 or 12,000. That had brought him in contact with all classes of French society; and he could assure the House that there did not exist among the people of France the feelings they had been led to suppose. On the contrary, the general feeling towards this country was of a genial, friendly, and cordial kind. They were often told that the French were anxious to wipe out the recollection of the Battle of Waterloo. There was no feeling of the kind; the idea was without foundation. He had often talked over the Battle of Waterloo good-humouredly with Frenchmen, and he had always found it their firm belief that they won the battle, only another large army came up, and deprived them of the advantages of the victory. But the French were fast becoming a commercial people, and with a reciprocity of trade, good feelings would soon increase between the two nations. As to the Emperor of the French, he had personally received great kindness from him, and had been frequently honoured with his confidence in regard to public works. And he would undertake to say that there was not a Sovereign in Europe who so well understood the interests of his country as the Emperor of the French. He was sure that no person was more desirous of maintaining friendly relations with this country than the Emperor, and he was also sure that the Emperor's policy was peace and alliance with this country, because nothing could add more to the welfare and happiness of the French nation or conduce more to the stability of his dynasty. He gave the Emperor credit for wishing for that which was his interest to wish for; and whenever that House or the public press took an opposite course, or attributed motives, or excited suspicions, they were not acting for the welfare of the country or doing justice to that alliance which he believed to be sincere, honourable, and trustworthy.

Admiral WALCOTT said, that the country was thoroughly dissatisfied with the present constitution of the Board of Admiralty. Since the year 1828 to the present time there had been no less than sixteen First Lords of the Admiralty, and the number of secretaries and naval Lords in that time was nearer one hundred than fifty. The Board charged with one of the highest, most difficult, and responsible departments of the public administration has no permanency. The knowledge it has acquired of the actual state and urgent requirements of the naval service is lost with its displacement. Like the stone of Sisyphus it is a hopeless wearisome task. Another Board succeeds, labours, and toils with equal diligence; and over and over the work, like Penelope's web, has to be taken up and begun again. An influential member of a former Board is seldom retained; and, if he preserves his seat, has the disadvantage of serving under another chief and with different coadjutors. Yet to these ever-changing Boards we are content to entrust the right arm of our strength, the supervision of our dockyards, the building, equipment, and manning of our ships, the determination of the mode and materials of construction, the distribution of our fleet, the maintenance of the navy equal to any emergency, the supply of stores, the control of expenditure, the victualling, the medical and transport departments—a never-ending supervision which is indispensible to the safety of our commerce—the security of our shores, and the continuance of our reputation and stability as a nation, and yet it was liable to sudden and constant change. Such a state of things could not be satisfactory.

Admiral DUNCOMBE explained that the reason he had communicated to the noble Lord the Secretary of the Admiralty his opinion that Sir Baldwin Walker might proceed at once to his destination was that that station had been now six or eight months without a Commander-in-Chief, and that Sir Baldwin Walker had recently given evidence before the Dockyard Committee, which could be considered by the Committee about to be appointed.

MR. WHITBREAD said, he felt it due to the officers who had endeavoured to get their ships into good order to deny that the Admiralty had any reason to believe that the discipline of the navy was at all impaired. As soon as the few remaining men who had entered solely for the sake of the bounty were got rid of he had no doubt the fleet would be in a highly satisfactory and creditable condition.

SIR JAMES ELPHINSTONE said, he would withdraw his Motion.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Supply *considered* in Committee.

House *resumed.*

Committee report Progress ; to sit again *To-morrow.*

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Friday, March 1, 1861.

MINUTES.] PUBLIC BILL.—1ª Bank of England Payments.

AFFAIRS OF ITALY.

PAPERS MOVED FOR.

THE MARQUESS OF NORMANBY said, that the Papers for which he intended to move at the conclusion of the remarks he was about to offer on the present position of Italian affairs were these:—

> "Copies of any Despatches which have been exchanged between Her Majesty's Government and those of France, Sardinia, or of any other European Power on the Question of the Recognition of the Blockade of Gaeta :
>
> "Copies of any Despatches from Her Majesty's Minister at Turin containing a Report of the Number of Persons qualified to vote, and of those who actually did vote, at the last Elections in Italy :
>
> "Similar Returns of the partial Re-elections in September last :
>
> "Copies of any Despatches transmitting the Proclamations and General Orders of Generals Cialdini di Sonnez and Pinelli as to the Struggle going on in the Abruzzi and other Parts of the Neapolitan Dominions between the Neapolitan Royalists and the Piedmontese Army :
>
> "Copies of any Despatches giving an Explanation of the Royal Decree arbitrarily abolishing the administrative Autonomy of Tuscany, immediately preceding the Meeting of the National Parliament which was summoned nominally to decide upon the Re-construction of the whole Country :
>
> "Copy of any Despatches from Mr. Eliot giving an account of the Proceedings with reference to the Plébiscite which extinguished the separate Existence of the Government of the Two Sicilies :
>
> "Copy of any Despatches explaining the extraordinary Circumstance that some of the Constitutional Ministers of The King of Naples remained without any Intermission in the same confidential Situation under General Garibaldi :
>
> "Copies of any Reports made to the Lords of the Admiralty from the Admiral commanding Her Majesty's Fleet in the Mediterranean as to the Part taken by that Fleet from the Landing of Garibaldi and during the Invasion of the Country by King Victor Emmanuel."

The noble Marquess said, he moved for these despatches because he thought that they touched upon most important points—points which, according to his opinion, were quite indispensable for the fair and full consideration of the question, and they were points on which the papers now before them gave no information whatever. Every succeeding instalment of papers on Italy which had been presented by the present Government showed that a very small quantity of matter could be spread over a large surface. Certainly the papers of the present Government formed a very striking contrast with the productions of his noble Friend who was Foreign Secretary in the administration of Lord Derby, which created a great sensation, and were universally felt to give a clear, candid, and full explanation of Italian affairs. No one could fail to remark, on reading the despatches of the present Government, the very small part which Her Majesty's Minister at Turin, Sir James Hudson, seemed to have taken in these proceedings. He was convinced that that favoured diplomatist occupying a distinguished post had had many communications with Count Cavour—indeed, it was a subject of attack in the Sardinian Chambers that England had too much influence and control in the internal affairs of that country. But whatever the communications had been between Sir James Hudson and Count Cavour, their value was very much diminished when it appeared they were not of a nature that his Government could present them to the Legislature of this country. He was quite sure that if Lord Stratford de Redcliffe, or Sir Henry Bulwer, or Sir Hamilton Seymour, had been our Minister at Turin during a period full of great events they would have put forward clear and statesmanlike views on the aspect of affairs; and certainly if Sir James Hudson were now to close his career, he would be known principally for having been egregiously duped by his friend the

Sardinian Minister last year, when he stated, in a communication to him as the representative of this country, that the King of Sardinia had no intention of selling or exchanging or bartering any part of his dominions. While on the question of Savoy and Nice, he could not help remarking on the changed tone of the noble Lord the Foreign Secretary as shown in the whispering humbleness with which in these papers he suggested that France should offer Switzerland any security "short of a cession of territory." Indeed, why last year the noble Lord declared that no proposition could be admitted short of ceding to Switzerland a military zone bordering the lake. The French Government treated his propositions rather contemptuously, and—*quantum mutatus ab illo!*—the noble Lord withdrew them with as much callous indifference as if they had been merely a Reform Bill. Now, with regard to the papers produced last year—their Lordships would recollect that during last Session there was a moment when this House might have interfered if not with effect, at least, with dignity; but they were prevented by not being in possession of important information with which, it appears, the Government must have been in a position to communicate. On the 7th of February, he called attention to the subject of Savoy and Nice, and the noble Earl the President of the Council by his answer led them to believe that the French Government had no intention of proceeding to the annexation of those provinces. Yet, on the 5th of February, Lord Cowley had written a despatch, distinctly stating that he had heard, both from Count Walewski and M. Thouvenel, that such a thing was not only possible but imminent. The Government had docketed this despatch as only received on the 8th, and the noble Baron who represented the Foreign Office in their Lordships' House (Lord Wodehouse) stated in explanation that Lord Cowley frequently kept his despatches back two or three days. He had looked through more than 100 of Lord Cowley's despatches, and, except in one entirely unimportant instance, he could not find one that had not been received the day after its date at Paris. The noble Lord was bound to have had better official information before offering such an explanation. But there was another extraordinary circumstance connected with these despatches. Sir James Hudson's despatch reporting the deception practised on him by Count Cavour was also docketed as received on the 8th; but the noble Earl opposite quoted the words on the 7th. He would also remind their Lordships that when Lord Cowley honoured them with his presence on one occasion last Session, he (the Marquess of Normanby) put a question to him, and neither from Lord Cowley nor from any one else had he received a satisfactory explanation why that despatch was three days in coming from Paris to London. And when he asked an explanation of this upon another occasion, the noble Earl stated that he supposed he had quoted from a telegram. But can it be supposed that Lord Cowley could not also have telegraphed an important fact connected with a subject about to be discussed in this House. Her Majesty's Foreign Secretary, with spasmodic vigour, had talked about England seeking other foreign alliances;—and what had been the effect of that declaration? The first time the noble Lord appeared in public after that declaration was at the Lord Mayor's dinner on the 9th of November; and there, so happy had he been in his search on the Continent for new alliances that the only Ambassador present was the Count de Persigny himself. Now it must be recollected that the noble Baron had attempted to prove that the warning given by Count Walewski had not been serious, because Count Persigny had known nothing about it. An ambassador is rather helpless as to contradictions of assertions whilst still at his post. But during a short absence in France Count Persigny made a speech in which he stated on this question:—

> "The Government of the Emperor received those warnings as soon as the Treaty of Villafranca was called in question, and above all it never concealed anything from the English Government. It is, therefore, contrary to repeated assertions with the perfect knowledge of all parties that the facts have been accomplished."

So much for the attempt to make use of the name of Count Persigny as against his Government. He (the Marquess of Normanby) thought it was of the greatest importance that the Alpine frontier should not have been given up. But, as far as the lower portion of Savoy was concerned, he was perfectly aware that it had been the wish of the French nation since 1815 that their frontier should not be so close to Lyons; and there could not be a doubt that the Savoyard population preferred to belong to France rather than to Sardinia.

Turning from the question of Savoy to

the present condition of Italy, the first observation he had to make was that, never in any revolutionary epoch which had occurred within the last seventy years, had there been such a persevering abuse of high-sounding terms as on the present occasion. They had heard much of national independence and constitutional liberty, when, in point of fact, these two terms had been used to force the population of Italy to accept exactly the contrary of that which they desired. National independence! Why, every country of Italy that had now been subjected to Piedmont, had always considered itself for generations past within its own limits, independent. National independence! When, at Naples, the interference of Piedmont was considered as much an interference with their national independence as the interference of Austria was considered at Lombardy. But the cry now was for a unified Italy. He could only say that all the habits of his life—all his personal associations—all his feelings would lead him to wish for the prosperity of Italy; and it was monstrous to suppose that he could be actuated by any other motive than a sincere desire to maintain the true interests of Italy according to his experience and the best of his judgment. But there were two Italies. There was Italy more or less federal, and there was Italy "unified," to use the phrase of the day which was as new as the idea. Federal Italy was the Italy of all time and experience, of practice, and of authority; the Italy of Machiavelli, of Dante, and of the principal philosophic statesmen and patriots from that time down to our own time; the Italy of Cesare Balbo, of Gioberti, and the Italy of Alfieri, Alberi Ferrari, and other eminent modern Italian writers. It was the Italy, of two men, who, as he knew personally, had a profound knowledge of Italy—the Emperor Napoleon and M. Lamartine—and who, though disagreeing on almost every other point, united in saying that Italy must be federal. The noble Lord at the head of the Foreign Office, who delighted to identify everything relating to the present condition of Italy with the period of 1688—a sort of monomania of his—would be glad to hear that Federal Italy was the Italy of Addison. In the *Tour in Italy,* which most of your Lordships must have read, he distinctly stated that her geographical features, the characteristics of the people, the nature of the country, made it impossible that Italy could ever be anything but federal. Against the Italy of all these combined authorities, there was the new idea set up of what was called "Unified" Italy—the word was as new as the idea—the Italy of Cavour, Buoncompagni, Liborio Romano, and, he was sorry to say, of Lord John Russell. He was convinced that the schemes of a Unified Italy would end in confusion after an interval of civil strife. The proceedings of the Piedmontese Government to carry out this plan showed a singular mixture of audacity of design and timidity of execution. If Victor Emmanuel had convinced himself, and had been able to convince those about him, in spite of the authority of foreign statesmen and the experience of his father as well as himself, of the possibility of carrying out this idea of a Unified Italy; if he thought that he had excited sufficient enthusiasm to carry his point; there could be no doubt that he ought to avail himself of that enthusiasm to drive out the foreigner who still occupied the north-east corner of Italy. But in this respect he gave Victor Emmanuel credit for being a wise man in his generation. Commanding the left wing of the army in the late war at the battle of Solferino, he must have convinced himself that he was then no match for General Benedict and the Austrians; he had shown great alacrity in gathering up the spoils which the fortune of war had thrown into his hands; but no doubt he entertained a very lively recollection of the forces opposed to him, and was aware that the great difference between this year and 1848 was the presence on this occasion of the French army, the power and courage of which handed over to him the dominions which had been ceded to them by treaty. It would have been fair if the King of Sardinia, before invading the Neapolitan territory, had said to the King of Naples—though to be sure that would have been an "interference" with the internal government of Naples—but it would have been but fair if he had said to the King of Naples that it was impossible that absolute government could long continue in the South of Italy while constitutional government was established in the North. If he had done that, could anybody doubt who had watched the conduct of the King of Naples, in all his difficulties, that he would have received such advice in good part? One reason for thinking so was that the King of Sardinia himself seemed sensible that he had made a mistake in not doing so, for the revolutionary papers here were told to say that he had made such a communication, and that the King of Naples had refused to receive it. But, luckily, Francis II. had in this country an intelligent and zealous agent, who immediately wrote to the paper in which the statement appeared to deny that any such communication had ever been made. But it suited the Piedmontese Government better to proceed in an underhand manner, and that their operations in Sicily should be conducted by bands under the responsibility of Garibaldi, and that he should have all the risk, and they should have all the profit—though Garibaldi would be candid enough to acknowledge that he had received the greatest possible assistance from the King of Sardinia from the first. Though the steel and the lead were Garibaldi's, the gold all came from Sardinia, and it was by gold much more than any other metal that the King of Sardinia and Count Cavour had got all their victories. It was notorious that at different times many hundred thousand pounds were transmitted to Sicily by the Piedmontese Government; it was notorious that just before Garibaldi entered Naples 25,000,000*f.* were paid into the hands of Piedmontese agents in that city, who were to corrupt the officials at Naples, civil, military, and naval. It had been stated, and never denied, upon the authority of the Neapolitan correspondent of *The Morning Herald*, and he had heard it from other sources, that £800,000 were borrowed at 8 per cent and 2 per cent premium from a certain Milanese banker sent to Naples, and distributed by persons who acted for the Piedmontese Government there. The officers of the fleet were bought over, which was shown by the fact that in no instance would the crews go with them. Some of the Neapolitan generals were known to have been bought. The name of the notorious Nunziante is in everybodys mouth. Another general known to have betrayed his troops was shot by them in the back as he was attempting to fly. The moment Francis II. proclaimed a Constitution he put himself in the hands of Liborio Romano, whom he made Minister of the Interior. This man was intrusted with the formation of the electoral lists, and the advancement generally of the Constitution, all of which he delayed as much as he could. He did all he possibly could, too, to prevent a change of generals, knowing the existing ones to have been bought. This was the state of things in which the young King of Naples was betrayed by those who pretended to be his friends; and it was this to which he alluded in a most touching manner in one of his Proclamations. "The traitor came," he said, "paid by the foreign enemy, and seated himself in my councils among my friends. I was young, and I could not believe that such treachery could exist." How could any man believe in such treachery?

> "For neither man nor angel can discern
> Hypocrisy—the only evil that walks
> Invisible, except to God alone."

A most strange Proclamation had been issued by King Victor Emmanuel. Where a constitutional King came forward and alluded to his own character in justification of his proceedings, he could not be surprised if others followed his example. In this Proclamation the King stated that he had never hesitated between the throne and his word. In point of fact his Majesty never had hesitated; but it was the throne that he chose to take, and not his word which he ever intended to keep. How had he kept the word he gave when he accepted the Preliminaries of Villafranca and signed the Treaty of Zurich, and to which the noble Lord, the Foreign Secretary, himself referred as binding him not to attack Venetia? Lord John Russell, in his despatch of the 31st of August, alluded to this subject, observing,

> "The King of Sardinia was free not to accept the preliminaries of Villafranca and the Treaty of Zurich, but having renounced a continuation of the war, and after having given his Royal word to live in peace and friendship with Austria, he was no longer free to cast aside his obligations and direct a wanton attack upon a neighbouring Prince."

These remarks applied with particular force to the case of Naples, because in all these despatches Naples and Venetia were treated on precisely the same footing by the Foreign Secretary. Did King Victor Emmanuel keep his word when he assured Sir James Hudson that he would never sell, exchange, or barter any part of his dominions? Then, what was to be said of that most extraordinary and unjustifiable attack upon the forces of the Pope? The troops under Generals Cialdini and Fanti, entering the Papal territory in a hostile attitude, without any declaration of war, cruelly butchered the German, Italian, French, English, and Irish soldiers in the service of the Pope; and the whole expedition would ever remain an opprobrium to Europe. This agent had told the Emperor Napoleon that his intention was to resist Garibaldi, instead of which, with forces ten times more numerous, he annihilated the Papal army. Again, did Victor Emmanuel keep his word when he told the King of Naples that he was opposed to Garibaldi's expedition, and that the use of his name by Garibaldi was a wanton and unjustifiable usurpation of his authority? And what opinion would be formed of the more recent conduct of the King of Sardinia among all men of honour? Garibaldi confiscated, and the King confirmed the confiscation, all the private property of the Royal family of Naples, amounting to 11,000,000 ducats, and including the dowry of the mother of the present King, who was a Sardinian princess. Their Lordships would also recollect how much public opinion throughout Europe was shocked when it was said that Garibaldi had conferred a pension on the wife and the sister or daughter of the Agesilao Milano who attempted the assassination of the late King of Naples. At the present moment this pension to a regicide was being paid in the name of the King of Sardinia. But His Majesty was impartial in the rewards and favours which he bestowed upon regicides. He had given the order of St. Maurice to one who confessed that he had been paid and employed to murder the King's own father, Charles Albert. This was a certain Gallenga, and in 1856 the following facts were established on the confession of Signor Gallenga himself:—That in the year 1833 Gallenga received at Genoa from Joseph Mazzini a dagger and 1,000 lire on an engagement to assassinate the King Charles Albert. Upon this being made known Gallenga was called upon by the *Risorgimento*, a Government paper, to resign his seat in the Chambers. He replied in terms sufficiently humble, sending at the same time 1,000 lire as a peace offering for the cannon at Alessandria,—"I declare upon my honour—upon such portion of honour which can still remain to me—that I did undertake this commission." The *Opinione* required the removal of Signor Gallenga from any further interference in the public affairs of the country; to which he replied, "Renouncing public life I renounce also the public press." The *Opinione* again returned to the charge, saying, "Can Signor Gallenga believe it possible that his quality of Deputy can be reconciled with his confession?" Upon which Gallenga ended by writing:—

> "Turin, 1st of December, 1856. I do not hesitate to yield to the opinion expressed by the *Risorgimento*, and by almost every paper in the capital. I have this day taken the most prompt steps to resign the seat which I hold in the Elective Chambers, and I lay at the feet of the King the Cross of the Order of St. Maurice with which he was pleased to decorate me."

This was an old story but now revived. The reason why public attention had been called to the fact was, that Count Cavour had caused Gallenga, for his own purposes, to be returned as a member of the new Italian Chambers, and again Victor Emmanuel had decorated him with the order of St. Maurice. This was a sad proof of how much the tone of public morality throughout Italy had deteriorated within the last four years; so that the man who had been guilty of what in 1856 was considered by every party an infamous act, and was deservedly driven from all society, this man was put forward by Count Cavour, and was chosen at the new elections, as one of the representatives of "regenerate Italy." He was now going to state a fact which was very generally known throughout the Continent, but which, with the happy knack common to Englishmen of shutting their eyes to everything abroad which did not square with their own views, had only been mentioned in one of the public journals of this country, *The Morning Herald*. The people of England looked upon Victor Emmanuel as the representative of constitutional Government, and believed that if he were not supported everything would fall into the hands of Mazzini. Now, he had reason to believe that within the last few days a complete understanding had been arrived at between the King and the Republicans, and thereby Victor Emmanuel was to get the crown of united Italy, the almost avowed design of Mazzini being that, as soon as possible, he would take the crown off the King's head. From the year 1830 downwards it has always been the creed of the Republicans that if they could accept for a few months a united monarchy it would be so odious to the national character, so at variance with the Italian feelings, that the Republic would soon supersede it. Now there was a certain advocate named Signor Brofferio, a man of extreme opinions, but of great sincerity, and this gentleman had lately published at Genoa a journal called *Roma e Venezia*, in which he gave an account of an interview which, at the end of 1859, he had had with Victor Emmanuel on the part of Mazzini, bearing a letter to the King from that person. This is the description of the interview:—

> "I gave the King Mazzini's letter. He read it without saying a word, merely smiling at times, as though he thought 'There is some truth in all this.' When he arrived at the passage where Mazzini recommended him to send Garibaldi to Sicily the King laughed outright, and said, 'To send him to Sicily is easy enough; the difficulty is how to maintain him there.'"

This was in 1859, after Victor Emmanuel had ratified the Treaty of Zurich, Mazzini being then a person under sentence *par contumace* for treason.

> "These were the words textually made use of by the King. When he had read the letter through His Majesty said, 'Give Mazzini my compliments; tell him that I have read his letter with pleasure, and that I appreciate his good intentions. I wish to make one remark, however,'—'What is it, your Majesty?' 'Mazzini wishes to give 500,000 men on paper. I don't want so many. I should be well satisfied with an efficient force of 250,000 men. 'Sire, I can answer for the Italian people. Remove the *coterie* of intriguers who deceive it, and it will do wonders. 'Well, let it wake up, and we shall see.' 'Will you, Sire, permit me to invite Mazzini to a conference, in order to take measures to carry his proposed plan into execution?' 'What, Mazzini in Piedmont! Tell him to mind what he is about.' 'Why, your Majesty would surely not have him arrested?' 'I? By no means; but I can't answer for the procurator fiscal, if he falls into his hands.' 'Well, Sire, to prevent any possibility of danger from that quarter, if your Majesty permits me, I will ask Mazzini to proceed to La Verbanella, in the canton of Ticino, where I will meet him, and where we will both of us settle the basis of peace between the Monarchy and the Republic, to prevent one being devoured by the other.'"

This conference produced a letter from Mazzini, promising that, if the Central Government ceased to prosecute the party and would give Garibaldi an assurance of its good wishes, it would take the initiative in raising Italy, and preserve an inviolate secrecy as to the compact. It would be seen from this letter that ever since the war a delusion was practised by the King of Sardinia for all these matters had been carefully arranged before hand. Within a few months after the time when this letter was written, Garibaldi was master of Palermo. He might state that these things happened—as far as he could make out—before the return of Count Cavour; but it was, nevertheless, quite clear that when Count Cavour was recalled, he accurately carried out the programme that originated with Mazzini. After all this he thought posterity would pronounce the name of *Il Ré Galantuomo* in a tone of irony. But there was another name now vacant that he thought would better suit the King of Sardinia—it was the name of King Bomba; for he believed no King had ever bombarded so many cities as the King of Sardinia. As soon as he ascended the throne he bombarded his own city of Genoa; last year, under circumstances of the greatest atrocity, he bombarded the town of Ancona, on which the cannonade was continued twelve hours after the capitulation was accepted in substance. This was stated in the Sardinian Senate, and Count Cavour was called on to deny it for the honour of the Sardinian flag; but Count Cavour did not deny it; and, what was more, the correspondents of the English newspapers omitted all mention of the fact of the challenge having been given to Count Cavour. The King of Sardinia also bombarded Capua, which Garibaldi had refused to do. The fire was principally directed at the populous parts of the town, and the garrison yielded to the terror and sufferings of thousands of women and children, not to the destruction of their defences, and lastly Gaeta. He would now refer to a question which had been put a few evenings since to the Government in the House of Commons, when a question was put to the noble Lord the Secretary for Foreign Affairs respecting the conduct of the Sardinian troops in the Abruzzi, that conduct impeaching the humanity of the Sardinian Government; but, when the noble Lord the Secretary for Foreign Affairs, in answering the question, said he should be ashamed to argue in that House the humanity of the Sardinians, for that they were well known to be as humane as they were brave, could he have had any knowledge of the first proclamation of General Pinelli? It was well said in a clever book called *l'Italia,* published at Florence by Signor Alberi, "That sanguinary decree had in a few weeks sacrificed more victims than were ever attributed to Ferdinand II. during a reign of thirty years by his most determined adversaries." The following was the proclamation of General Pinelli, commander of the Piedmontese brigade in the Abruzzi:—

> "1. Whoever shall be found with firearms or other weapons without being able to justify the possession of them by a permit from the constituted authorities will be immediately shot. 2. Whoever is recognized as having by word, by money, or other means excited the peasants to revolt will be immediately shot. The same penalty will be immediately applied to those who by words

or acts shall insult the arms of Savoy, the portrait of the King, or the national Italian flag."

It was stated by the Foreign Secretary that only brigands were executed; what right had he to make such an assertion? Had he never read the first order of General Cialdini, the Piedmontese Commander-in-Chief, "Let all the peasants taken in arms be shot. I begin to-day." The name of brigand, then, is an invention of the noble Lord; he stated this on the authority of the Sardinian Minister, who, of course, only repeated what he was told by his Government—on the authority, that was, of the parties most interested and concerned in the denial. But what real information had the English Government of all these things? No one supposed that the noble Lord would have said what he did had he spoken with full information. But could they wonder at these cruelties when they found that the following was one of General Pinelli's orders of the day to his troops?—

> "Officers and Soldiers,—You have done much work, but nothing is done as long as anything remains to do. A portion of this race of robbers shelter themselves in the mountains; fly to unkennel them; be inexorable as fate. Against such enemies pity is a crime; they bend their knees when you come in force, but they attack you traitorously when they see you weak, and they massacre the wounded. Greedy only for plunder, they are for the moment the paid envoys, not of Christ, but of Satan; and are ready to sell their daggers to any one when the gold paid by the stupid credulity of the faithful no longer satisfies their rapacity. We will destroy them; we will crush these sacerdotal vampires, who with impure lips suck for centuries past the blood of our mother. We will purify with blood and fire the regions infected with their impure saliva, and from the ashes liberty will spring with the more vigour in this noble province of Ascoli."

Let him count up some of the victims. It had been stated in a paper, dated the 9th of February, that at Scurcolla fifty persons were massacred, among whom were two priests, three women, and two children; at Avezzano, twenty-eight; at Tagliacozzo, forty-eight; at Iternia, all the inhabitants who were not able to escape. These butcheries were committed by the order of General Pinelli, and these accounts, with many more, he had selected from printed papers, French and Italian. There were some cruelties related too horrible to be believed, as that in some cases cords were screwed so tightly round the heads of some victims that the eyes burst from the sockets and the brains protruded. But it might be said these were hostile accounts—statements of persons interested in making it appear that these cruel practices prevailed. But what did the Sardinian officers say? In a letter from a Sardinian officer, published in the *Independente* of Naples of the 26th of January, he stated:—

> "When we arrived before Mazzano we began our cannonade. The brigands ran away, and we occupied the place, which was immediately set fire to, burnt, and destroyed. Other columns took possession of Cassara and San Vito, which suffered the same fate as Mazzano. These villages were taken by storm; all the houses, cottages, and buildings that we came across were given as prey to the flames. It was a terrible spectacle; all the animals—oxen, pigs, sheep, &c.,—fled terrified to the hills; man was chasing man, horrible to see, but nevertheless true. The flames rose to the heavens on all sides; it made me shudder. From Cassoli, in the Abruzzi, the following details are given of the murder of a priest, by name Gennaro Orsi. This noble priest was taken to the place where forty-seven of his companions had already suffered death. After enduring innumerable insults, to which his sole reply was, 'You do not frighten me, you only excite my pity,' this worthy minister of God fell to the ground, hit by eight balls. But, wounded torn and as he was, he had the strength to raise himself and say, 'I fear you not.' It was then that the champions of the '*Rè Galantuomo*' were checked for a moment by the courage of this martyr; but one of them, in a transport of rage, tore the crucifix which he held to his breast from him, and exclaimed '*Ecco la causa!*' They then trod on the crucifix and destroyed it, and, tying their victim to a tree, finished him with their bayonets."

Closing this part of his case, he would next call their Lordships' attention to the real state of the facts connected with the elections. As regarded the *plébiscite*, he found, for the first time, that it was supposed a people could give free expression to their opinions while a revolutionary army occupied the country, and when nearly all the provinces were in a state of siege. He had been informed of various circumstances connected with that *plébiscite*, which, of course, he could only give upon the authority of others; but the unanimity and numbers of those who voted in many places might be judged of by what occurred in one. It was stated that in one place, in the kingdom of Naples, in the neighbourhood of Sorrento, the Mayor sat at a table with the ballot-box on one side and a heap of bulletins on the other. Having waited some time, and no one coming to vote, the mayor observed that silence gave consent, and, therefore, thrust the whole number of bulletins into the ballot-box, which he closed up and sent off to the revolutionary authorities. There was another serious matter in connection with those elections—he meant that *plébiscite* which extinguished the separate existence of the Kingdom of the Two Sicilies. What did their Lordships think of the genuineness of those elections, when it was known that six days before the *plébiscite*, General Garibaldi, still acting as Dictator, published in the *Official Gazette* a distinct statement, that the Kingdom of the Two Sicilies was indissolubly united to the constitutional kingdom of all Italy under Victor Emmanuel and his descendants? What right had a person in General Garibaldi's position to declare that, and to anticipate the result of a pretended appeal to the popular voice? No country in Europe could recognize such an election. If appeals to popular suffrage were to be allowed to override all established rights, there must, at least, be a real and honest vote taken in order to ascertain the genuine wishes of the population. Their Lordships knew that in this country particular inquiry was made into the particulars of even single elections to a seat in the House of Commons, to ascertain whether there had been fraud or corruption practised by any party, and how much more necessary were honesty and purity when the issue was of such vital importance to the continual existence or summary extinction to a whole nation. But, could there be any doubt, after all that had been disclosed, that the pretended vote by universal suffrage was a perfect sham? Little was heard in England upon this subject, but all the French journals—even those whose correspondence was friendly towards what was called the Italian cause—agreed in condemning the unfairness of the elections that had taken place. The *Courrier de Dimanche*, which had been arbitrarily dealt with by M. Persigny, asked "What shall we say of this pitiable parody upon universal suffrage elected under terror—the mask of arbitrary despotism?" The *Presse*, a journal which was sufficiently favourable to the Revolution said, "Sincere opinion in favour of annexation there is none. The unanimity of the voting is not to be wondered at. It is fear that dictates or falsehood which proclaims it." Again, it was said, "There never was a more cruel thraldom or a grosser imposition practised upon the rest of the world."

He desired next to say a few words upon a point concerning which there was great misconception in this country—namely, as to the extent of the franchise in the late elections in Italy. It was believed by some persons to be manhood suffrage. He had an account, taken from the official records of Turin, of the amount of votes given at the partial re-elections in September last. In these re-elections there were thirty-three districts of 30,000 inhabitants, each returning one member a piece—the population so represented, were above 900,000; but of these, by the Statute Piedmontese, there were only about 20,000 electors, or 1 in 45 of the population; and only 4,300, or one in 170 of the population actually voted. It has been said that the West Riding of Yorkshire is not sufficiently represented; but there, at present, 1 in 19 of the population vote for two members each for the county or boroughs. In the city of Naples, with a population of 500,000, only 4,000 had any share in the election, and at Milan, with a population of 300,000 or 400,000, only 5,000 persons voted. Those facts proved how desirable it was that the Government and people, before running away with the idea that the state of things in Italy was so very satisfactory, should obtain more perfect information of the events which had lately occurred in that country. Where can be found in these returns any trace of that enthusiasm of which we have heard so much?

He desired to say a few words upon a subject which had been mentioned on the first night of the Session. He had then called their Lordships' attention to the two contradictory despatches of the noble Lord the Foreign Secretary. He thought the English people had a right to expect, when their Ministers published their opinions to all the world that at least, they should be consistent; but nothing could be more inconsistent than the two despatches of the noble Lord at the head of the Foreign Department. If he (the Marquess of Normanby) had time and strength enough left he would go into detail upon that matter; but, at present, he should confine himself to a single remark. He wanted to know what was the position of the Government towards the King of Naples, who, he thought, had a right to complain of the interference of the English Government. The interference of the French Government was to prevent an unnecessary effusion of blood. Their vessels prevented a blockade, which never was and never could be recognised by any European Power, as the King of Sardinia proclaimed it without any declaration of war. But what right had Lord John

Russell to regard as brigands a population rising in arms in favour of their legitimate Sovereign to whom they were attached? It was easy to talk of "brigands;" but a noble Lord who represented the foreign policy of England should exercise great care in applying that epithet to any body of men. While the garrison of Gaeta was still holding out against the Sardinians, and the sympathy of all Europe was excited by the undeserved misfortunes of King Francis II., Lord John Russell wrote a despatch to Lord Cowley stating that he wished to point out how much the generous intentions of the Emperor of the French had been perverted, and observing, "The King of Naples is free to retire; why does he not do so?" He frankly admits that he never read any despatch from any English Minister which, as a matter of feeling, he would not rather have penned than these cynical sentences. That language was addressed, too, to a people who, above all others, had the intensest commiseration for unmerited distress, and who had received the sentiments expressed on that very subject by their own Emperor in his Speech from the Throne with universal and unmixed applause. There were many persons now disappointed by the way in which that noble Lord had treated the question of Reform, and others who were astounded at his sudden advocacy of the abolition of church rates, contrary to all his former opinions. The noble Lord had also allowed himself to be overridden by that sort of sectarian influence which somehow or other unhappily beset the noble Viscount at the head of the Government. What if the noble Lord's firm supporters were to turn round and say to him, "You are free to retire; why do you not do so?" Such a result would be attended by a different amount of European sympathy than had followed the fall of the King of Naples. Let not those noble Lords flatter themselves that their foreign policy was producing any substantial effect abroad favourable to English influence in Italy. No doubt, the Italians might get up a slight demonstration of goodwill towards this country when our sympathy happened to be useful to them; but he had seen statements which had been circulated in the cities of Italy, and in Count Cavour's Papers saying that it was hoped that the Legislature in France would be as favourably disposed as the Emperor, since the interests of Italy and France were identical, their real alliance must always be with France. Again, there were other publications showing that the so-called national party felt how far they were from having any foreign support. In France, it was said, they had none except from the Emperor; in Germany they had none; while, from England they had only soft and honeyed words, and even those were employed out of jealousy towards France. It was also added, with respect to the feeling of the English people, so little did they know of foreign affairs, that a few articles in *The Times* could turn them all against the Italians. He received a letter the other day from an eminent Italian, in which he said that his countrymen all knew the origin and extent of English sympathy—that England wanted to sell, but would not fight—and they, therefore, felt that beyond words they would never get anything from her Government. In conclusion he must say that a policy which encouraged revolution and aroused what were termed nationalities could not but be most injurious to an empire like that of England, which contained millions of men of so many different creeds and races within its scattered dominions; supposing that adopting our theory and our practice some of the discontented subjects of the British Crown were to rise and throw off their allegiance, we should repress the attempt with vigour, as we always do, probably at first with success. But beware, my Lords, no nation ever permanently prospered which systematically, ostentatiously, violated that golden rule of universal application to States as to individuals, "Do unto others as you would they should do unto you." The noble Marquess then moved for the papers of which he had given notice.

LORD WODEHOUSE said, the speech of the noble Marquess had almost entirely relieved him from the necessity of making any reply on the part of Her Majesty's Government; because, although the noble Marquess had, indeed, moved for certain papers on the subject of Italy, he had said next to nothing on the conduct of the Government in relation to that country. Before, however, he proceeded to remark upon what the noble Marquess had said, it would perhaps be convenient that he should state whether or not he could give the papers referred to. The noble Marquess had given a very long list of the documents which he desired to have produced—and that there might be no mistake he (Lord Wodehouse) would state how the matter stood with reference to these papers. The first series of them were "copies of any despatches which have been exchanged between Her Majesty's Government and those of France, Sardinia, or any other European Power on the question of the recognition of the blockade of Gaeta." Now, there were no despatches or communications of that kind. There was, indeed, a question asked of Lord Cowley by M. Thouvenel as to the course which Her Majesty's Government intended to take; but the matter was treated by Her Majesty's Government, not as one of policy, but simply as one affecting the ordinary law of blockade. The next part of the Motion asked for "copies of any despatches from Her Majesty's Minister at Turin, containing a report of the number of persons qualified to vote, and of those who actually did vote, at the last elections in Italy; and similar returns of the partial re-elections in September last." If that were a return moved for in the Sardinian Parliament probably it would be readily given. We were not specially concerned in that subject, and it would hardly be possible to supply the noble Marquess with such exact information, although, of course, the general results of the elections had been communicated to Her Majesty's Government and would be accessible to their Lordships. The Motion also asked for "copies of any despatches transmitting the proclamations and general orders of Generals Cialdini, Di Sonnaz, and Pinelli as to the struggle going on in the Abruzzi and other parts of the Neapolitan dominions between the Neapolitan Royalists and the Piedmontese army." Some of these were already contained in the papers before Parliament, though he did not find that the proclamations were among them. The noble Marquess likewise required "copies of any despatches giving an explanation of the Royal decree arbitrarily abolishing the administrative autonomy of Tuscany immediately preceding the meeting of the national Parliament." That was a matter which sufficiently explained itself. The next paper sought was a "copy of any despatches from Mr. Eliot giving an account of the proceedings with reference to the *plébiscite* which extinguished the separate existence of the Government of the Two Sicilies." The noble Marquess could scarcely have read the papers already presented to Parliament or he would not surely have described them as being so meagre on this subject. All the information of any interest relating to it which the Government possessed was, he believed, comprised in the documents on the table. The noble Marquess also wanted a "copy of any despatches explaining the extraordinary circumstance that some of the constitutional Ministers of the King of Naples remained, without any intermission, in the same confidential situation under General Garibaldi." That was, no doubt, a very extraordinary circumstance, and the noble Marquess was perfectly right in expressing his opinion upon it. But as to any explanation of it, it was rather for the Italian Ministers concerned to furnish it if they thought fit. There was a secret history of what took place at that time, no doubt; but Her Majesty's Government were unable to give that circumstantial account of it which the noble Marquess desired, because they did not happen to possess it themselves. The noble Marquess then asked for "copies of any Reports made to the Lords of the Admiralty from the Admiral commanding Her Majesty's fleet in the Mediterranean as to the part taken by that fleet from the landing of Garibaldi and during the invasion of the country by King Victor Emmanuel." That paragraph contained an assumption as well as a Motion for papers, because it spoke of the part taken by our fleet, as if that fleet had been engaged in some manner in the insurrection of Sicily and Naples. Now, strictly speaking, our fleet took no part whatever in those transactions. The only occasions on which the British Admiral might be said to have taken any part were these. On one occasion during the bombardment of Palermo the commander of the Neapolitan troops expressed a wish that Admiral Mundy would afford some neutral spot on which the belligerents could meet. Admiral Mundy acceded to that request; a meeting accordingly took place on board of one of Her Majesty's ships, and an armistice was the consequence. Another occasion might be said to be this—Admiral Mundy had given an opportunity to Mr. Eliot, the British Minister, of meeting General Garibaldi, but of that interview the account received from Mr. Eliot had been given. There was also an offer made by the desire of Her Majesty's Government, by Admiral Mundy to the King of Naples to go on board of any one of our ships; but that offer was declined. There was also an allegation that some sailors had taken part in the insurrection; that had been inquired into, and it had been shown that it was a matter of no consequence whatever. These were the only points on which information could be wished. No doubt Admiral Mundy had mentioned matters of fact in writing to Her Majesty's Government; but, in affairs of this kind, the proper source of information was from the diplomatic agents of the Government. He could not help saying, however, that Admiral Mundy, placed in a position of great delicacy, had acted with much prudence and judgment; and, in the opinion of all who came in contact with him, his conduct reflected the greatest credit upon him. If the noble Marquess would amend his Motion by moving for copies or extracts of the various documents which he had indicated the Government would have no difficulty in assenting to the Motion. Turning from these particular papers, he would say that the first part of the speech of the noble Marquess was an elaborate attack on the King of Sardinia. That attack, he believed, lasted more than an hour. The noble Marquess read various extracts from the newspapers; he read some most secret and confidential communications he had received; he had compiled a great deal of information, and formed what he thought a connected narrative from which he concluded that there never was so shameful, so tyrannical, so detestable a character in history as the King of Sardinia. The noble Marquess drew a contrast between this most wicked King, who, he said, would henceforth be called "Bomba," from having bombarded undefended cities, and his favourite, the King of Naples, of whom he spoke in such high terms. He had not one word to say offensive to the King of Naples. Every one must respect the courage he had shown under the fate that had befallen him. He had expiated the faults of his father and those who had gone before him. But, in judging of political events, their Lordships must not fix their eyes upon the present King of Naples, who had reigned only a few months—they must look to the whole system of Neapolitan administration; they must contrast the conduct of the King of Piedmont and the late King of Naples, and they would discover the reason why the latter was called "King Bomba." The noble Marquess, going far back, told them there was an Italy of Dante, an Italy of Bocaccio. Then, coming down to the present time, the noble Marquess said there was the Italy of Lord John Russell. Now, the Italy of Lord John Russell the noble Marquess gave them to understand was United Italy. Now, whatever might have been the correctness or wisdom of the view with regard to Italy taken by his noble Friend, it did so happen that his idea was not that of United Italy. The noble Marquess must have read these papers with extremely little attention, or he would have seen that his noble Friend Lord John Russell, instead of advocating United Italy, said that he thought it better that Italy should be divided into two kingdoms. His noble Friend might or might not be right in the view he took, but it was rather hard to have views attributed to him contrary to those he had expressed. The view taken by Her Majesty's Government was not that they ought to decide for the Italians what should be their form of Government—not that, feeling a deep interest in Italy and wishing her people to be happy, they should tell them how they would be happy, but that they should endeavour to get fair play for the people of Italy, to enable them to decide for themselves what form of Government, what institutions, and what policy best suited them. That had been the course of Her Majesty's Government from the commencement of these events, and such it would continue to be. He would venture to say that whoever read the papers presented to Parliament would not find that the Government had deviated in a single instance from that general principle. The noble Marquess, after attributing to his noble Friend Lord John Russell political views he did not hold, went on to speak very severely of the atrocities he said had been committed by the Sardinians, and of which, he said, Her Majesty's Government should be aware. He particularly alluded to a certain proclamation of General Pinelli; but he suppressed the most material fact in regard to it. Most of their Lordships must be aware that General Pinelli was immediately thereafter recalled by the Sardinian Court. [The Marquess of NORMANBY: Two months after.] He thought the act of recall itself a sufficient proof of the view the Sardinian Government took of that proclamation. Then the noble Marquess also alluded to the proclamation of General Cialdini, and said his noble Friend at the head of the Foreign Office could not have seen it. But that proclamation was to be found in the papers laid before Parliament. He was no friend of that proclamation — he condemned it — he thought it entirely wrong. But it would be found that Admiral Persano, immediately he was made acquainted with the proclamation of General Cialdini, sent to him to request that he would forbear to put it into execution. He (Lord Wodehouse) did not mean to say that no excesses had been committed; but it was well known that brigands had been infesting the country, and committing the greatest and most horrible atrocities, such as justified very severe retaliation. He would state a few cases gleaned from information received from our Minister at Turin in the month of December last. It was stated that bands of brigands were sent across the Papal frontier to attack the Sardinian troops; that these brigands cut off the head of a Sardinian lieutenant; in December they burned alive five Sardinian riflemen, who had been wounded and were prisoners. After the fight at Mozano a Sardinian captain, made a prisoner, was found dead and mutilated; another lieutenant was found dead, who had been taken prisoner; a Sardinian commissary, a prisoner, was murdered in cold blood. The accounts went on to say that the progress of these brigands was marked by pillage and rapine. All this occurred in the single month of December. No doubt there had been, in a great revolutionary contest, excesses committed on both sides; but he was not bound to defend every act of the Sardinian commander, or the Sardinian Government. Her Majesty's Government undertook no responsibility whatever for the acts of any foreign Government. They had sympathy for the Italians, and admired the efforts they had made; but Her Majesty's Government did not profess to defend every separate act of Sardinia. That was the general answer he had to give to the accusations of the noble Marquess against Sardinia. The noble Marquess had also referred to the *plébiscite*, and had asserted that the voting took place under circumstances which prevented it from being a true representation of the feelings of the people. Now, he (Lord Wodehouse) was not an advocate for universal suffrage; and certainly he did not see the necessity for resorting to universal suffrage in such a case, and inviting the great mass of the people to vote on the question whether the destinies of the country should be intrusted to this or that Sovereign. It could not be disputed that the people were subjected to influences of various kinds. But it could, at least, be said that the *plébiscite* was preferable to the system which used to prevail in old times, when provinces, with their inhabitants, were transferred from one King or Government to another in consequence of some compact between Sovereigns without even the pretence of consulting the opinions of the people at all. Whatever value they might attribute to the voting in certain cases, there was every reason to believe that a large majority of the people did express their honest convictions. Reference was also made by the noble Marquess to the question of Savoy and Nice, and a very severe criticism was passed on his noble Friend the Foreign Secretary. Again he had to say that the noble Marquess had not shown that acquaintance with the printed papers in the possession of the House which he should have expected. Just before Parliament separated last year it was proposed by the French Government that a conference of the great Powers should be called to decide how the Treaty of Vienna was to be reconciled with the Treaty of Turin. Her Majesty's Government offered no opposition to that proposal; but the other Powers expressed their belief that it would not lead to any satisfactory result. His noble Friend, writing on the 19th of July, stated that Her Majesty's Government, although they did not see the advantage of a Congress, were willing to acquiesce in it, and intimated the opinion of the Government that the only satisfactory solution of the question was, "to provide a military frontier to Switzerland on the southern side of the Lake of Geneva." That was the view which his noble Friend expressed in the last despatch he wrote on the subject. That his noble Friend was not able to obtain that solution, he was sorry to say, was an indisputable fact. The other Powers did not support his view, and he thought it better, therefore, not to press a policy in which this country would be left almost alone. But the noble Marquess was not satisfied with condemning the Government of Sardinia. He did not, it was true, make a direct attack on Her Majesty's Government, or point out the particular acts of their policy of which he complained; but, in his extreme anxiety to find fault with everything and everybody, he directed his remarks against his own country. England, he said, would sell, but she would not fight.

The Marquess of NORMANBY: I said that was the view of the Italians, and a specimen of the gratitude which we received from them.

Lord WODEHOUSE would be sorry to

misrepresent the noble Marquess, but certainly understood him to adduce the opinion he had referred to as showing the general course of our policy. It had never been the policy of Her Majesty's Government to seek favours from other countries in return for the sympathy or assistance which they extended towards them. The Government had always endeavoured to promote not only the particular interests of our own country but the general interests of Europe and the maintenance of peace. If Her Majesty's Government were anxious to see Italy united and independent, it was because the state of that country since 1815 had been a perpetual menace to the peace of Europe. The Government might be mistaken in that view; but he believed they were supported by a great majority of the British people. The Government had abstained from interference in Italy because they conceived they had no right to interfere. But when by the war undertaken by France a new state of things had been produced they were anxious that the Italians should be allowed to deal with the consequences of that war without being subjected to the intervention of other Powers; for they recollected that in 1821 the Great Powers sent an army to Naples to restore the King. The general principle upon which the question of the independence of the States of Europe rested was, that no State ought to interfere in the internal affairs of another. But to the application of that principle there had been and must be exceptions. Their Lordships would recollect what took place in Belgium and Greece. Notwithstanding these exceptions, however, which, under certain circumstances, were inevitable, he believed that the general principle had been recognized by every statesman and by every Government in this country, no matter to what political party they belonged. England held that there ought to be no foreign interference in the internal affairs of any State, and had discountenanced the idea of having a sort of Areopagus, which, under the plea of restoring order, would prevent the settlement of affairs according to the wishes of the people themselves. It was not for him to say whether the course they had pursued would or would not gain for them the gratitude of the Italian people; but he believed that at the present moment the Italians fully appreciated the policy which England had pursued. In conclusion he had only to express his regret at the tone of the noble Marquess's remarks, and to say how little he envied the sensations of any man who could look upon the course of recent events in Italy without one spark of admiration for the heroism which had been exhibited, and without any feeling of sympathy for a people who had struggled so nobly to regain their independence.

THE EARL OF MALMESBURY: My Lords, the last words of my noble Friend's speech confirm the opinion I have long held of the risk which any Peer or Member of the Parliament of this country must incur when he speaks under the influence of such feelings as those which now pervade the public mind in England upon this subject; and, again, of the risk to which he is exposed of being charged with a want of sympathy for the Italian people in their struggle for independence if he does not approve of everything that has been said or done during the great drama that has just been played in that country. I must, in the first place, distinctly state that there is no man in this House who sympathises more honestly and more sincerely than I do with that people; and that now, after having known them for thirty years, I feel quite as much delight at hearing of their improved condition as I should have done when I was an enthusiastic youth making my first tour in Italy after I had just left school. But looking solely at what has taken place—looking at the facts as they have occurred, and not taking a poetical view of the subject, for we are not sitting here on the sunny slopes of Parnassus, but on the dingy benches of Parliament—I say, looking at the question in that way, and regarding the interests of this country as paramount even to the happiness of Italy, I think it is somewhat unfair to charge with a want of sympathy for Italy any one who takes the same general views which my noble Friend the noble Marquess near me takes of this subject. I think that his feelings upon this question, although they may not be acceptable to every one, can be easily explained, and are perfectly justifiable. He has passed many years among them, has been intimate with many of their chief statesmen while representing Her Majesty at one of the Italian Courts; and his personal predelictions for certain families, royal and otherwise, I think are natural and justifiable. I believe, moreover, that his complaint that the papers given by the Government to this House are insufficient is thoroughly well founded. I am surprised at hearing my noble Friend the Under Secretary for Foreign Affairs state that the Government has given us all the papers upon the subject of the blockade of Gaeta. I have myself been always disposed to discourage that redundancy of official correspondence which acts as a great impediment to public business; but I cannot help supposing from the statement of my noble Friend that he must have put an absolute veto on the transmission to the Government of any despatches upon this subject. Is it possible that there was no discussion with respect to the coming blockade of Gaeta? Is it possible that the Sardinian Government never expressed to the English Government their wish to put an end to the war by that blockade, and that the English Government did not reply in some way or another to any communication that may have been made to them upon the subject? Is it possible that the English Government had no communication with the French Government upon that point? And was there no attempt made by the English Government to induce the French Government to forego their prevention of that blockade? It appears to me that my noble Friend must have been engaged in shearing those despatches in the reverse of the way we thin our woods—by cutting down the larger and leaving only the smaller timber standing. It is strange—very strange—that we have received no more detailed accounts from Sir James Hudson and Mr. Elliot, with respect to the elections and the general feeling which pervaded the people of Southern Italy. I speak from personal knowledge when I state that the general practice of our foreign agents is to enter into even longer details than are necessary upon occasions of this description. I am surprised, also, that Mr. Elliot should not have said one word with respect to the *rôle* played by M. Romano, which many of us think so little to that gentleman's credit. But I suppose the noble Lord has overlooked those despatches, or thinks them to be so uninteresting as not to be worth publishing. The noble Lord in answering the noble Marquess has made use of a term on which I cannot help adverting. He says he wishes the Italians should be left to choose for themselves their own Government. I agree with him if he means that the inhabitants of the Peninsula should be allowed to exercise their own discretion in that matter without foreign intervention. But I cannot admit that the word "Italian" means a single nationality, for I am perfectly convinced that no two nations can be more different in constitution, in sympathies, in tastes, and even in race and origin than the Neapolitans and the inhabitants of the North. It does not, therefore, follow that because the principle of nationality is recognised in Italy its inhabitants should all form one kingdom. It appears that Lord John Russell himself took the same view of that subject which is taken by many people—and which, on passing, I may say I take myself—namely, that it would be more desirable to have two kingdoms in Italy than one only. But although that may have been the private opinion of Lord John Russell, yet, I must say that his policy, either intentionally or otherwise, has led to a diametrically opposite result. Let me go back to the beginning of those transactions. From the very first the Sardinians showed the cloven foot—but when I say the "cloven foot," I do not mean anything uncivil to that country. I only mean that, although Sardinia appeared in the character of a patriot, not a liberator, there was below the "cloven foot" of ambition and annexation. As far back as the year 1858, when I had the honour of presiding over the Foreign Office, the views of the Sardinian Government were openly displayed. Your Lordships must still remember the case of the *Cagliari* steamer. That was a vessel which sailed from the port of Genoa, and which must have sailed with the knowledge of the Sardinian Government, having on board a number of men who overpowered a willing crew, and made a piratical descent on the territory of the King of Naples, an ally of the King of Sardinia, and with whom Sardinia was at peace. Those men destroyed a village, and took away the lives of those who opposed them, and we were ourselves, to some extent, involved in the transaction from the accidental circumstance that two Englishmen were on board the ship when she was seized. From the moment we became acquainted with those facts we saw—what, no doubt, my noble Friend who succeeded me at the Foreign Office saw—that the object of the originators of that movement was to begin that great Italian war which was the dream of Count Cavour and of his master. An attempt was made, but made in vain, to entangle us in that war, and in assisting in its objects. I believe, however, that if the expedition of the *Cagliari* had been successful, that war would have been begun at once in Southern Italy which was begun two years later in the North of Italy. From that moment Count Cavour assured us that he had in view no object of annexation or aggrandisement for Sardinia, and that his only desire was to expel foreigners from Italy, that being a consummation of which all impartial men would approve. You know what followed, and you know whether Count Cavour acted up to that assurance. Your Lordships will recollect how we all trembled with the imminent fear of the outbreak of a great European war. We were on the edge of a precipice. I do not mean to glorify ourselves, but the Government of that day did all it could to prevent the outbreak of war, and failing in that we succeeded in localizing the contest, by inducing Germany to forbear from interfering for the assistance of Austria; for if Germany had joined in the struggle it must have assumed European proportions, and we could not, perhaps, have avoided being dragged into it. Austria broke the peace; the war commenced, and two great battles were fought. I believe that the battle of Solferino was a most providential victory —if victory it can be called—on the part of the French. Looking at the general interests of Europe, I am persuaded that it was a most providential inspiration, as I may call it, which then induced the Emperor of the French to stay his steps at the moment when a less wise man would have indulged in a feeling of exultation at what appeared to be a victory. I believe that if his uncle had been in his place he would not have acted so himself, but would probably have involved his country in a contest which would not yet have terminated. I regard that Peace of Villafranca as a most providential circumstance. It was followed by the adoption, on the part of the Emperor of Austria and of the Emperor of the French, of certain proposals which, although they would not have done all that we in this country must have desired for the promotion of the welfare of Italy, would have gone far to secure at once the happiness of the North of Italy, and of the South of Italy at no distant period. But when I am told that Her Majesty's present Government have adopted, in reference to this question, the policy of complete non-interference, I can hardly admit the accuracy of that statement. It is true that they did not openly interfere. But we have been very much misinformed, and the French Government have been very much misinformed, if Her Majesty's Government did not do all they could to prevent the exact fulfilment of the arrangement adopted by Austria and France. Under that arrangement Sardinia did not obtain the advantages she had expected. She was disappointed in not gaining possession of Tuscany and the Romagna; and if we have not been much misinformed the English Government encouraged her very much in her attempts to acquire those provinces. By the course which Sardinia adopted she put everybody in Italy, not in a dilemma, but in a trilemma. If you were a foreign Sovereign you had no business in Italy, and ought to be turned out of the country. That was the first category. Then, if your Government was a bad one, your Government ought to be brought to a termination. Of course, there was not a word to be said about that. But then, there was a third category which comprehended all who escaped from the first and second, and brought the whole country into Count Cavour's net. That was, that even if you rule well and wisely, like the Duchess of Parma, against whose Government not a word was said, you must go, because there could otherwise be no unification of Italy. Although Lord John Russell may not have agreed in desiring that Sardinia should absorb the whole of Italy, the policy which he countenanced led so completely to the unification of the north that it was only necessary to watch events to see that step by step the unification of the south must follow. Lord John Russell, therefore, though he may have wished to divide Italy into two parts, followed precisely the policy which would bring about unification. As I have said, my Lords, the feeling of this country is very strong on this subject, and I do not at all wonder that a people so fond of liberty, and so independent should be entirely with the Italian race in their struggles. But, my Lords, whereas, as I said before, independence of the foreigner and resistance to misgovernment are principles always to be supported, it is perfectly fair to have an opinion with respect to Italian unification; and, I trust, the question may be fairly discussed without any man being accused of bigotry, or a leaning to despotism. Principally from a common mistake that the Italians are all of one race, I have heard persons of all kinds—moralists, politicians, and financiers—go into ecstacies of enthusiasm at the idea of unification. The newspapers of the country have all been clapping their hands long and loudly to the same tune. But I would ask politicians and moralists, whether they think it will conduce to the happiness of mankind, or of the Italian people, if Italy is to be converted into one of those great military camps which, in my humble opinion, are the pest of the age? We have ten times more men under arms in Europe now than a century ago. I never can believe that such a consequence of unification as this, with the inevitable grinding conscription and taxation which will accompany it, can be desired by the friends of Italy. As my noble Friend has told us that he is not the advocate or the defender of the King of Sardinia and his Government for those acts which were palpable breaches of international law and honour, I shall say nothing about them, but shall refer them to the consideration of the moralists. No one feels a stronger sympathy with the Italian people than I do; but, if I may be permitted to address one word of advice to them, I would tell them to trust to themselves, and to no other nation for their liberty; liberty is worth nothing without independence, and they will never be independent if they lean on a foreign reed. I would also advise them when this war is over to smother within their breasts their most natural, but violent feelings against Austria. If Italy is to be a great and independent nation it will be as necessary for her interests and security to have a powerful Germany on one frontier as a powerful France on the other.

LORD LLANOVER said, that having been in Italy at the time, and having seen much of the people of Naples, he could deny that the Neapolitans felt that their nationality had been violated by the annexation to Piedmont. He was at Naples when Garibaldi arrived there, and for some weeks after, and he saw nothing but general rejoicing at the course of events, and at the dethronement of the Bourbon dynasty. He could assure his noble Friend that he had come to an entirely wrong conclusion on the point. In referring to the Italy of different periods his noble Friend had studiously refrained from alluding to that period of despotism which had just passed away, it was to be hoped for ever. He could not agree with his noble Friend that the King of Naples would have listened to any representations which the King of Sardinia might have addressed to him with a view of establishing constitutional government. He refused to listen to the advice which our Government and that of France gave him, though if he had followed it he might have been on the throne now. He had it on the best authority that when the young King came to the throne his Ministers urged him as strongly as they could to throw aside the principles of government which his father had followed, to restore the constitution which his father had sworn to grant and maintain, which oath he had altogether violated, and, if he would not go so far, they begged and prayed of him to administer laws as they existed in Naples in their purity, and not to ignore them, as his father had done. He believed it to be a fact—indeed, he might say he knew it as much as a man could know of anything he had not been present at—that the young King promised his Ministers he would do so; but he never fulfilled his promise. If he had he would not have been where he was now. The noble Marquess talked of the apathy of the Neapolitans on the question of annexation, but if he would read Mr. Elliot's despatch he would see that 19 per cent of the population voted, which was only two per cent less than the proportion which voted in France in 1848; and of that 19 per cent 99½ per cent voted for annexation. The noble Marquess complained of our interference, and seemed to think that the interference of the French at Gaeta had prevented great effusion of blood. On the contrary, he felt perfectly certain that if Gaeta had been left alone it would have fallen long before, and that the presence of the French fleet there had not only led to great effusion of blood, but had caused the reactionary movements which had subsequently taken place. The noble Marquess dwelt strongly on the confiscation of the private property of the Royal Family of Naples. But what was the history of that? After Garibaldi entered Naples an order was issued confiscating the private as well as the public property of the Royal Family of Naples. But if the noble Marquess would look into the blue book he would see that as soon as Lord John Russell knew of the proceeding he addressed a despatch to Sir James Hudson at Turin to read to Count Cavour protesting against it, and that Count Cavour in reply, had assured our Government that at the proper time every attention should be paid to the private rights of the Neapolitan Royal Family. So that if our Government had interfered at all in this matter, it had been in favour of the ex-Royal Family. The noble Marquess had stated that there existed no favourable feeling on the part of the Italians towards England. Now, when he was in Italy he never saw any feeling more strongly manifested. From Naples to Turin there seemed but one sentiment of gratitude and good-will towards Great Britain. The fact was, that although the Italians knew very well that we were not prepared to rush into war on their account, they also knew that they possessed our entire sympathy, and that when a nation like ours spoke boldly out through its Parliament and people its opinions would exert a great moral effect throughout Europe. As to what had fallen from the noble Earl (the Earl of Malmesbury) he wished sincerely that the Italians were left to themselves, and it was unfortunate that the noble Lord did not give that advice when he was Secretary of State for Foreign Affairs which he seems disposed to give now. If there were now no foreign intervention in the Peninsula, Italy would settle down and be quiet. The people were thoroughly prepared to undertake the management of their own affairs if the Emperor of the French would only let them; and he hoped that, from circumstances which had occurred within the last few days, his Majesty would see the impossibility of attempting to please two parties who were so utterly opposed one to another. The Emperor must make his choice; he must either go with the Ultramontane party and the Pope, or with the Liberal party. He hoped that the policy of non-intervention in Italy, which had been urged repeatedly upon the French Government by this country would now be followed; and he was quite sure that if the Italians were left free to govern their own country they would make proper use of the benefits which God had given them, but which despotism had hitherto prevented them from enjoying.

THE MARQUESS OF NORMANBY said, that even if he were not reminded by his own physical exhaustion at what length he had already trespassed on their time, he should not attempt any reply for this simple reason, that he considered his statements had received no answer whatever; with respect, however, to what had just been said, though it might be an excellent thing to leave the Italians to themselves, they were certainly not in that condition when the noble Lord (Lord Llanover) was there. Was not the English legion in Naples at that time? [Lord LLANOVER: They had not arrived!] Then the noble Lord's testimony as to the present state of public feeling in Italy was not worth much. He admitted that when Garibaldi first entered Naples there was much public excitement; but the sympathy which existed in his favour might be judged of from the fact, that out of the 500,000 inhabitants of Naples only eighty joined the legion of Garibaldi. It was not just to impute to the King of Naples the faults of his father, any more than it would be just to make King Victor Emmanuel responsible for errors committed by Carlo Alberto. The King of Naples was only about twenty-four years old, he had taken, in conformity with the advice of the Western Powers the very best man in Italy (Signor Filangieri) for his Prime Minister; and as to neglecting the advice subsequently proffered to him by the English Government, that advice was given in such a way that it would have been inconsistent with the dignity of an independent Sovereign to accept it. In bringing forward this Motion, his only object had been to bring forward facts utterly unknown in this country, and to establish the authority on which they rested with respect to further official information; he could, of course, not press for it in any other shape to which objection was felt by the Government; he would, therefore, withdraw his original Motion and move for further papers in the shape suggested by the noble Baronet connected with the Foreign Office.

Motion (by leave of the House) *withdrawn.*

The noble MARQUESS then moved—"That an humble Address be presented to Her Majesty for Copies or Extracts of any further Papers respecting Italy."

Motion *agreed to.*

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 1, 1861.

MINUTES.] PUBLIC BILLS.—1° Tramways (Ireland) Act Amendment.
2° Tramways (Scotland).
3° Law of Foreign Countries.

WESTMINSTER IMPROVEMENTS BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR WILLIAM GALLWEY said he felt bound to oppose the second reading. He thought it very necessary for the reputation of the Dean and Chapter of Westminster that public inquiry should be made into the matter for common report, or something more said that they had made it the price of their withdrawal of opposition to the Bill, that the Westminster Improvement Commission should first of all buy the land which they intended to clear for the purpose of opening the abbey, and then that they should re-sell it to them, and that they should be allowed to erect buildings, which they had already erected. But it would be almost impossible to believe, if one were not convinced by ocular demonstration, that those buildings not only shut out the west front of the abbey, but actually crossed the line of communication to effect which the Westminster Improvement Commission had been formed. He had last year, towards the end of the Session, asked the right hon. Gentleman opposite (Mr. Cowper) to grant an inquiry before a Select Committee, so that, by the aid of the information which might then be collected, and by the intervention of the Government, a satisfactory termination should be put to that which had now lasted a great number of years. The right hon. Gentleman said, in reply that it was a common building society, and that it would be most inexpedient and wrong for Government to set an example for such an inquiry into such matters. Now, he (Sir William Gallwey) would endeavour to show that it was no common, but rather an uncommon building society, and that it ought to be dealt with, not through a private Bill, but that the whole matter should be referred to a Select Committee up stairs. First of all the miscalled Improvement Commission came out as a Royal Commission. It was inaugurated, he believed, under the auspices of a noble Lord then in the Government, a great after-dinner orator of the Whig party, who opened the proceedings at a magnificent feast. But that was not all. It should be remembered that though the Commission was to confer a public benefit still it was formed for private profit. Well, Government began by granting to the Commission a sum of £50,000 as a gift, and they added an advance of £30,000, which from the want of security had become a gift; for he believed—and the right hon. Gentleman would set him right if he was wrong—that the Government had never received one sixpence of that advance. Now, he thought that the House would agree with him that they could not call a Commission for the purpose of improving an important portion of the Metropolis, and sustained by Government with £50,000 of public money and an advance of £30,000, a private building society. But that was not all. By the 10 & 11 *Vict.*, c. 131, clause 68, in return for the money thus advanced, the Government, by the then First Commissioner of Woods and Forests, very properly required that a most stringent and detailed account should be furnished to the Government half-yearly, for the purpose of showing how this public money was spent. That, he thought, was a reason why the matter should engage public attention and receive public inquiry. Now, he had inquired very strictly into the whole business, and he found that the unfortunate bondholders, who might be said to have lost all their capital, attributed it entirely to the neglect of the Woods and Forests. He believed that the enactment which provided that the account should be rendered to the Woods and Forests, by a clear inference rendered it incumbent on Government to have carefully audited those accounts. But that was never done. Then, in 1852, a Bill was passed through that House—and how such an iniquitous Bill should be passed he could not understand—which gave an additional power to the Westminster Commissioners to issue any amount of bonds they chose, resting on no security whatsoever, and he believed he was right in saying that they made the most prodigious use of that power. A short time before, having acquired by Act of Parliament that right, they issued double the amount of bonds which they ever previously issued; and not only that, but he was told that they sold them by public auction, and that they had allowed the bonds to be put up as securities guaranteed by Government. Now, the Bill before the House recited that a committee, of which the right hon. Gentleman on his right (Mr. Sotheron Estcourt) was chairman, recommended that the Commission should be wound up; but the Committee specially recommended in its Report that the First Commissioner of Woods and Forests should either himself be a commissioner, or should appoint one of the commissioners to watch over the public weal. Now, they would find by the Bill that no such commissioner was to be appointed. It was true a commissioner was to be appointed by the Metropolitan Board, but he did not think the House should agree to that change. He should therefore move that the Bill be read a second time that day six months.

MR. AUGUSTUS SMITH seconded the Motion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now,' stand part of the Question."

SIR JOHN SHELLEY said, he thought that the Bill ought to be read a second time and then referred to a Select Committee. He feared the bondholders had lost the whole of their money; but there was no use in looking back upon the past upon that occasion. The question was what should they then do in the matter; and he believed that the object of the measure was to enable certain Commissioners to deal with the property and to put an end to the present state of things.

MR. T. J. MILLER said, he thought if this Bill were not read a second time it would be a public calamity, and therefore he trusted the House would not object to do so.

MR. COWPER said, he could not agree with the hon. Gentleman who had moved the Amendment, that it was a matter which the Government ought to take into its own hands, as it would do if it were to appoint a commissioner of its own. It was quite true that £50,000 had been granted out of the public funds for the purpose of making a great public thoroughfare; but the Government had no control over the management of the money, nor could he find any trace in the office over which he presided of any accounts having been ever rendered to it. He considered the Bill one which might be safely read a second time, and sent up to the Committee on Private Bills, and should therefore oppose the Amendment. He had not heard, however, any reason why the Bill should not be sent to a Committee.

MR. SOTHERON ESTCOURT said, he had been Chairman of a Select Committee which had to consider a Bill on the subject some time ago, and they found the whole Commission in a state of hopeless and inextricable difficulty. The Commissioners had not fulfilled one of the obligations imposed upon them, and the opinion of the Committee distinctly was, that the matter was deserving of the most serious consideration of Parliament. The Commission had squandered at least £700,000—he had heard it stated as high as £1,000,000—and there was no hope of any extrication from the difficulty while the matter remained in the hands of the present parties. Moreover, the interests concerned were so divergent and contradictory in their nature, that their reconciliation was impossible. Under these circumstances the Committee threw out the Bill, and recommended that a proposition for a new body to whom the differences should be referred, should be laid before Parliament. But the proposal now made did not in any way correspond with the recommendations of the Committee. He thought, however, it would not be right to stop the Bill at this stage, but that, considering the multitude of interests concerned, and the inextricable difficulties and complications which surrounded the matter, the only proper thing would be to refer it to a Select Committee of five Gentlemen to be named by the Committee of Selection. He hoped the hon. Baronet would withdraw his Amendment.

MR. SPOONER said, he protested against the Bill being sent before a Select Committee, as he thought that private individuals ought not to be compelled to incur heavy charges in connection with the matter. He complained that Government had parted with the money without exercising any control over its expenditure.

MR. G. W. HOPE expressed his regret that the Government had not taken the matter into their hands. But as the Bill had been brought forward he thought it ought to be read a second time and referred to a Select Committee.

MR. AUGUSTUS SMITH remarked that he concurred in what had been stated, that the question partook of the nature of a public matter, and ought to be dealt with by a public and not a private Bill.

SIR WILLIAM GALLWEY said, he would withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 2ª, and *committed.*

OFFICES AND EMPLOYMENTS IN INDIA

QUESTION.

COLONEL SYKES said, he would beg to ask the noble Lord, the First Lord of the Treasury, Whether the Government considers that the 87th Section of the Act 3 & 4 *William* IV., c. 85, which enacts—

> "That no Native of the said territories (India), nor any natural born subject of His Majesty resi-

dent therein, shall, by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company."

Is applicable only to the admission of Natives into the service of the East India Company and not into the service of the Crown; and whether Her Majesty's subjects residing in India have or have not the same rights now as they had under the East India Company, and which Her Majesty's subjects possess residing elsewhere?

VISCOUNT PALMERSTON: Sir, in answer to my hon. and gallant Friend I have to state that my opinion on the question which has been put is that the claims of Her Majesty's subjects in India for employment in the public service have not been in any way affected by the transfer of the Government of India from the East India Company to the Crown.

INDIAN PRIZE MONEY.

QUESTION.

SIR EDWIN GROGAN said, he wished to ask the President of the India Board, If any and what arrangements have been made, or are intended to be made, for the payment, in this Country and in Ireland, of their shares of the Prize Money to the Officers and Soldiers who were engaged in the late Indian Campaign, and are resident in the United Kingdom?

SIR CHARLES WOOD said, he could not give a very satisfactory answer to the question of the hon. Member, because the time for the distribution of the prize money here depended, to a great extent, on the payments in India, and also on the circumstances of the persons who were to receive it in this country. Until the Government knew to whom the money was to be paid, and where the persons entitled to it might happen to be it was impossible for them to make any arrangement on the subject.

THE UNIVERSITY OF DURHAM.

QUESTION.

MR. FENWICK said, he would beg to ask the Secretary of State for the Home Department, Whether the attention of Her Majesty's Government has been turned to the Endowments in the hands of the University of Durham, and the educational results shown by a Return recently presented to this House; and whether it is intended to take any steps in consequence?

SIR GEORGE LEWIS said, his attention had been drawn to the subject, and the information he had received led him to believe that the endowments connected with the University of Durham were almost practically wasted. He hoped shortly to be able to give notice of a measure for appointing a Commission for Durham University similar to those which had been appointed with reference to the Universities of Oxford and Cambridge.

DISFRANCHISEMENT OF BOROUGHS.

QUESTION.

EARL JERMYN said, he rose pursuant to notice to ask the Secretary of State for the Home Department, Whether Her Majesty's Government are prepared to recommend Parliament to visit any Constituencies which have been of late, or may be hereafter convicted of gross bribery and corruption, with the same punishment as has already been awarded to the now disfranchised Boroughs of Sudbury and St. Albans?

SIR GEORGE LEWIS said, the House had made an order, in the case of the boroughs of Gloucester and Wakefield, that no writ should be moved for without a week's notice, and, therefore, it was competent for any one, who wished that those boroughs should proceed to elect Members, to give notice and make a Motion for the issue of a writ. In the absence of any such notice, however, the franchise of these boroughs would be suspended. With respect to the borough of Berwick-on-Tweed, which had been lately reported upon, he had made a reference to the Law Officers of the Crown, to ascertain whether they would recommend that any prosecution should be made consequent on that Report.

SUITORS' FUND.—COURT OF CHANCERY.

QUESTION.

MR. DISRAELI said, he wished to ask a Question relative to the Royal Commission recently appointed to inquire into the custody and management of the Funds of the Court of Chancery. In that Commission there were included two Cabinet Ministers; a Member of that House, highly honourable, but an unflinching supporter of Her Majesty's Government; a registrar of the Court of Chancery, a clerk in the Treasury, and two solicitors; and were it not for the name of Lord Kingsdown, which appeared on it, that Commission might be looked at with unmodified apprehension. Would the Government inform the House of the object of this Royal Commission?

The CHANCELLOR of the EXCHEQUER said, the right hon. Gentleman had inserted into his Question—which by a skilful construction of language might carry a note of interrogation at the end of it—a strong opinion on the nature of this Commission, which he said but for the name of Lord Kingsdown would excite unmodified apprehension, and the right hon. Gentleman seemed to doubt the advisability of its containing the names of two solicitors. It certainly included the names of two solicitors, and its construction might form a proper matter for discussion in that House, though not at the present moment. The object of the Commission was twofold. In the first place it had reference to questions of great public interest connected with the custody and management of the funds of the Court of Chancery, and which had formed the subject of inquiry before Committees of that House. The right hon. Gentleman was himself a member of what he might call a strong Committee, which made important recommendations to the House in respect to the management of those funds. Those recommendations had remained—he forgot whether wholly or in great part—without effect, and this appeared to the Government to be a proper subject for further consideration. The Government had also seen the Report of a Commission on what was called the concentration of the law courts in the neighbourhood of Lincoln's Inn Fields. That Report contained recommendations of great importance, and among others, one with respect to the appropriation of the funds of the Court of Chancery; and the Government were of opinion that the appropriation of those funds could hardly take place without entailing certain public liabilities in connection with the Consolidated Fund or in some other form, in connection with the erection of the new law courts. That being a matter of great public interest it was thought desirable to institute inquiry regarding it. There were also interests connected with the suitors which it was desirable should be inquired into, so that care might be taken to do full justice to them in this transaction. It was for these purposes that the Government had come to the resolution to appoint this Commission.

REGISTRATION OF COUNTY VOTERS (SCOTLAND).—QUESTION.

SIR EDWARD COLEBROOKE said, he rose to ask the Lord Advocate, Whether it is his intention to introduce any measure in the present Session on the subject of the Registration of County Voters in Scotland?

THE LORD ADVOCATE said, the subject was under the consideration of the Government, but he was not prepared to give any pledge upon the subject.

AFFAIRS OF ITALY.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government are of opinion, that now that the first Italian Parliament have assembled for the transaction of business, and have unanimously voted to the King of Sardinia the title of King of Italy, there is any reason or necessity for the appointment of any Congress, as has been suggested by the French Government, to settle the internal affairs of Italy?

LORD JOHN RUSSELL said, he would beg to state, in reply to the hon. Gentleman, that there was no proposition emanating from any of the Governments of Europe for a Congress on the Affairs of Italy. When such a proposition was made it would be the duty of Her Majesty's Government to consider it.

CHINA.—OCCUPATION OF WOOSUNG.
QUESTION.

MR. WHITE said, he would beg to ask the Secretary of State for Foreign Affairs, Whether he has received intelligence by the last China mail of the occupation of Woosung (in the port of Shanghae) by the rebels; and whether such occupation will induce Her Majesty's Government to modify its policy, and cause it to adopt and carry out the principle of non-intervention as between the Insurgents and the Imperial Government of China?

LORD JOHN RUSSELL said, Her Majesty's Government had received no authentic information by the last China mail of the occupation of Woosung by the rebels. The only letter received by the Government was from the hon. Captain Foley, at Shanghae, and that contained no mention of the occupation of Woosung. With respect to the latter part of the hon. Gentleman's Question, whether Her Majesty's Government would modify its policy for carrying out non-intervention between the insurgents and the imperialists in China, he could only say that the Government had never varied their policy of neutrality, and they had no intention of deviating from it.

On the Motion that the House at its rising adjourn till Monday,

BARRACK-MASTERS.—QUESTION.

COLONEL DUNNE said, he rose to ask the Under-Secretary for War, What course the Government intend to take with respect to the Retiring Allowances to Barrack-Masters, and to call attention to a recent Warrant concerning their position? The barrack-masters had important duties to fulfil, and he thought their case was one which the Government ought not to overlook. At present they were neither considered as civilians nor military men, and consequently no fixed rule could be applied which would secure them sufficient compensation on retirement, and induce them to do so whenever they became unfit to perform their duties. There were numbers of barrack officers unfit to perform their duties who ought to be allowed to retire upon suitable pensions. It was true that the War Office had recently issued a warrant to define their position, but the whole barrack department, in fact, required reconstruction, and was in a most inefficient state. The subject of barrack drainages and other complaints had often been brought before the House. He trusted that the Government would not object to the appointment of a Select Committee to consider the subject. It would be well if those barrack-masters who were disabled by age or long service were put in receipt of retiring allowances, and more active men employed to fill their positions. But they were generally chosen from those who had served in the army, and many had been highly distinguished, but they entered the barrack department late in life, in consequence of having spent the earlier part of it in the service; and, unless they were allowed to reckon a certain portion of their military service, they could not be expected to retire, when they became unfit for duty upon the pension awarded in proportion to their period of service as barrack-masters. If they were confined to the same rules as regulated civil retirements, where men entered the services early in life. A proposition had been made to give barrack-masters commissions, but he thought that would be a provision of very doubtful expediency. Were it proposed to give them with that rank any power of command over troops within the barracks to which they were attached there would be a manifest inconvenience, but he did not see any in giving them that same honorary rank which was at present conceded to store-keepers and other civil officers connected with the army. He (Colonel Dunne) felt unwilling to claim through the House of Commons the justice that should be effected in the department, but if the War Department neglected these serious subjects, or were incompetent to deal with them there was no other remedy but for the House to interfere, and if the War Department did not deal satisfactorily with the question he should feel himself under the necessity of moving for a Committee on the subject.

MR. VINCENT SCULLY said, he trusted that when the Government considered the claims of the barrack-masters they would take into consideration the much harder case of the quartermasters. The adjutants had 10*s.* a day, and the quartermasters only 5*s.*; while the adjutants had besides various allowances in excess of those of the quartermasters. When the adjutant died his wife had a pension, and his children a claim upon the Compassionate Fund, while the family of the quartermaster had no such advantages.

MR. T. G. BARING said, he was much obliged to the hon. Gentleman the Member for Cork for directing attention to the case of the quartermasters, because the House must see from the instance he had quoted that it was very difficult to consider the pay and allowances of any one class of officers without taking into account those of others. His noble Friend the Secretary of State for War would be the last man to depreciate the important services of the barrack-masters, who were responsible for the proper occupation of barracks and the due consumption of the stores, and were also accountants to a considerable extent. The question of pay and allowances to barrack-masters had been recently considered at the War Office, and on the 7th of February, 1860, a warrant for increasing their rates of pay was issued. Before that warrant the barrack-masters were paid after seven different rates, varying from 5*s.* to 10*s.* a day. They were now divided into four classes, receiving from 8*s*. to 25*s*. a day. The barrack-masters were only eighty in number, and, as an aggregate increase of £3,000 had been made to their pay, it was evident that they had received a considerable individual increase of income. He could not, therefore, say that it was the intention of the Secretary of State for War to propose any increase in the pay of barrack-masters, who stood in no disadvantageous position if their pay and allowances were compared, for example, with those of the adjutants of Militia regiments. The pay and allowances of a barrack-master of the first class was £433 5*s*., so that he could not be said to be ill-paid, as compared with other officers of similar rank. The proposal that they should have commissions as barrack-masters was under the consideration of his noble Friend, and if it should be found that it did not involve an increase of expense the Secretary of State would be inclined to concur in the plan. His noble Friend in answer to a question put by the hon. Member for Roscommon (Colonel Dunne) on a former occasion, stated that barrack-masters, as respects retirement, were under the Superannuation Act, but no pledge had been given that their retiring allowances should be taken into consideration.

ABOLITION OF PASSING TOLLS.

QUESTION.

MR. FENWICK said, he would beg to ask the President of the Board of Trade, If Her Majesty's Government are prepared to bring in a Bill to give effect to the repeated recommendations that have been made for the Abolition of Passing Tolls? The payment of passing tolls by shipowners had long been felt as a great grievance, since it was a payment in exchange for which they obtained no benefit whatever. It was, therefore, by no means a nominal grievance. Twenty years ago the matter was referred to a Select Committee, who made a report condemnatory of the impost, and recommending that it should be done away with. Nothing, however, was done. In 1852 the subject came under discussion in the House, and a general opinion was expressed, in which the right hon. Gentleman opposite (Mr. Disraeli) concurred, in favour of abolishing passing tolls. A Royal Commission was then appointed to consider generally the local charges on shipping. The Commissioners visited the various ports and made a strong report in favour of doing away with passing tolls. A Bill was afterwards introduced by the then Vice-President of the Board of Trade of a somewhat comprehensive character, which did not obtain the support of the House. No one, however, spoke in favour of passing tolls, and a general opinion prevailed that if the Bill had been confined to that subject it would have passed the House. In 1857 a Bill, introduced by the same right hon. Gentleman, was read a second time and referred to a Select Committee, but nothing came of it. Looking then to those various recommendations he would beg to ask the President of the Board of Trade whether the Government were prepared to bring in a Bill to give effect to them?

MR. MILNER GIBSON said, that some evenings ago the hon. Member for Sunderland asked whether it was the intention of the Government to introduce any measure to give effect to the recommendations of the Merchant Shipping Committee that sat last Session. He (Mr. Gibson) had stated in reply that the Government had prepared two Bills, one of which would deal with many of the recommendations of that Committee, and the other would deal, amongst other subjects, with the question to which the hon. Gentleman now especially referred. That was not a fitting occasion to discuss either the justice or policy of passing tolls, or to explain to the House the provisions of the measure about to be introduced on the subject. Therefore, he would simply say that in the course of the next week he would give notice of the day on which it was his intention to ask leave to introduce a Bill for the purpose of dealing with the question of passing tolls.

NATIONAL EDUCATION (IRELAND).

QUESTION.

MR. MACEVOY said, he wished to ask the hon. Member for Youghal (Mr. Butt), When it is his intention to bring the Motion which stands in his name, respecting National Education in Ireland before the House? More than a year ago a most decided opinion had been expressed in every part of Ireland in regard to the question on the subject of National Education. He was aware, however, that the right hon. Gentleman the Secretary for Ireland was opposed, or indifferent, to public opinion in Ireland on the question. The right hon. Gentleman had thought proper to make some paltry concession in regard to the Educational Board, in the hope, if possible, of putting a stop to the agitation; but he could assure the right hon. Gentleman that nothing but a sweeping change in the whole system would give satisfaction to the people of Ireland.

Mr. BLAKE said, he believed he was giving utterance to the opinion of the majority of the people of Ireland when he said that the course adopted by the Government on this subject was very unsatisfactory. The small concessions alluded to by the hon. Gentleman would only go a short way, if any way at all, to satisfy the people of Ireland in regard to the administration of the National System of Education. It was very desirable that a discussion upon the subject should take place as soon as possible; and he hoped the hon. and learned Gentleman would select an early day for the purpose.

Mr. BUTT said, he was much obliged to the hon. Member opposite for putting the question, inasmuch as it would give him an opportunity of again expressing his anxiety to bring forward the question at the earliest possible moment. He had given notice for a day that had now passed by. He was, however, advised to postpone his Motion in consequence of the absence of the majority of Irish Members at the commencement of the Session. He had moved for Returns at the close of last Session, which he deemed of great importance, as tending to throw light upon the working of the system of National Education in Ireland. For some reason or another those Returns, although moved for so far back as August, had not as yet been laid on the table. He had given notice of his intention that evening again to move for those Returns, in the absence of which he should be unwilling to introduce the subject to the House. The hon. and learned Member for Dungarvan (Mr. Maguire) had suggested to him to postpone his Motion until that hon. and learned Gentleman had had an opportunity in the first instance of stating the course he advocated in connection with this subject. The House would recollect that the Estimates were under discussion at an unusually late period of the last Session; and from a desire to give the hon. and learned Member for Dungarvan the opportunity he sought for, he (Mr. Butt) had been unable to secure a day for his own Motion. He hoped, however, to obtain a day before Easter to submit his question to the House. But if it should be found inconvenient to discuss the matter then he should certainly take the earliest opportunity, immediately after Easter, of bringing it forward.

COLLIERY ACCIDENTS.

OBSERVATIONS.

Mr. DILLWYN said, he wished to call the attention of the House to the frequent recurrence and magnitude of Colliery Accidents, and to the importance of the fittest persons being on all occasions selected as Colliery Inspectors; and to ask the Secretary of State for the Home Department whether the Candidates for the Inspectorships of Coal Mines are subjected to a competitive examination as to fitness for such office; and, if so, whether Mr. J. P. Baker, the recently appointed Inspector of Collieries for the district of South Staffordshire, was subjected to such examination and pronounced qualified for the office by the examiners? These appalling accidents did not appear to be very generally diminishing in number, and, therefore, he thought it worth inquiring whether that result might not to some extent be traceable to the improper mode of appointing inspectors. The annual average number of accidents had not very much varied for many years, and amounted to 1,000 or 1,200 colliery accidents of all kinds. The majority of these accidents were not connected with explosions of fire-damp, but with the falling of roofs, stones, and with other causes which might be prevented to a certain extent by caution and good regulations. The most appalling accidents, however, were those which arose from explosion of fire-damp, which were, unfortunately, too frequent every year, and to diminish the frequency of which he confidently asserted that scientific knowledge on the part of inspectors was most desirable. During the last twelve months, he found that the explosions from fire-damp alone had occasioned the deaths in the district of Yorkshire of 13 persons; in that of Northumberland, 76; in that of North Staffordshire he had not ascertained the number; in that of Monmouthshire, 142 men were lately killed in one explosion, since which in other districts 20 more were killed, and in February last 7 men were killed. As a proof that these accidents were preventible to a certain extent he would show the average number of deaths to the number of tons of coal obtained from the different pits. In Northumberland and Durham there was one death to every 114,262 tons of coal raised; in Yorkshire, Derbyshire, and

Leicestershire, one death to every 87,203 tons; while in Staffordshire and Shropshire the average was one death to 37,693 tons of coal. So that in Staffordshire and Shropshire there were three times more persons killed than in the northern collieries in proportion to the amount of coal obtained. He did not say that the inspectors were to blame in Staffordshire and Shropshire for this great ratio of fatal accidents, as the depth of the pits and other circumstances must tend to increase the number of deaths in those districts. The prevention of accidents from explosions of fire-damp certainly did require considerable scientific knowledge. Those intrusted with the management of collieries should be well acquainted with the construction and form of furnaces, and should also be good chymists. It must be remembered, moreover, that colliery inspectors had to a certain extent to lay down rules for the conduct of colleries in a whole district, and to communicate their knowledge to others, which, of course, required higher attainments and a better education than what would be required for the practical management of a single colliery, and this being the case it was essential that these gentlemen should be selected with the greatest care and forethought. He was not himself in favour of the present system of colliery inspection, which he thought might be much amended. But he was bound to admit that the inspectors were placed in a very awkward position. Their districts were too large, and they were burdened with too many duties. He believed that in some of the districts—particularly those in South Wales—the pits were so numerous, that it was impossible for the inspector to visit the whole of them in the course of a year. Another important consideration was that the appointment of inspectors had a tendency to relieve the owners of collieries from a portion of the responsibility which ought fairly to rest upon them. The less Parliament or the Government meddled with the management of pits by a system of inspection the better, as it had a tendency to relieve colliery proprietors and managers from the responsibility of working their pits properly. He was afraid, too, that in some instances, the inspectors had shown too great a desire to court popularity, while in others they had rather neglected their duty to please the large proprietors. Some regulations were however, he freely admitted, necessary, and what he would suggest was that, in all cases coalowners should be absolutely required to have their pits worked by underground overmen, and that those officers should pass an examination, and prove themselves thoroughly competent for the performance of their duties. Captains of vessels having on board only a few men, were obliged to pass an examination, but the management of a pit charged with dangerous gases, which would readily explode, in which 200 or 300 men were sent to work, was frequently entrusted to an ignorant, uneducated man, and hence, he believed, many of the accidents which occurred in different parts of the country. But, as long as the present system existed, it was most desirable and important that the very best men should be selected for the office of inspector, and that no favour should be shown to one man in preference to another. Now, if what he had heard were true, he was afraid that favouritism had been exercised in a recent appointment. He had derived his knowledge of the case from parties who did not wish to have their names brought before the House, from a belief that it might injure them in their private business; but, the facts he was about to mention were widely circulated and generally believed, and the appointment to which he alluded had created profound dissatisfaction among both coalowners and coalworkers. Several gentlemen were nominated as candidates for the office of inspector in the district of South Staffordshire. Mr. J. P. Baker was one of the number. There was a rumour current to the effect that Mr. Baker got some promise of the appointment, but, however that might be, he alone of all the candidates was examined for his office. The Civil Service Examiners, not feeling themselves competent to examine Mr. Baker in the practical duties of his profession, called in a practical scientific man of the greatest eminence to assist them, and the result was, that Mr. Baker was rejected upon examination. It was found that he was not at all acquainted even with the very elements of mining science. Nothing more was heard of the matter for a little time, and then Mr. Baker quietly received the appointment. He was now colliery inspector in South Staffordshire, the district where of all others the greatest care and skill were required, and the utmost dissatisfaction prevailed among the coal proprietors and the colliers themselves. Such were the facts of the case as generally reported and believed. They were not very creditable to the parties concerned ; but they might have no foundation in truth, and in that case it was due, both to the coalowners and coalworkers in South Staffordshire, and to Mr. Baker himself, that a correct statement should go forth to the public ; if, however, they were true, he thought he had a right to ask from the Secretary of State for the Home Department, an assurance that in the case of future appointments of colliery inspectors the fitness of candidates for the office should be duly tested, and those only appointed who were found to be properly qualified for it.

THE CASE OF MR. STIRLING.

OBSERVATIONS.

MR. POLLARD-URQUHART said, he rose to call the attention of the Secretary of State for the Home Department to the circumstances under which Mr. Stirling, the Senior Wrangler at Cambridge in the year 1860, has declined to compete for a Trinity Fellowship. Everybody who knew anything of Cambridge was aware that the senior wranglership was the highest academical honour that could be obtained in the University. Mr. Stirling had been at Trinity three years ; he took a first class every year ; and having obtained a scholarship, wound up with the high distinction of Senior Wrangler, only to be gained for proficiency in the highest branches of mathematical knowledge. In all the colleges at Cambridge such a degree was followed by the gift of a fellowship without examination, but at Trinity College it was given by examination ; but there had been only one instance in which a senior wrangler had failed to obtain a fellowship. Mr. Stirling, therefore, might be as sure of a fellowship as any one could be in the uncertainty of human affairs. Mr. Stirling, however, happened to be attached to the Presbyterian Church, the service of which Her Majesty always attended when in Scotland. The Presbyterian Church did not differ in doctrine from the Church of England ; and Mr. Stirling frequently attended the service of and communicated with the latter Church. But he did not wish it to be supposed that he was willing to sacrifice his religious principle for emolument, and therefore he declined to go in for a fellowship. Now, a Trinity fellowship was valued not so much a stipend for the discharge of particular duties, but as a reward for past attainments; and it had been enjoyed by many very distinguished men—by Lord Macaulay, Lord Lyndhurst, Lord Wensleydale, the present Chief Baron and a great many others. It might be said that Mr. Stirling had no cause of complaint, since he knew the laws of the college before he matriculated ; and that moreover, his high abilities and proficiencies would inevitably make up shortly for the loss which he had sustained by not obtaining a fellowship. But he (Mr. Urquhart) wished to call the attention of the House to the circumstance, not so much for the sake of Mr. Stirling as of Trinity College itself—the college to which he had himself belonged, and for which he entertained a strong feeling of respect and affection. Was it possible, he asked, that Trinity College could maintain its preeminence in literature and science if it dispensed its highest rewards in so narrow and exclusive a spirit ? He believed that the case had been submitted to the Cambridge University Commissioners, and that their answer was that they had no power to interfere in the matter. *The Times* said last year that the time might come when it would be necessary to give the Commissioners increased powers, and he wished to ask the right hon. Baronet the Home Secretary whether he did not think that that time had now arrived ?

MR. ANDREW STEUART said, before the right hon. Gentleman answered the question, he trusted he might be allowed to state what he knew of the case. After the hon. Member for Westmeath called attention to it last year, he had made it his business to inquire into the circumstances, and he had been informed by Mr. Stirling's friends that for years he had been a communicant of the Church of England, that he had regularly attended its services, and it was believed by his friends that he would have gone forward for a fellowship, and as a matter of course have taken it. But, he was told, such was the feeling of Mr. Stirling after the hon. Member for Westmeath last year called the attention of the House and the public to the subject, that, as a man of honour, he was unwilling to come forward for the fellowship lest it might appear that he was actuated by unworthy motives. These, he was assured, were the facts of the case.

APPOINTMENT OF DISTRIBUTOR OF STAMPS AT ABERDEEN.

OBSERVATIONS.

MR. ANDREW STEUART said, he would now beg to call the attention of the

House to the appointment of Mr. Andrew Jopp to the office of Distributor of Stamps for the Aberdeen District. It was a somewhat remarkable fact that on the Motion for the adjournment of the House that evening two private Members should have felt it their duty to direct attention to recent cases of the exercise of patronage by the Treasury. It seemed to him to afford an extraordinary commentary upon the observations of the Chancellor of the Exchequer—in which he entirely concurred—in favour of competitive examination. The case which he had to lay before the House might also serve as a commentary on the sentiments expressed by the noble Viscount at the head of the Government who had said that any Government which based its strength upon patronage would soon descend into its grave "unwept, unhonoured, and unsung." The office to which he referred was worth about £800, and when Mr. Jopp, who was a young man remarkable for no peculiar qualifications, received his appointment, two gentlemen of mature and long experience in the same department of the Inland Revenue were candidates for it. Under ordinary circumstances he could hardly conceive it possible that they would have been passed over for a young man who was entirely unknown to the public. The county of Aberdeen had, however, been for six weeks or two months agitated by an election contest of peculiar bitterness, in the course of which there had been riots at three of the polling places, and several constables and other persons had been seriously injured. In that contest the person appointed was an active partisan ; and, without saying that he had countenanced those riotous proceedings, they were certainly directed in favour of the persons with whom he was acting. His father was the head election agent of the district ; and, putting these circumstances together, the public would certainly draw the inference that the appointment was given in acknowledgment of valuable services rendered. A Government was undoubtedly justified in rewarding its political adherents : but, taken in connection with the system of outrage which had prevailed at many Scotch elections, such an appointment as he had referred to was calculated to exercise a bad moral effect. He would not trouble the House with details, but he had received several letters complaining of violence at the hands of the mob, and that voters had not received that protection from the police which they were entitled to expect. He trusted the Secretary of State would be able to give good grounds for the appointment, otherwise he thought there were grave reasons why it ought to be cancelled.

Sir GEORGE LEWIS stated that he was wholly ignorant of the circumstances mentioned by the hon. Member for Westmeath (Mr. Pollard-Urquhart); but, assuming the case to be as he had stated it, it merely exemplified the operation of the existing law, according to which any person not a member of the Established Church would not be eligible for a Trinity fellowship. The House had recently legislated on the subject of the University of Cambridge, and a Commission had sat by which important changes had been made in the constitution both of the Colleges and of the University, and it was quite open to any hon. Gentleman who considered the present state of the law inexpedient to bring forward a Motion for its Amendment; but he must say that he did not think anything was gained by merely calling attention to a case which illustrated the existing law.

With regard to the case of Mr. Baker, he regretted that the hon. Member for Swansea (Mr. Dillwyn) had made so many apologies for introducing the subject, for had he put the question directly, without approaching it with such circuity, he would have found him ready to return a direct answer, and to state all he knew of the case. The hon. Gentleman had said that in making the appointment he was influenced by favouritism—

Mr. DILLWYN denied that he had imputed any such motive to the right hon. Gentleman personally.

Sir GEORGE LEWIS: Well, then, some person not named had been influenced by favouritism. But, as far as he himself was concerned, he was totally unconnected with Mr. Baker ; he had never heard his name till recommended to him for the office, and he was not quite sure that he had even seen him. About a year ago or less one of the twelve mining inspectorships fell vacant, and a memorial was forwarded to him, signed by Mr. Foster, Member for South Staffordshire, Mr. Hartley, the Mayor of Wolverhampton, and several other gentlemen owning iron-works, collieries, gas-works, and other large concerns, in which Mr. Baker was recommended for his ability and practical experience as a suitable person to fill the vacancy ; and testimony was borne to the fact that he had for twenty years been engaged in operations of a similar character, and was fully qualified for the position. The application was supported by Lord Hatherton, the Lord Lieutenant of the county; and, his knowledge of the gentleman being confined to these representations, he appointed him to be one of the inspectors of mines. The office was not one for which any examination was required; it was not one of those included in the terms of the Order in Council; but after Mr. Baker was appointed he thought that, as he had no personal knowledge of him, it would be desirable that he should undergo an examination. Accordingly the Civil Service Commissioners, on his communicating with them, requested Mr. Smyth, the Professor of mining and mineralogy in Government schools, to examine Mr. Baker, which he accordingly did, and made an unfavourable report, stating that Mr. Baker had no sufficient scientific knowledge of his employment. He subsequently ascertained that Mr. Baker was a person who rose from a rather humble station in life, and had not received any very perfect scientific or literary education; but for a great part of his life had been employed in mines, and possessed a good practical knowledge of his duties. But, remembering that neither the conditions of the office nor any previous statement made to Mr. Baker required that he should undergo an examination; and remembering, also, that he had been most highly recommended, he did not think he was justified in refusing to allow him to enter on the office, and to prove, if he could, by experience that he was fit to discharge its duties. Since July or August last he had been performing those duties, and he had not received any complaint with regard to him; on the contrary, his information, some of which was embodied in letters from persons of eminence, led him to believe that he had given satisfaction to the persons in whose district he was situated. In the event of any future vacancy in the mining inspectorships taking place during his term of office, he would take care that arrangements were made for securing a due test of the scientific attainments of the candidates; and, to show that he was not unfavourable to the principle of competitive examination, he might mention that he had in two instances required clerkships in the office of the Secretary of State for the Home Department to be filled up by candidates who had undergone that preliminary test of their ability.

Sir George Lewis

MR. NEWDEGATE said, that he wished to recall the attention of the House to the observations that had already been made on the subject, the appointment of inspectors of mines and to express his conviction that it was exceedingly difficult for any Government to appoint a competent Board of Examiners — persons qualified to ascertain by competitive examination whether the inspectors proposed were able to perform the duties of the office efficiently. The difficulty consisted in this, that all the scientific knowledge in the world would never enable a man, unless he had practical knowledge, to form a correct judgment upon the state of a colliery or of the qualifications of an inspector of such works. So slight were the indications of danger from several causes, especially from the presence of gases and the condition of the atmosphere underground that, although a man might be able to conduct a most elaborate inquiry into the chemical components of earth, air, and water, he might be perfectly unable to form and act promptly on an opinion as to the presence of and the means necessary to avert danger in a colliery unless he had practical experience of such works; and he would be equally incompetent to judge whether due precautions had been taken and applied with promptitude when requisite. He trusted, therefore, that great care and attention would be bestowed upon the mode in which these appointments were provided for, and that no person would ever be appointed without its being ascertained that that person possessed a sufficient practical knowledge of the subject with which he had to deal.

THE LORD ADVOCATE said, that the objection of his hon. Friend (Mr. Steuart) to Mr. Jopp's appointment rested on two grounds—first, that there were other candidates better qualified; secondly, that there had been riots at the Aberdeenshire election. He did not think that either of these objections were tenable. The distributor of stamps was a collector of revenue. He required to be a person of respectability, and had to find security to a large amount. The office held by him was not one, so far as he (the Lord Advocate) was aware, which it was usual to fill by promotion, nor was it one to which the competitive examination system applied. His hon. Friend could not deny the respectability or position of Mr. Jopp, or his qualification for the office, and the appointment was clearly within the discretion of the Government. What complaint had his hon. Friend to make against him? On a former evening his hon. Friend asked him whether he had received any information in reference to the riots at the Aberdeenshire election, and whether any steps had been taken in consequence of those riots? He (Mr. Steuart) not only omitted to give him notice of that Question, but refused to do so. He told him that he had a question to ask him, but when he (the Lord Advocate) asked him what it was he would not tell him.

Mr. ANDREW STEUART said, he must beg the right hon. Gentleman's pardon. What he stated on the occasion referred to was, that he would not state exactly the information which he had received.

The LORD ADVOCATE said, that if his hon. Friend had been a little more explicit, he might have telegraphed for information on the subject. He had, however, inquired since, and he found, with regret, that there had been riots of rather a serious description in Aberdeenshire,—one at Huntly, a place forty miles from Aberdeen, and one at Inverary, where one of the voters died. He believed, however, that the death in this case was caused by diptheria, and not directly by the riots. If his hon. Friend had given him earlier intimation of his question, he might have obtained more information, but he could assure him that as soon as intelligence of the riots reached the authorities, and before the hon. Gentleman made an inquiry on the subject, active measures were taken to prosecute the rioters, five of whom had already been committed. To connect Mr. Jopp with riots that took place at a distance of forty and sixteen miles from Aberdeen would require some stronger grounds than any put forward by his hon. Friend.

Sir JAMES ELPHINSTONE said, he had received a more distinct account of the riot at Inverary than the Lord Advocate seemed to have obtained, and it was the opinion of everybody in the neighbourhood that the man died from the injuries he had received. The deceased was an an elder of the Church in the district to which he (Sir James Elphinstone) belonged; he was highly respected, and his death would be a great loss to the neighbourhood. He was seized upon by a brutal mob, and so much injured as to become ill immediately afterwards; and, though the immediate cause of death was said to be the contraction of the glands of the throat, yet one of the medical men who attended him, a person of great eminence, was ready to take his oath that the man died of the ill-treatment he had received.

Major CUMMING BRUCE held in his hand an Aberdeen newspaper, which flatly contradicted the statement made in Aberdeen and repeated by the learned Lord Advocate, that the death of this person was caused by diptheria. Dr. Davidson, one of the first medical practitioners in Aberdeen, had addressed the following letter to the editor of the *Aberdeen Journal*:—

> "Sir,—Having seen it stated in the *Free Press*, and reiterated in the *Aberdeen Herald*, that the death of George Murray, Dorlethen, was caused by diptheria, I consider it a public duty to declare that a *post mortem* examination of his body demonstrated that he did not die of diptheria.
>
> "Sam. Davidson, M.D.
>
> "Meikle Wartle, Feb. 25, 1861.

Dr. Alexander Mitchell, who attended the deceased, also addressed the same journal in these words:—

> "Sir,—Having had my attention directed to a paragraph in the *Free Press* and *Aberdeen Herald*, to the effect that Mr. George Murray, farmer, Dorlethen, died of diptheria, as medical attendant on that melancholy occasion I take this, the earliest, opportunity of stating that such report is utterly untrue."
>
> "Alexander Mitchell, M.D.
>
> "Old Rain, Feb. 25, 1861."

There could be no doubt that the man had died of the injuries he had received. There was a Bill before the House for disposing of seats and boroughs disfranchised on account of bribery and corruption; but, if bribery and corruption deserved such punishment, how much more should such brutal and unmanly conduct as was exhibited in this case by the party who started the Ministerial candidate in Aberdeenshire—and started him against his will—be exposed to the condemnation of Parliament. As to the appointment of Jopp, the son of the principal agent of the parties whose supporters had been guilty of this brutal intimidation, he could not characterize it otherwise than as a gross job.

COLLECTION OF THE INCOME TAX.

QUESTION.

Sir MINTO FARQUHAR said, he rose to ask the Chancellor of the Exchequer, Whether he is aware that a document, headed, "The immediate payment required," calling for payment of Property and Income Taxes due at Christmas last, and suggesting the discharge in advance of taxes due on the 20th of March next, has been issued in certain districts in London, and by whose authority such a document has been circulated. A few days ago a very singular document with that heading was sent to him and to many other hon. Gentlemen. The body of the paper informed him that the collector had positively, under severe censure, been called upon by the Commissioners of Inland Revenue to collect all the Income and Property Taxes due up to Christmas last, and requested the person to whom the circular was addressed to send the amount to the collector's office on or before the 8th of March, or to be prepared to pay it when the collector called on a certain date after that day, as it would be impossible for him, in the time allowed, to make a second personal demand. It then expressed his readiness to receive in advance payment of the quarter due on the 20th March. He was somewhat surprised that the offer of a liberal discount did not follow this last suggestion. He had no complaint whatever to make of the manner in which the demand had been made. The tax collector of the district was a most respectable man, had been in his present position for thirty years, and asked for what he wanted so blandly that if tax paying could possibly be made an agreeable operation the collector was likely to succeed. When he (Sir Minto Farquhar) asked him whether this circular was his own idea he replied in the negative, adding that he had put it forward upon the instructions of the Local Commissioners in Red Lion Square. It appeared, then, that this year, instead of having to pay the Income Tax due on the 20th of December in the following April, they were asked to pay it immediately, and that a suggestion was given to them to pay in advance the Income and Assessed Taxes which would become due in March. Last Session his right hon. Friend, the Chancellor of the Exchequer, said that the taxed public paid their taxes without murmur. He doubted that they would continue to do so if the circular were acted on. The remarks being made were to the effect that the Chancellor of the Exchequer must be very "hard up," and that the exigencies of the State must be great indeed, when people were asked to pay their taxes out of the ordinary course and in advance, in order that they might be brought into account before the 31st of March.

Sir Minto Farquhar

THE CHANCELLOR OF THE EXCHEQUER said, he was very much obliged to his hon. Friend for having mentioned the matter to the House, and for having mentioned it to him personally on the previous evening, for although he was not able to give him a full explanation of the matter, for reasons which he would tell him presently, he could tell him with precision for how much of the document the Government, and he might say, the Legislature, was responsible. In the first place, he might say that of the document as a document they knew nothing whatever. His hon. Friend was aware that under the system at present prevailing in the country the direct taxes, with a certain number of exceptional cases, to which it was not necessary to refer in detail, were assessed and levied, not under the authority of the Queen's Government, but under local and independent authorities. It was, no doubt, under the instructions, the immediate instructions, of those independent authorities that this circular had been issued. His hon. Friend, he thought very judiciously requested from one collector an explanation of the circular; and the collector, he thought with perfect propriety, said he had received it from the Secretary of the Local Commissioners in Red Lion Square. If his hon. Friend wanted accurate information, it would be necessary for the Government to do that which they had not yet been able to do—namely, ascertain the instructions issued by the secretary at Red Lion Square, who was a local, and not a Queen's officer. The substance of his hon. Friend's complaint was that a demand had been made on him for a quarter's income tax due on the 20th of December, instead of the collector waiting for the half-year's collection, which would be made in and from April next. The hon. Baronet was aware that so far that was a proceeding taken under instructions from the Revenue Department, those instructions being strictly in conformity with a law passed last Session. It must be in his recollection that a statement was last year made to the House as to the amount of money which it was requisite to raise by means of the income tax, and that in order to secure that amount within the proper time the method by which it was to be raised was also suggested. His hon. Friend stated with great frankness and simplicity, and in a manner that must command the sympathy of every man in that House, that it was not agreeable to be called on for payment of a quarter's income tax three months earlier than usual. The alternative was not, however, whether the tax should be collected a quarter earlier or a quarter later. What was wanted was a sum equal to 7½*d.* in the pound income tax. The 7½*d.* might have been collected in one half-yearly payment or in three quarterly payments, but the mode of three quarterly payments was the one adopted; and, though it was not agreeable to pay in January instead of in April, yet it was certainly more agreeable to pay in January than in the previous August. As to the courteous invitation of the collector to whom the hon. Member referred to pay the fourth quarter in advance, he begged to disclaim all responsibility for that act. He knew nothing whatever of the matter; neither was anything known of it at Somerset House. The collection of the Queen's taxes in advance would be contrary to the order of proceedings, and to the spirit of the financial arrangements of that House. He regretted that such a suggestion should have been made by any local officer, as it could only tend to confusion. His conjecture was that the collector, in this instance, had adopted a practice which was sometimes pursued for the purpose of saving trouble in regard to the collection of local taxes in London. He had had applications for the payment of poor rate in the same way, the collector intimating that he was ready to receive what was in reality not due. It was quite possible, therefore, that the collector of the income tax had made his application in perfect good faith; but he would promise that the matter should be inquired into.

THE THAMES EMBANKMENT.

QUESTION.

Mr. BENTINCK said, he desired to put a Question to the Chief Commissioner of Works on the subject of the Royal Commission appointed to examine into plans for Embanking the River Thames within the Metropolis. When he read the announcement in the *Gazette* of the 26th of February, that the Lord Mayor and Colonel Jebb and others were to be Her Majesty's Commissioners for that purpose, it occurred to him that it was a subject which required some explanation in that House, because he did not think that money should be taken from the pockets of the taxpayers generally and applied to the improvements of the Metropolis. The Commissioners appointed in 1844 reported that nothing could be done in embanking the Thames. In 1845, a Select Committee was appointed on the subject of metropolitan communications, and they reported that until a comprehensive metropolitan authority were established to give effect to all improvements little could be done. Now, it was quite clear that the Committee were of opinion that works of this description should be entrusted to a Board of Works, and not to the Government. Moreover, they were of opinion that the costs of public improvements should be defrayed out of a local rate, to be levied upon the metropolitan districts. The House had also received the Report of a Select Committee on the Thames Embankment which showed that certain Commissioners had spent £8,836 in preparing plans and doing other things without arriving at any result, for eminent engineers pronounced their plan to be utterly impracticable. The new Commission would only arrive at the same result. He objected, however, to their appointment, as being at variance with the principle that London ought to be at the expense of its own improvements. He wished, therefore, to ask the right hon Gentleman, On what ground he had been induced to sanction the appointment of a Royal Commission, and whether the expenses of the Commission would be defrayed from the Imperial Treasury?

Mr. COWPER: The remarks of the hon. Gentleman (Mr. Bentinck) may encourage the desire of some hon. Gentlemen in this House to resuscitate the ancient country party, and in antagonism with the towns and the Metropolis. I can assure my hon. Friend that there is no ground for the objection he has made in this instance. If my hon. Friend means that no Commissions should issue but those that are of universal application to the whole of the country, that is a proposition which is unsupported by past or present custom. For instance, the last Commission had reference to the salmon fisheries of England, and I will ask whether the hon. Gentleman's constituents care more for the interests of those who possess salmon fisheries than for a great improvement and convenience to the Metropolis. Most of the Royal Commissions, although they have reference to matters of public importance, have objects of a limited and local application, such as medical charities, public roads, universities, and harbours. With regard to this Commission, there can be no doubt that it is a matter of very great public importance, although it is partial in its application. Last year a Committee of this House was appointed to consider the embankment of the Thames. They recommended the source from which the funds for its construction should be derived—namely, the continuation of the coal duties; and they recommended that the works should be executed by the Metropolitan Board of Works. But, although the Committee investigated all the plans submitted to them for making an admirable embankment, they expressed no opinion as to which was the best, and they naturally felt themselves unfitted for the very difficult and delicate task of deciding upon the plans in detail. Now, it seems to me that a body of scientific engineers and of other well qualified persons to examine into the best plan of embankment is just what is required to complete the labours of the Committee of last year. This Commission is not to be expensive, because these gentlemen, highly competent as they are, have given their services gratuitously. The expenses of the Commission will, therefore, be confined to the ordinary expenditure of a secretary and the necessary stationery. There are special reasons why a Commission should be appointed in the present case, because the property required for the embankment is to a great extent Crown property. The foreshore is the property of the Crown, and about one-third of the frontage of the proposed embankment also belongs to the Crown. Before, therefore, the Crown can be asked to accede to the proposed embankment it is not unreasonable that means should be taken to ascertain that the plan proposed is the best that can be adopted. I do not think it follows as a matter of course that, because previous Commissions have failed, the present should not succeed. On the contrary, I have observed that one inquiry frequently prepares the way for the success of a future one. So the last Commission led to an improvement upon the plans of Mr. Walker, Mr. Page, and others, proposed in former years. The evil to be dealt with has been experienced by every Member of this House who has had occasion to pass from Charing Cross to the City and has found the great thoroughfares so blocked up that it is quicker to go on foot than in a carriage. If, therefore, some plan can be suggested whereby a spacious thoroughfare can be supplied; if we can obtain a great improvement of the navigation, and if we can place the low level sewer so as not to cause obstruction to the traffic of Fleet Street, these are matters of sufficient importance and public interest to justify the slight expense of this Commission. I agree with the recommendation of the Committee that the execution should be given to the Metropolitan Board of Works, and that the payment of the works should be made out of some local funds. It will be necessary, of course, for this House to intervene for the execution of any plan. The Government must intervene, because Crown property is taken; and where that is the case the matter is always more or less brought under the responsibility of the Government. The Commissioners will, I have no doubt, select a good plan; and we shall then, I trust, find no difficulty in carrying out this great public improvement.

Mr. AYRTON said, he thought the hon. Member opposite (Mr. Bentinck) deserved the thanks of the House for bringing the subject under notice. He did not approve of the manner in which it had been treated by the right hon. Gentleman (Mr. Cowper). The arguments advanced by the right hon. Gentleman were, he thought, quite indefensible. One reason which the right hon. Gentleman had given for appointing the Commission was the fact that the property in the foreshore belonged to the Crown; but he seemed to have forgotten that, two years ago, an Act of Parliament took the foreshore out of the Crown and placed it under the charge of the Conservancy of the River Thames. The right hon. Gentleman also said that the Crown had property on the banks of the river, but that was leased to parties, in many cases, for long periods. The Crown was, therefore, only in the position of an ordinary landowner, and ought to have left the question to the local administration. It appeared, however, that the right hon. Gentleman, for the gratification of the office of the Board of Works, was anxious to wrest from the local administration that authority which Parliament had taken from the Board of Works because it had shown itself unable to discharge it. The Committee of last year had recommended that this question should be left to the local administration. [Mr. Cowper: No; only the construction.] The right hon. Gentleman appeared to think that the Metropolitan Board of Works were only to be the board of masons to carry out his ideas. It was, however, of the essence of local administration that it should have the initiation of such projects, and that they should not be driven against their will into the adoption of any fanciful project. The adoption of what was suggested by the right hon. Gentleman would be the reversal of the whole policy towards which the House has been tending with great advantage for some years past, and a return to the wretched system which prevailed some years ago. And could anything be more mischievous than to refer an important subject of the kind to a mere *dilettante* Commission, who were not to be paid, and who, therefore, would have no responsibility? A Report would be issued by them, and then thousands of pounds would be paid to engineers and scientific men for their opinions upon how it should be carried out, and then it would end, as such matters always did end, by it being declared that the plan sanctioned by the Commission was utterly worthless and impracticable. It should be remembered, too, that the Thames embankment was but one of many works involving in the whole an amount of something like £15,000,000; and the inhabitants of the Metropolis who had to pay the money, had a right to have the question determined which was the most important. According to the Report of the Committee which investigated the whole subject, the Thames embankment was not the most important. Everybody was aware how much the thoroughfares into the City were obstructed, and that their improvement was the first necessity, while the Thames embankment concerned only some gentlemen living in Westminster, and a very small portion of the ratepayers. If this Commission were to act he hoped that not only the cost of the Commission, but of the whole embankment, would be paid out of the public revenue.

AFFAIRS OF SYRIA.—QUESTION.

Mr. MONSELL said, he wished to know, Whether the noble Lord the Foreign Secretary was prepared to lay on the table further papers in reference to the affairs of Syria? The question was discussed at some length on the previous night, but it was obvious that no satisfactory discussion of that great and most important question could really take place until some official and authentic information was laid before the House. The last official information on the subject came down to the end of July, and that conveyed the frightful intelligence of the massacres in Syria, and of the means by which those massacres were carried on, and showed the large part the Turkish authorities took in promoting them. One of the last documents was a letter from Sir Henry Bulwer stating that the responsibility of the Ottoman Porte was greatly enhanced from the fact that he had not allowed a single week to elapse for a whole year in which he had not brought the matter under the attention of Fuad Pasha and other principal persons connected with the Turkish Government. No more official information had been afforded, but all sorts of hints were thrown out with the view to deprive the sufferers of sympathy, and to excite sympathy on behalf of the perpetrators of the massacres. He did not wish to give any opinion on the point whether the French troops should evacuate Syria, or whether there should be a joint occupation; but he contended that it was essential to have a full discussion of the subject, and it would be an eternal disgrace to leave the poor Christians in the Lebanon to a Power unable to protect them, for another frightful massacre might thereupon happen. All the private information he had received on the subject led him to believe that the removal of all Christian protection or force in Syria would be followed by a renewal of the massacres. He wished also to ask whether the noble Lord the Foreign Secretary would object to lay on the table the Reports made to Sir Henry Bulwer, the British Ambassador at Constantinople, during the last autumn, by the British consular agents in Turkey as to the state of the Christians in that country?

Lord JOHN RUSSELL said, that he would at once though briefly reply to the Question of the right hon. Gentleman. The last paper relative to Syria laid on the table was the convention entered into by the Powers with the Ottoman Porte, which was presented to the House at the commencement of the present Session. With regard to the negotiations, he should be ready to lay the papers on the table; but he could not, consistently with a due regard to the public service, do so at present. Negotiations and discussions were going on—some at Beyrout, some at Constantinople, and some at Paris, and it was impossible, in the midst of these negotiations, to lay the papers on the table without injury to the public service. He hoped immediately before Easter or immediately after it to be able to lay on the table all the papers in relation to the affairs of Syria, and those papers would contain the Reports of the consular agents to Sir Henry Bulwer, to which the right hon. Member had alluded. He thought it would be well that he should now answer a Question put to him the other night by the hon. Member for Horsham (Mr. S. Fitz-Gerald) with respect to the part taken by the French Government—namely, whether a representation or note was presented by the Russian Ambassador to the Ottoman Porte, and whether that was supported by the French Ambassador. He had no means the other night of answering the latter part of that question, but he now had to say that Earl Cowley had received from M. Thouvenel an intimation that the French Ambassador did not interfere in any way either to support the proposal of the Russian Ambassador or to give any opinion on it. The only opinion the French Ambassador gave was in the form of an expression of a hope that reforms would speedily be introduced, and that thus the necessity of the meeting of the Ambassadors proposed by Her Majesty's Government would be prevented.

THE THAMES EMBANKMENT.

OBSERVATIONS.

Sir JOHN SHELLEY said, he wished to add a word to what had been said on the subject of the Thames Embankment. He had been a Member of the Committee of last year, and he did not understand that Committee to recommend that the Metropolitan Board of Works should merely have the raising of the money to pay for the Thames embankment. His own opinion was that if the ratepayers and inhabitants of London were to pay for the embankment of the Thames the sole responsibility of its construction should be left in their hands. His experience of Government interference was not such as to lead him to wish for it on the present occasion. The appointment of a Royal Commission had taken him completely unawares, but when he saw how the Commission was constituted he was more astonished still. It was impossible that the Lord Mayor of London, who was named Chairman of the Commission, could give to the subject the attention which it deserved, inasmuch as his duties in the City were sufficient to occupy fully the whole of his time. The next name on the Commission was that of the Chairman of the Metropolitan Board of Works himself. There could be no doubt that Mr. Thwaites had enough to do at present, and that he had committed a great mistake in consenting to become a Member of the Commission. It would have been far better if he had remained independent of the Commission, so that when the subject came before his own Board, he might have been able to express an unbiassed opinion. The composition of the Commission generally was such that he doubted whether its Report would carry much weight with it, or prevent the whole subject from being reopened.

Mr. LOCKE said, he presumed that the Royal Commission was to select some plan for the embankment of the Thames. He agreed with his hon. Friend who spoke last, that neither the Lord Mayor of London, who had been a member of the Metropolitan Board of Works, nor the present chairman of that Board, should have been placed upon that Commission. The Government would have done far better if they had selected some engineers or architects in whom they could have reposed confidence. It was true that there were professional men on the Commission, but they would be overruled to a certain extent by the other Commissioners. He also thought that if the Government were going to exercise their taste in the embankment of the Thames they ought to do what was done by those private individuals who indulged in articles of *vertu*—pay for them out of their own pockets. The ratepayers, it seemed, were to pay the whole expense, and yet the Government were to select the plan. Now, they might select an extraordinarily expensive one; and, on the other hand, the Metropolitan Board of Works might choose to have some regard for the pockets of their constituents. If the Government did select a handsome plan—and he had great confidence in the taste of the Chief Commissioner of Works—they ought to make some provision for obtaining the necessary funds. He could not agree with the hon. and learned Member for the Tower Hamlets that the whole matter should be left in the hands of the Metropolitan Board of Works. Up to the present moment that Board had effected no one object that had been intrusted to them. The only thing they had done was to open up a little street leading from the corner of King Street, Covent Garden, into Long Acre; but even that street was not completed, because a house had been left standing which projected into the roadway. The Board had received £94,000 to make an improvement in Southwark, which, if it had been carried out, would to a certain extent have rendered unnecessary the expenditure of a large sum of money upon the embankment of the Thames; he meant the opening of a street from High Street in the Borough to Stamford Street, making a wide road along the south side of the Thames, and thus relieving the great thoroughfares on the other side of the river. Nothing had been done by the Board beyond pulling down some very valuable property in High Street, where for eighteen months a great chasm had existed, and the householders in the neighbourhood complained that they were saddled with heavier rates in consequence of that property having been destroyed, as it seemed, for no purpose whatever. He was not disposed to intrust the embankment of the Thames to a body which had been so neglectful of its duty.

MR. CONINGHAM said, he was glad that the Government had undertaken the great work of the Thames embankment. The great thoroughfares on the north bank of the river were becoming every day more and more encumbered, and he was convinced that unless something were done to relieve the pressure great public inconvenience would arise. He thought the Metropolitan Board of Works could not be intrusted with an operation of such magnitude and importance as the embankment of the Thames.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

TRANSPORTATION.—SELECT COMMITTEE MOVED FOR.

MR. CHILDERS said, he rose to move for a Select Committee to inquire into the present system of Transportation, its utility, economy, and effect upon colonization, and to report whether any improvements could be effected therein. It was now twenty-five years since the Committee, moved for by the late Sir William Molesworth, inquired into the subject of Transportation, and since that time the conditions of the question had considerably changed. Between 1788 and 1839 two great penal settlements had been established at the other end of the world, at a cost of no less than £7,980,000; 97,000 convicts in that period having been transported to those colonies. The cost averaged about £82 per convict. The Committee recommended that transportation should be given up, and that penal servitude should be substituted, and in consequence of that recommendation, the latter was to a considerable extent substituted for the former. The system of assigning the convicts to free settlers who were willing to take their labour, was also given up under the colonial administration of the noble Lord the present Foreign Secretary; but, unfortunately, the system substituted in its place—that of penal discipline—had such injurious effects that the colonists had, he thought, principally from that circumstance, refused any longer to receive convicts. In 1852 transportation to Tasmania and New South Wales was abandoned, but convicts continued to be sent to Western Australia, to Bermuda, and Gibraltar. The present position of the question was that they were spending for purposes of penal discipline no less than £640,000 a-year, of which £400,000 was expended upon establishments at home, and £200,000 upon those abroad. In all the three colonies which he had mentioned, there were now only 3,200 convicts, and last year but 269 persons were transported. In 1853 the law of transportation was modified by the substitution for transportation of personal service at home, and the institution of a system of ticket-of-leave. Hon. Members must remember the outcry which was raised against ticket-of-leave men, to whom were attributed all the crimes which were committed. In consequence of that outcry Committees of both Houses of Parliament were appointed, and sat in the year 1856. The recommendations of the Committee of the House of Lords, which amounted practically to a restoration of the system of transportation, had not been acted upon; but those of the Committee of this House formed the basis of a measure which soon afterwards passed into law. We were now in this position:—Transportation had been entirely abolished as a sentence, but the Secretary of State had it still in his power to transport any person who is sentenced to penal servitude. The cost of maintaining the convicts in penal establishments had enormously increased. In 1844 they spent, under that head, £450,000; every person sentenced costing, in English prisons, £30, and in colonial prisons, £12. In 1850 they spent £600,000; the cost in English prisons for each person was £20, and in the colonies £21. But in 1860 the change was still more marked. They spent £644,000, exclusive of military charges, and the average cost was £31 in English prisons, and £53 in the colonies; many times more than it was in the old times of transportation. But while the expenditure on their establishments had increased, the amount of crime had enormously diminished, that result being especially visible in the higher class of sentences. The same result was visible in Scotland, and in Ireland a most remarkable change was exhibited. As it had thus been made clear that the criminal tendencies of the country, instead of being aggravated by the practical abolition of transportation, had sensibly diminished, and as the average number of persons imprisoned in England and Wales for the last three years had fallen from 25,000 to less than 18,000, he thought the time had fairly arrived when we might inquire whether they had lost by the abolition of transportation, and whether they might not go a step further and abolish its cost, which was now, to a great extent, retained. A most encouraging sign was that convict prisons, although built a few years ago on the assumption that a certain proportion of criminals would always be carried off by transportation, since that had practically ceased had still been found sufficient for the reception of the convicts annually sentenced, and at the present moment room could be found in Ireland for 1,500, and in England for 600 convicts more than there actually were to put into them. In the course of former inquiries nothing had been more clearly shown than that the transportation system, injudicious as it was in a national point of view, was still more objectionable in its effects on the criminals themselves. There was a freemasonry in crime which communicated itself to every one sent out to a distant colony and kept there for years, and from its trammels, even in the course of a long life, individuals were rarely able to free themselves. The seed was sown in the convict-ship, where for months it was practically impossible to carry out the principles laid down for observance in penal settlements. It appeared from communications, showing the strong opinions held on this point by the late superintendent of convicts in Western Australia, and by a chief official in one of the larger prisons at home; that in a convict-ship it was impossible to guard against the immorality nd wickedness which abounded, and spread through the whole company. On economical grounds the present system required reconsideration. On that ground, at least, the transportation of convicts to Bermuda ought to be given up. The annual cost of every convict there was £44, the proportion of sick was very large, and there was no proper supervision of the convict work, the amount of which was utterly incommensurate both with their number and the object for which they were sent thither. Last year the attention of the House was drawn to the expenditure on public works at Gibraltar. One work there was nominally constructed by convicts, but hired labour to the amount of £11,400 had been employed upon it. The inquiry of the Committee might also be fitly directed to the colony of Western Australia. He doubted, with Lord Bacon, whether they had a right to form colonies by the deportation of criminals; he doubted also whether any colony could be satisfactorily supported by convict labour. But the question was, whether the system had succeeded in Western Australia. It had been found that as convicts were sent into the colony the free settlers left it; and it was not so much the labour of the convicts that the colony of Western Australia wanted to obtain as the large Government expenditure —something like £100,000 a year—the convict system brought with it. It had been shown by official reports that this expenditure was really the object for which the colony was still willing to receive convicts; and the convicts they most wanted were long-sentence men, of good character. The colony of Western Australia contained from 14,000 to 16,000 inhabitants, while the other Australian Colonies contained no less than 1,250,000, and the latter colonies had all unanimously protested and declared themselves against the transportation system. They complained of its continuance to Western Australia, because the very theory of the system required the Government to issue conditional pardons to the convicts. These pardons were conditional on the holders never returning to England, but they could pass with them into the neighbouring colonies. Unless such conditional pardons were issued the whole system of transportation would break down. But they were a great evil to the other colonies, which had been driven by the necessity of self-preservation to pass laws that certainly conflicted with the law of England, and could only be justified by that necessity. The Colonies of Victoria, South Australia, and even the more distant colony of the Cape of Good

Hope, had passed laws forbidding convicts, under conditional pardons, to settle in them. Victoria had felt the evils of the system the most severely. In one year three-fourths of all the crime in Victoria was committed by the conditionally-pardoned convicts who had arrived from the neighbouring colonies. The time had come for the whole system to be narrowly investigated, and the Committee might be congratulated if, by its inquiry, it solved a difficult problem, and perhaps enabled the Chancellor of the Exchequer to strike £200,000 off the Budget. The hon. Member concluded by moving the appointment of a Committee to inquire into the system of transportation.

SIR GEORGE LEWIS: In introducing this Motion, to which I offer no objection, I cannot say the hon. Gentleman prefaced it by any exaggerated statements or descriptions of imaginary evils. He admitted that, on the whole, the present system works well, and that great opportunities of reforming are given to convicts in the United Kingdom. All the hon. Gentleman's censure was bestowed on the convict establishments abroad. He has stated that, if the inquiry of the Committee he moves for should end in suggesting any important improvement, that improvement will be confined principally to the expenditure on our penal settlements. I am prepared to subscribe to that view. I believe, considering the great difficulties with which all systems of secondary punishment on an extensive scale are surrounded, that the present system is, on the whole, as little unsatisfactory as the nature of things admits. Some fears have been expressed of the dangers that would arise from the abolition of transportation on a large scale to the Colonies. But those fears have not been realized. I do not think it has been proved that any large number of crimes have been committed by persons who have received conditional pardons. I will only say now that, under the present system, transportation is divided into two parts. One species of transportation differs little from domestic imprisonment in the United Kingdom, for, as respects convicts, Bermuda and Gibraltar may be regarded as foreign prisons. Upon the subject of Bermuda I will not enlarge, after the explanation of my hon. Friend the Under Secretary for the Colonies a few nights since. It is not in a satisfactory state, but it has been maintained in the idea that it was important for the Admiralty and War Departments that certain public works should be carried out, while it is impossible to execute them by any other than convict labour. As to Western Australia, I will only say I am quite prepared to see a Committee pursuing an inquiry into that subject. I admit that the expense of convicts in Western Australia is large, and that is, as far as I know, the principal objection to the present system. No great evil arises, I believe, to the colony, to the persons transported, or to the neighbouring colonies. I am sanguine that the inquiries of the Committee will be of great use, and therefore I am prepared to accede to the Motion of the hon. Gentleman.

MR. G. W. HOPE said, he took a great interest in the question of transportation, and had given it much attention. He thought the subject was one into which an inquiry by a Committee was most desirable, as likely to lead to some good results. But he was of opinion that that inquiry ought not to be entered into with a foregone conclusion against the continuance of transportation in any shape. He, for one, considered it the best secondary punishment yet discovered. He admitted there were evils connected with it, but at the same time he believed there was no system of secondary punishment against which objections of a similar character might not be brought. He regretted that the hon. Member had mixed up the whole question of transportation with that of secondary punishment at home and in the colonies, because, in fact, the establishments at Bermuda and Gibraltar were but prisons removed to the colonies. The hon. Gentleman had expressed doubts whether a colony could be well founded by a system of transportation. He (Mr. Hope) thought that the example of New South Wales might have convinced the hon. Gentleman of the erroneousness of that impression. Even before the discovery of gold in Australia that colony had made greater progress than any other colony within the same period. Although he (Mr. Hope) considered transportation to be the best secondary punishment he did not think that they were justified in imposing it upon a colony that was dissatisfied with it, but there was a great difference between Western Australia and Tasmania and New South Wales, because in the former colony there was a demand for that labour which was rejected by the other colonies. It was, of course, a question deserving of inquiry whether the present system was calculated to inflict evils upon a colony. He looked with curiosity to the working of the system of transportation to Western Australia. The great object aimed at in the carrying out of the system was the prevention of further crime and the creation of a desire for improvement amongst those who had been convicted. He found in the blue book before him two annual Reports on the convict system in Western Australia, for the years 1858-59 and 1859-60. These Reports stated a number of facts which went to prove the complete success of the system, and that the most beneficial results attended it, both as regarded the improved habits of the convicts and the advantages conferred by it on the colony generally. In fact, as far as Western Australia was concerned, Returns showed that transportation was a success. After their sentences had expired convicts remained in the colony, and were able to earn an honest living, and while still under sentence escapes were exceedingly rare. Out of 5,577 convicts only twenty-seven had escaped. As compared with transportation carried out in this way the home system of penal servitude and tickets of leave was a failure. In the first case the convict, when his sentence expired, commenced a career in a new society with a new world before him, where his antecedents were not known. In the second, when he was discharged from prison he was surrounded by his old associates, and old habits and old connections made it almost impossible for him to reform. When they compared that state of things with the amonnt of crime existing in Manchester and other large cities, the superiority of the system of transportation to Western Australia was striking and conclusive. It was impossible but to admit that it was infinitely better to remove the convicts to a place where their antecedents were unknown than to leave them in the country of their crimes, surrounded by their old associates, and exposed to every temptation of falling back into their old habits. He hoped, therefore, that the Government in granting the Committee would take care that the question was thoroughly considered, and that the best evidence on all sides would be produced before it. With that qualification he willingly acquiesced in the appointment of the Committee.

Mr. BLAKE said, that the convicts in the Irish prisons got very little more than one-half the quantity of food that was served out to the English convicts. They moreover very seldom tasted animal food, whereas the inmates of the English prisons frequently had roast and boiled meat, and other indulgences, their maintenance costing the public fully one-third more than the Irish convicts. The Irish system worked decidedly better than the English one, the Irish convicts being better conducted, and the number of recommittals much fewer among them than among the English. The disgraceful occurrences in the Chatham and other English prisons were traceable to the misgovernment of these establishments. The prisoners were first fed up to insubordination and then punished for it afterwards.

Mr. CHILDERS said, that with reference to the progress of Western Australia in consequence of transportation, the blue book showed that the reason why the system was viewed favourably there was because of the benefit derived from the expenditure on convict establishments.

Motion *agreed to.*

Select Committee *appointed,*

"To inquire into the present system of Transportation, its utility, economy, and effect upon colonization, and to report whether any improvements could be effected therein."

THE BOARD OF ADMIRALTY.

SELECT COMMITTEE MOVED FOR.

Admiral DUNCOMBE, said, he rose to move the appointment of a Select Committee to inquire into the constitution of the Board of Admiralty. He felt that the debate on the previous night upon the Resolutions of his hon. Friend the Member for Portsmouth had in a great measure forestalled the discussion that would otherwise have taken place that evening. It would therefore be unpardonable in him to occupy at any length the attention of the House. The Resolutions moved by his hon. and gallant Friend certainly occupied considerable time in their discussion, but led to no result. He should be as well pleased if the Motion he had the honour to submit were accompanied by less discussion and led to more practical results. In bringing forward the Motion he could not but advert to the conduct of the right hon. Baronet the Member for Droitwich (Sir John Pakington), and, as he thought, his great want of courtesy towards himself. It would be in the recollection of the House that towards the close of the last Session he had the honour to submit to the consideration of the House a Motion similar to the present. His hon. and gallant Friend the Secretary to the Admiralty opposed that

Motion on the ground that three or four different Committees either had been, or were then, sitting with reference to naval affairs; that the officers of the department had been much occupied before those Committees; and that at that period of the Session no practical result could be obtained. He bowed to the force of those arguments, and asked permission to withdraw his Motion, with the announcement that he should renew it at an early period of the ensuing Session. But the right hon. Baronet the Member for Droitwich on that occasion opposed the Motion, and, he was afraid, even at the cost of his dinner, remained to vote against it had it gone to a division. In that debate the right hon. Baronet made use of these words :—

> "I should be sorry to see such a question handed over to a Select Committee of this House, the great majority of whose members would probably be wholly inexperienced in the details of this important department."

That was exactly the position of the right hon. Baronet when he became First Lord of the Admiralty ; and, instead of calling to his assistance the same number of naval officers his predecessors had done, there were considerably fewer naval officers at his Board than under recent Administrations. The Board consisted of four Lords and three secretaries, including the private secretary, whom he considered a very important personage, which, with the First Lord and the Civil Lord, made nine in all. The Duke of Northumberland had eight naval officers, and the Duke of Somerset six naval officers, but the right hon. Baronet had only four naval officers ; he therefore appeared to coincide in the opinion of the hon. Member for Sunderland (Mr. Lindsay) that naval officers were not the proper parties to manage the affairs of the navy.

Mr. LINDSAY explained that all he had said was that naval officers were not always the ablest administrators in these matters.

Admiral DUNCOMBE said, he thought the hon. Gentleman had said that any clerk at £100 would do the business of the dockyards as well as the Admiral Superintendents. [Mr. Lindsay : No, No !] He could assure the hon. Gentleman that naval officers did not entertain any such disparaging opinions of the owners of the merchant shipping of the country. After the right hon. Baronet the Member for Droitwich had used the words which he (Admiral Duncombe) had quoted to the House, he could not have supposed that within ten days after the opening of the Session, he would give notice of a Motion for the appointment of a Committee. He wished to tell the right hon. Gentleman, if he was concerned to know the fact, that for the first ten days of the Session he was prevented from coming down to the House by an indisposition such as he hoped he (Sir John Pakington) might never suffer from. The right hon. Gentleman had given notice of the Motion for the Committee in nearly similar words to those of his (Admiral Duncombe's) notice, without having troubled himself to inquire whether he intended to bring his Motion forward again ; although it might be in the recollection of the House that he had stated he would bring it forward this Session, unless he should see some reason for altering his opinion. Having disposed of that part of the subject, he might next say that in renewing the Motion he did not intend to cast any blame on the present Board of Admiralty. He believed they had been diligent and earnest, and that they had done the best they could with the cumbrous machinery which they had to work ; but he was of opinion that the existing state of things in the naval department of the public service was not in unison with the wants of the country. His desire was to see whether a competent Committee could not devise some scheme to alter or modify what was now the system of conducting the naval affairs of this nation. When he had the honour of submitting the Motion last Session, he stated his opinion that it would be an improvement if the naval affairs of the country were placed under a Minister of Marine, with a Board or Council constituted in a manner different from that in which the Board of Admiralty was constituted at present. He presumed that the Minister of Marine would be a Cabinet Minister, and, therefore, a political individual ; and he thought that if three experienced naval officers were to form his council a very good department might be constituted. They might be placed at the head of the various departments, and receive a certain measure of power and responsibility. In various pamphlets published since last Session similar views were expressed, and the Resolutions of his hon. Friend (Sir James Elphinstone) tended in very much the same direction. Indeed, every one who had bestowed attention on the subject seemed to think that a Minister of Marine, with a Council, would be an improvement on the present system. There could be little doubt that the subject of our naval administration was uppermost in the public mind. They were told that there was great dissatisfaction—almost disaffection, on the part of many of the officers of the naval service, and that the crews were in a state of insubordination. They were also informed that there was great difficulty in maintaining any discipline on board ship. He for one should heartily rejoice if the prediction uttered by the hon. Member for Bedford on the previous night should be verified, and if, when the black sheep were got rid of there should be an improvement in the discipline; but there could be no doubt that there was widespread dissatisfaction on board our ships. What the causes were it was not for him to say. Probably no man living knew what they were, but he thought that every endeavour should be made to satisfy the officers and crews of one of the finest services in the country. Of course it would be necessary to take into consideration the whole subject of manning the navy. That was one of the difficulties, for hitherto the reserve had been almost a failure. It behoved those who had the management of the navy to devise a scheme which would induce seamen to enter the service, and to make them more satisfied with it when they had entered it. He should say that, in the discussion of the previous night, his hon. Friend the Member for Inverness-shire (Mr. H. Baillie) was rather hard on his gallant Friend Sir Baldwin Walker.

Mr. SPEAKER informed the hon. and gallant Admiral that he was out of order in referring to what was stated in the debate of the previous night.

Admiral DUNCOMBE said, he thought that, whatever might be said as to the appointment of Sir Baldwin Walker in the first instance, it was rather hard to have condemned him after fifteen years of faithful service to the country, and when he was about to take his departure on a command to which he was so well entitled. He should now refer to another point. They very often heard statements in which persons decried everything English, and applauded everthing French. There was no necessity for Englishmen doing that, for the French knew sufficiently how to applaud themselves. If hon. Members would read a pamphlet lately published by a French officer they would find therein statements to show that we were always wrong, and the French always right. With reference to the appointment of the Committee, which he was told by his noble Friend opposite (Lord C. Paget) was not to be opposed by the Government, his wish would have been that no ex-Lord of the Admiralty should be on that Committee. He was aware of the great ability and of the administrative powers of the right hon. Gentlemen who had been at the head of the Admiralty, but it would have given him more satisfaction if the results of their official experience were to be elicited by way of evidence before the Committee rather than in the capacity of members of the Committee itself. However on that point it was for the House to decide. Those were his opinions. They might be worth little or nothing, but his desire in moving for this Committee was that, however it might be constituted, whoever might be on it, the most searching, most fearless, and most impartial inquiry might take place in reference to the whole of the affairs of the naval administration of this country. He desired not to impeach anything or any one; but he would ask the Government and the House to let everything be brought to light. If it should turn out that no improvement could be effected, it would be a satisfaction to the country to know that inquiry had taken place with a view to improvement; and if, on the contrary, and as he believed, beneficial changes could be effected, then they would have ample reason to congratulate themselves on the step which he asked them to take. He believed that if the modifications and alterations which he had sketched out were effected, it would be found that greater energy and efficiency would be the result; and that if, unfortunately, the day should ever arise when the naval service were called on to protect our shores, it would not be found wanting. He begged to move for a "Select Committee to inquire into the constitution of the Board of Admiralty, and the various duties devolving thereon; also as to the general effect of such a system on the navy."

Admiral WALCOTT said, he understood that no opposition would be offered to the appointment of a Committee according to the Motion of his hon. and gallant Friend. In fact any hindrance or obstacle was unlikely, seeing that the discontent which had long smouldered within the heart of the navy had at length communicated itself to the country, whose voice sounds too clearly through the public press to be resisted. The demand is for a more responsible execution of the duties of the Board of Admiralty. It is equally clear that this object will never be attained other than by the act of the Executive. A Royal Commission, or by a Committee, as proposed by his hon. and gallant Friend, which if any real good is to be accomplished, must be constituted of Members such as readily could be found in this House, who will patiently weigh the subject in all its bearings and impartially acquaint themselves with all its intricacies. As his hon. and gallant Friend had with equal ability and clear reasoning laid the whole matter before the House, he felt that no additional words were required to give to it support and force, but the more so as only last evening he was enabled to express his own honest and deliberate convictions, conscious of the fact that truth is great and will conquer.

LORD CLARENCE PAGET: Sir, I rise on behalf of the noble Duke at the head of the Admiralty, to state that, so far from any objection being offered to the Motion of my hon. and gallant Friend, we shall be most happy to give every assistance in our power, in order that the very important subjects which ought to come under the consideration of this Committee shall have every possible elucidation. I need make but very few observations on the present occasion, but I think I am bound, on the part of the Admiralty, to state that, from the time at which we took office, there has been no desire whatever to shrink from any inquiry as to any branch of the Admiralty department. The noble Duke felt—and I felt and feel with him—that now, when we are in a state of profound peace, is a time to look over our military departments, with a view of adopting in them any improvements which may seem consonant with the spirit of the age. We do not, however, think that the Board of Admiralty has been guilty of such improper conduct in the administration of affairs, or has been the cause of any such disasters as should call forth the opprobrium that is too often cast upon it. That there are defects in the Admiralty I do not for a moment deny. It is important, for example, that our system of accounts in regard to expenditure on the *materiel* of the Navy should be improved, and I must say that the present Board of Admiralty have treated me with great consideration in respect to that matter. As a private Member of this House I felt it my duty to call attention to the expenditure that had been going on for many years in the Dockyard, and immediately on the present Board taking office, I requested my noble Friend the Duke of Somerset to allow an inquiry to take place into the subject. The noble Duke not only allowed that inquiry, but proposed that it should be conducted by gentlemen wholly independent of all branches of the Government. A Commission was appointed. I believe it will be in a condition to report in a few days. We shall then have a report pointing out where defects exist, and, at the same time, giving the department credit whenever their system has been good and wholesome. The Admiralty afterwards, on the Motion of various Gentlemen, consented to the appointment of Committees on different branches of the Admiralty business, including the gunboats, the transport service, the subject of piers and harbours, and so on. My hon. and gallant Friend (Admiral Duncombe) last year, in a very moderate tone, exceedingly creditable to himself, as he has also done to-night, addressed the House on what he regarded as the defects in the composition of the Admiralty, and asked for a Committee of Inquiry. I then stated that there were at that time various inquiries going on, which occupied much of my own time and that of my colleagues, and that we thought it a very inconvenient time to appoint the Committee which he asked for. My gallant Friend did not press the point upon the House, and consented to put off the inquiry. At the commencement of the present Session the Duke of Somerset desired that I would put myself in communication with the gallant Officer, and say that Her Majesty's Government would agree to a Committee of Inquiry being appointed by this House whenever he chose to propose it. I communicated with the gallant Officer, through the hon. Member for Norfolk, in order to ascertain when it would be convenient for him to bring forward his Motion for a Committee. Meanwhile I was surprised quite as much as, I dare say, the gallant Admiral was to find that the right hon. Baronet opposite (Sir John Pakington)—without the courtesy ordinarily displayed by Members of this House, and especially considering the terms that my right hon. Friend has always done me the honour to maintain towards me—announced to the House his intention to move for a Committee of Inquiry. My astonishment was very great, considering the post he had held at the Admiralty; for, having held that post, it appeared to me that he was not a proper man to move for, or to be the chairman of, such a Committee. I frankly told him that I should oppose his being the chairman of such a Committee, as I did not think him to be a proper person to occupy that position, just as I should not have thought myself a proper person to fill it. I think that, as we of the Admiralty are to be judged in respect of our public and not of our personal conduct, no one who has been connected with the Board should sit as Chairman of a Committee of Inquiry into our administration. My right hon. Friend withdrew his Motion, and I think that in doing so he acted wisely. I will now refer to the view which the gallant Admiral has taken of the discipline of the navy. He spoke of discontent existing among the officers, and I think I heard also the word disaffection. That there may be dissatisfaction to some extent among some of the officers of the British navy—that there may be many officers who think their pay insufficient for the services they perform—may be quite true. It is not for me to say that the navy any more than the army is a well-paid service. But I must say that the Admiralty have endeavoured, and will continue to endeavour, with the limited means at our disposal, to improve the condition of the officers of the navy. When I bring in the Navy Estimates, which I hope to do on Monday, it will be seen that we are at this moment endeavouring to improve their position. I may state that Her Majesty has graciously been pleased to increase the pay of officers in command of ships. In conclusion, I must be permitted to say on behalf of the colleagues that the present Board of Admiralty has not been behindhand in promoting improvements. I cannot but look with some pride on the passing of an Act last Session for the better discipline of the navy. That Act, though it passed through this House very quickly was the result of long and severe labour on the part of the Admiralty. In framing a new code of instructions for the navy consequent on that Act, there was also very considerable labour; and there is another subject that has occupied much of our attention—I mean Greenwich Hospital. All the world knows that the government of Greenwich Hospital has been extremely defective. My gallant Friend—now no more—(Sir Charles Napier), whose name I cannot mention in this House without expressing regret for his loss, often discussed the subject with myself, and I am bound to say that I always found him to be an honest friend to the seaman, a gallant and a zealous officer. Our first step with regard to Greenwich Hospital was to appoint a Commission of Inquiry. The result of the Report of that Commission has been, I am happy to say, the framing of a Bill which my noble Friend the Duke of Somerset is about to introduce into "another place," by which various improvements will be effected. In future the patronage of the Admiralty will be abolished with regard to the schools at Greenwich, and the whole of the nominations to those schools will be open to all who have claims to admission. I mention these things to show that, with all its defects, the Admiralty has not neglected its duty to the country, and that it has been our constant and earnest endeavour to earn the good opinion of our countrymen. I cannot agree with the gallant Admiral that the Committee to be appointed should not contain any Gentlemen who have been First Lords of the Admiralty. I should be sorry to see such men as the right hon. Baronet opposite (Sir John Pakington), the right hon. Gentleman the Member for Carlisle (Sir James Graham), and the right hon. Member for Portsmouth (Sir Francis Baring) excluded from the Committee. The question is not one of party; but if the honour and safety of England are to depend in some measure on such a Committee as this, would it be wise or prudent to exclude from it men some of whose names have a world-wide reputation as regards our navy? Let me add that, whether I am on this Committee or called to give evidence before it, I can answer both for myself and my Colleagues that we will give every possible assistance in order that the inquiry may reach every detail and branch of the Admiralty.

SIR JOHN PAKINGTON: Although I was not surprised to hear the remarks which fell from the hon. and gallant Admiral (Admiral Duncombe) in reference to myself, I confess I was not prepared for the charge which my noble Friend the Secretary to the Admiralty has made against me of want of courtesy, in not informing him of my intention to give notice of a Motion for a Committee of Inquiry. I have heard the imputation with astonishment. Instead of meeting it with anything like an apology, I meet it with a most explicit denial. My noble Friend had no right to make such an imputation. I never before heard of such a thing. I appeal, without fear of contradiction, to the most experienced Members of this House whether they ever heard of any practice by which an independent Member who thinks it his duty to give notice of a Motion for a Committee of Inquiry into the constitution of a great department of the Government is bound, before he gives that notice, to consult the Minister connected with that department. In my whole experience in Parliament I never heard so extravagant a doctrine. I will tell my noble Friend that he has treated me with discourtesy in making this attack against me [*Laughter*]. Right hon. Gentlemen indulge in a laugh; but I do not think they will dispute what I have stated, that it is entirely contrary to all custom; and I say that if a noble Lord in a high position makes a charge of want of courtesy against a Member of this House he is bound to do it according to the practice of the House. I am sorry to be obliged to say that I was not surprised at the language of the gallant Admiral. I am sorry to say that my experience of the language and tone in which that gallant Admiral sometimes indulges prevents me from feeling surprise at the observations he has made regarding my conduct. I know that nothing is more distasteful to the House than personal differences between Members, and as I made a public statement in the House of the reasons which led me to give the notice, and of my motive in withdrawing the Motion, I am perfectly content to leave where it now stands the question whether or not I have treated the hon. and gallant Admiral with any discourtesy? I should not have thought it worth while to rise to take notice of what had fallen from the gallant Admiral but for the few observations I desire to make on the Motion itself. The gallant Admiral said this discussion had been very much anticipated by what took place last night. It is hardly necessary for me after what I stated last night to say that, if necessary, I am prepared to give my support to the Motion. I expressed, last night, my opinion that the state of public opinion out of doors with regard to this question renders it most desirable that in some shape or other there should be an inquiry into the constitution of the Board of Admiralty. I stated last night that I thought the principal object of the inquiry was to devise some system by which the present constitution of the Board—the present administration, I should rather say—may be conducted upon a system which shall give more direct responsibility to the officers who conduct the system than is now the case. The hope of devising a mode of increasing the responsibility is the principal object of that inquiry. But I think there is also another reason for inquiry, and that is the opinion at least that I myself strongly entertain of the unsatisfactory position of the First Lord of the Admiralty under the present system. I speak now in the presence of right hon. Gentlemen who have had longer experience of the Admiralty than I have. How far they may concur with me I do not know; but the result of my own experience is that the position of the First Lord as the President of the Board is not that which ought to be occupied by a Minister of State filling so important a post as the First Lord of the Admiralty fills. I heard with considerable surprise last night a statement which fell from my hon. Friend the Member for Sunderland, who in the course of his speech said that the right hon. Baronet, the Member for Carlisle, had stated——

Mr. SPEAKER: I think the right hon. Member is infringing the rule which forbids reference to former debates.

Sir JOHN PAKINGTON: It is really a matter of necessity that I should explain the reasons why I think the position of the First Lord makes a change desirable. It is supposed by some hon. Members of the House that the right hon. Baronet the Member for Carlisle, when he was before a Committee, stated his opinion that the First Lord of the Admiralty is supreme. I think I heard that expression used. I am exceedingly sorry that indisposition prevents the right hon. Baronet from being present. But when I heard that opinion attributed to him, I remembered that I myself heard the evidence to which reference was made — namely, the evidence given before the Sebastopol Committee in 1855, and my recollection of that evidence did not at all support that expression. I have referred to the evidence in the Report of that Committee, and I find the opinions of the right hon. Baronet embraced in two answers, which I am sure the House will permit me to read. The first question is this:—

> "Is the First Lord of the Admiralty a co-ordinate part of the Board of Admiralty, or is he, like the Master General of the Ordnance, a superior officer, with power to overrule the decision of the Board?"

This bears on the question whether the

First Lord is supreme. The answer of the right hon. Baronet is—

> "He has no power whatever to overrule the Board's decision. When he is present at the Board he presides, and the practice is that when documents are read the First Lord presiding gives his opinion as to the answer that is to be given. If all the members are silent, the secretary notes down the answer; any member who dissents from the opinion of the First Lord has an opportunity of stating it. That at least is the mode in which I have always transacted the business."

The other question was—

> "Supposing there was a majority of the Board against his opinion, would that majority govern?"

In reply the right hon. Gentleman cited the opinion which Earl Spencer had expressed to him, that practically he had never found a Board interfere with the large discretionary power of the First Lord. In illustration of that, Lord Spencer told the right hon. Gentleman that on one occasion his opinion as a layman came into collision with that of the naval members of the Board on the question whether the decision of the Cabinet that Lord Bridport should strike his flag should be carried out, and that he was obliged to threaten the dissolution of the Board in order to procure the two signatures which were required, in addition to his own, to be attached to the order. Lord Spencer added, that that was the mode in which the First Lord enforced his authority at the Board of Admiralty. It may be said, perhaps, that if that power exists the First Lord is practically supreme. It is quite true, no doubt, that with the concurrence of the Crown, and of his Colleagues in the Cabinet, the First Lord may, in the event of extreme difference of opinion, break up the Board. But I think the exception proves the rule, and that the First Lord is not practically supreme in ordinary circumstances, when he can only assert supremacy by resorting to so extreme a measure. It is true, he is a member of the Cabinet, and that he conveys to the Board the opinion of the Cabinet; but he is in this painful position, that in the event of serious differences of opinion between himself and the other members of the Board, he is obliged to abandon his sense of duty on the one hand, or on the other to overrule the Board, without having in fact, any legitimate means of doing it, except by resorting to some such course as I have mentioned. Last year the right hon. Gentleman (Sir Charles Wood) spoke of the good feeling which had always prevailed between himself and the naval members of the Board, and the right hon. Member for Carlisle made a similar statement. I have equal pleasure in stating that no First Lord could have acted with greater harmony and good feeling than I did with the naval members of my Board. But, however strong this friendly feeling may be, and I do not doubt in the slightest degree that it still prevails, it is impossible for five or six persons to act together for any length of time without differences of opinion occurring; and it is easy to see the embarrassing and difficult position in which the First Lord may at such times be placed. On these grounds it is, I think, very desirable that the constitution of the Board should be reconsidered, because the theory of a Board so constituted is inconsistent with the theory of Ministerial responsibility on which this House always acts. I retain, however, the opinion I have formerly expressed, that, of the various modes of inquiry, a Parliamentary Committee is the least desirable and the least convenient. I regret that the Government did not determine to conduct such an inquiry themselves, and next to this I should have preferred a Royal Commission. As, however, the Government have preferred a Committee I do not object to it, though I do not think it the best mode of inquiry. There is one point on which I feel great anxiety. It is as to the construction of the Committee. I think it most important, and I am glad to hear that it is not the intention of the Government not to exclude from that Committee gentlemen who have had experience at the Admiralty. The noble and gallant Lord (Lord Clarence Paget) says he told me he should oppose my being Chairman of the Committee if I moved for its appointment. I beg to say that the noble Lord's recollection is entirely at variance with my own. I will, indeed, confidently say that he never made any such statement. If he had, I should have told him that I see nothing in the circumstance of having held the office of First Lord to disqualify me from presiding over such a Committee. And, if I had proceeded with my notice, I should certainly not have been disposed to waive that claim which, by the custom of this House, every Member who moves for a Committee has to occupy the chair of that Committee. I think it would have been a most unwise decision to exclude from the Committee those gentlemen who know something of the subject about which the Committee are going to inquire. I do not say that those who have been at the Board of Admiralty ought to be in a majority. There ought to be various elements upon that Committee, and its members ought to be free from that partiality which need not necessarily attach to those who have had official experience at the Board. I hope that the Government will be careful in constituting the Committee, so that it may be composed of men who will enter upon the inquiry with a sincere desire to conduct it in the most dispassionate manner. I doubt, and always have doubted, whether a Parliamentary Committee is the best tribunal, and I doubt it now more than ever on account of the fashion that prevails to cry down the Board of Admiralty. There seems to be a feeling that a man who wants to write a pamphlet or make a speech cannot do better than attack the Board of Admiralty. An inquiry is desirable, and some changes may be necessary in the constitution of the Board; but I do not think the Committee ought to be led away by this fashion of decrying the Board of Admiralty. There was great force in what was said by one hon. Member, that we must recollect that under the conduct and management of this Board the navy has acquired all its glory and renown. I would also caution the House to bear in mind what has taken place in the War Office. There never was a public department that stood in greater need of improvement. When I had the honour to be Secretary of State for the Colonies, I was nominally War Minister. I said then repeatedly, both in private and in public, that the system might work very well in time of peace, but that if war came it must break down. War did come, and it did break down. During the war the Government found it so impossible to reform the administration of the army; that, notwithstanding the difficulty of making the attempt at such a moment, the Government reconstituted the Department. What has happened since at the War Office shows that it was much easier to find out the defects of an existing system than to devise a remedy; for, although that change has been effected four or five years, the War Department has not yet arrived at a satisfactory state. I trust that the Committee we are about to appoint will proceed to discharge their difficult duties in a spirit of caution and prudence. Public opinion requires that some changes should be made, and I would not have the Committee proceed in too timid or too cautious a manner. I trust they will so proceed as to give the public full confidence that their inquiry will be searching and impartial, and that it will be carried out in a manner beneficial to the public service.

LORD CLARENCE PAGET said, he wished to explain that in objecting to the right hon. Gentleman as Chairman of the Committee he meant no personal reflection whatever upon him; considering, however, the place lately occupied by the right hon. Gentleman he thought he ought not to be the person to preside over its deliberations.

SIR FRANCIS BARING: So far as I am concerned, as having been at the head of the administration of the navy, I have no reason to complain of the manner in which the hon. and gallant Admiral has moved for this Committee; and I have no doubt that the hon. and gallant Officer, by the Motion he has made, will confer a great benefit on the service. I rise to say, what no one has done before, and that is a good word for the constitution of the Admiralty Board. My own experience is that the Board, as a whole, has worked well together. The First Lord is responsible to Parliament for the conduct of the business of the Admiralty. Each member of the Board exercises a general superintendence over a certain number of departments, and is assisted by a permanent officer of considerable experience and high rank. When serious matters arise the different members of the Board communicate with their colleagues and take their decision. No doubt, on such occasions, practically the First Lord has his way. He does not come down among these gentlemen and say, "I will have my way;" but he receives the decisions of the Cabinet and the commands of the Queen, and, practically, when the First Lord thinks it his duty to insist, the junior Lords give way; at least, it was never my fate to be in a minority with my Board. Now, how is this Board formed? I am old enough to recollect the causes and reasons given for constituting the Board in its present state. The Duke of Wellington, soon after the termination of the great war, was at the head of the Ordnance. The Board with which he then acted was considered by him to be the best model for the conduct of public business. The Duke of Wellington and Lord Hardinge stated that before the Finance Committee of 1828. That Committee was composed of some of the most distinguished men of the day, including Mr. Huskisson and Mr. Herries, who had conducted the business of military and naval departments during the war. The Committee concurred in that opinion, and the Admiralty Board was formed directly on that model, and the whole of their constitution, now so unpopular, received the sanction of the Duke of Wellington and the Committee to which I have referred. Some hon. Gentlemen seem to suppose that the Board which now superintends the navy is some old, antiquated machine, which no man of common sense would ever adopt. I do not pretend to say that experience may not suggest improvements, or that we may not be wiser than those who have gone before us. I do not put it as an argument that we should not inquire and improve it if we can; but I mention it as a reason why some caution should be employed before we pull to pieces that which has been set together by some of the best men. The Duke of Wellington was no common man, and if there were one quality for which he was remarkable it was his power of organization. The Board of Admiralty follows the Ordnance Board, and the Ordnance Board was organized by the Duke of Wellington.

In the charges brought against the Admiralty I notice in some of the pamphlets which have been published that the Admiralty are made responsible for things which originated with the House of Commons. I may mention two points which are made a great deal of in these pamphlets. In a pamphlet which is supposed to come from very high authority, and to express the views of a considerable number of naval officers, great blame is attached to the Board of Admiralty for the harbours of refuge, and it is said that if the constitution of the Admiralty had been altered we never should have had these harbours of refuge. I do not say whether these harbours of refuge are right or wrong, but it is the Constitution of England you ought to inquire into if you want to alter that. They arose from a Committee of this House. An Address for a Commission was agreed to. A Commission was appointed. The Royal Commission, and not the Admiralty, heard evidence. They did not employ any Admiralty surveyors whatever. They had Mr. Rennie, Mr. Cubitt, and Mr. Walker, and when it was all settled it was handed over to the Board of Admiralty to carry out the wishes of the House of Commons. Another allegation is about the Keyham Dock. Reference is made to the French having constructed large basins and erected works such as we have not erected. But the Admiralty is not to blame for having suspended the great work at Keyham. The facts are that a Committee of the House of Commons, which I assisted in compelling the Government to appoint, went so far as to say that they doubted if it ought ever to have begun, and that at any rate it ought to go no further. The Admiralty carried out the recommendation of the Committee, and for two or three successive Sessions Keyham was one of the stock Amendments which I had to meet; and I had some difficulty in getting money not to let the old works go to ruin. All this is now saddled on the unfortunate Board of Admiralty who had nothing to do with the matter. Let me not be misunderstood. I am not saying that the Admiralty is perfectly free from making mistakes. I am not contending that the House is not right in exercising full control over the money which it has to vote. I do not say whether the Committee was right or wrong about Keyham. But it was their doing, not that of the Board of Admiralty. There is another reason for saying that sufficient allowance is not made in estimating the conduct of the Admiralty. We hear of every fault which can possibly be found with the Admiralty, and every hole which can be picked is exposed to public view. We hear of all their faults, and a great deal more of things which are not their fault; but is there never anything wrong in private or foreign establishments? If a French naval officer were to write such a pamphlet as this he would, probably, find some difficulty in getting it published; and as to private establishments, I once said to Mr. Rennie, the engineer, "We make blunders at the Admiralty, and are supposed to make more blunders than anybody else; but are you civil engineers always right—do you never make any mistakes?" Mr. Rennie said, "Yes, we make mistakes, and perhaps as many as you do; but we are not fools enough to talk about them." If we could compare the Board of Admiralty with the French Admiralty and private establishments, it would look better than it does at the present moment. Nevertheless, the Government, I think, are quite right in granting this Committee, and in consenting to any alteration which is an improvement. It is said that great evil arises from the constant political changes, which necessitate a change of officials. The pamphlet to which I have referred says a First Lord's tenure is not more than a year and a-half. No doubt it would be much more agreeable to us if we could have a longer existence. But I do not see how you are to prevent it, unless you get rid entirely of the responsibility of the Admiralty Minister to Parliament. If you choose to have a permanent officer, uncontrolled by Parliament and not responsible to Parliament, then you ought to make a change in the constitution of the Admiralty; but, at the same time, you change the constitution of the country. I have seen a plan on paper proposed by my hon. Colleague. His remedy is to change from a First Lord to a Secretary of State; but a Secretary of State would go out with every political change, just as the First Lord does now. Then it was said, "We do not rely on the continuance in office of the First Lord or Secretary of State, but the subordinates would be permanent." I have ventured to compare the amount of change under the proposed system and under the old system, and I find in thirty years it would be as 103 changes against 107, or in favour of the present arrangement. If you have nothing but permanent officers, you must of necessity change them after a certain time. You cannot allow them to remain in office without an infusion of new blood, or you could not expect them to follow the changes of the day. One advantage of the present system is that, as there are frequent changes of the Board and of the superintending Lords, there is no necessity for periodical change in the permanent staff. The right hon. Gentleman who has just sat down says that his object is to insure responsibility, and I quite agree that that is an object of the greatest importance. I should have said that at the present moment the First Lord is responsible for the whole conduct of naval affairs; but with respect to responsibility the House must be careful not to be deceived by mere words. I do not think it would be advisable to introduce such a system as would make the Secretary of State the mere nominal head of an office, the whole of the business being transacted by a permanent officer nominally under him, but over whom he has practically no power. The House will recollect that when this Admiralty Board was first formed there existed the Navy Board, which nominally obeyed the orders of the Admiralty Board; but, nevertheless, the latter found it very difficult to get its orders carried into execution. The Admiralty was responsible for the dockyards, but had no real control over them. I see symptoms of going back to the same system, and that, I think, is an unfortunate circumstance. With respect to the Navy Board, there was no fault to be found with the persons composing it, but nothing was so unpopular with the navy as that same Navy Board, and when it was done away with there was a general shout of applause from the officers of the navy. I advise the House not to attempt to carry the responsibility which belongs to the Minister to every officer under him, or the business of the office will be entirely disturbed. The real way of enforcing responsibility is to make the naval Minister responsible, for the moment you begin to throw responsibility on subordinates that moment you free the Minister. You must have some regard for the discipline of the office; and if you tell the subordinate clerks that they are held responsible, the head of the department may be told by them, when he attempts to enforce his orders, that they will protest, and the proper conduct of the business would be interfered with. I will only allude to one other point. It is the fashion to advocate a council, and this is a plan supposed to have the assent of many officers. The First Lord undoubtedly is to have the power to override the Council, but it is proposed in respect to money matters,—that is to say, as respects any increase or any reduction of expense, the First Lord is to have no power, but must obtain the assent of this Council before he adds a shilling or takes off a shilling in the naval expenditure. Suppose the Government think that a reduction may be fairly made in preparing the Navy Estimates, yet, when the First Lord comes to the Council, that body may negative the proposition. The councillors, too, being officers not holding office at will, but for five years, I do not know how the House of Commons would like that, but it appears to me to be a considerable encroachment on the privileges of the House of Commons in respect to the voting of money. I cannot conceive that such a power would ever be conceded by those who value the privilege of voting money by the House of Commons. I will not enter further into the discussion, but I give my ready assent to the Motion.

MR. HENLEY: Sir, a very important subject is new under consideration. I quite agree with what has been said by my right hon. Friend the Member for Droitwich, and by the right hon. Gentleman who has last spoken, that what is wanted is that which would give the greatest real responsibility, coupled with the greatest efficiency and security for the public service. We have heard for the last year or two complaints of all kinds against this immense public department, and a mass of information has been collected by Commissions and Committees, and has likewise been published in pamphlets. Now, by some curious coincidence, the whole volume of complaint settles down like a blight upon the Admiralty. Everybody says it is the Admiralty that is in fault. We have heard a great many complaints that the men do not get bread enough; that ships are built which ought not to be built, and not at the proper time; about a Surveyor of the Navy who did not know how to build ships; and to-night we have heard what I was very sorry to hear, and what the gallant Officer who made the statement could scarcely have intended, I think,—that there is dissatisfaction among the officers, and insubordination, to say the least of it, among the men—all of which cannot be very satisfactory to a nation which is paying from £12,000,000 to £13,000,000 a year for the Navy. It is impossible to hear these things and not to say that there is something wrong somewhere. But all the people who have made these complaints have stopped short at one point. They have not proved to my mind that it is what is called the system of the Admiralty which is at fault in all these matters. They have alleged it, but not proved it. They have not shown how this or that officer has been impeded by the action of the Board, or how this or that First Lord has been checkmated by some obstinate naval officer who would not see with his eyes. Under these circumstances, I was much struck with what was said by my right hon. Friend below (Sir John Pakington) last year—that it was a case for the Government to look into, and, if any alteration were wanted, to make it; and, certainly, I never was more surprised in my life than, when I came to the House the first time this Session, to hear that my right hon. Friend had given notice of a Motion for a Committee of Inquiry, and that the Government had agreed to such a Committee. All mischief, they say, comes from within; and, when the Admiralty that is and the Admiralty that was say there

ought to be an inquiry, independent Members could not but come to the conclusion that some of these things about which the public were so dissatisfied could be traced to the system of the Admiralty. There has been a pamphlet recently circulated and also apparently a sort of pedigree scheme traced out from it, and on reading the two through hastily the objection stated by the right hon. Member for Portsmouth has occurred to me, namely, that, with a great deal of apparent responsibility, there was no responsibility at all about it. Some forty or fifty people were to be responsible to somebody, but the only man who was to be responsible to Parliament was the man at the head of all, and he was to have no control over these people, because they were all to have permanent employment. That would be a queer kind of responsibility to present to Parliament. I have never yet heard anybody say such and such a mistake has been made, and we are not able to find somebody responsible for it. The question of responsibility to Parliament has not yet been fairly tested. Many years ago I recollect the appointment of Captain Symonds to the post of Surveyor of the Navy was called in question; and the First Lord of the Admiralty, being challenged in this House, defended the appointment, and made himself responsible for it. That does not appear to me like a proof of want of responsibility. I do not remember any case where a complaint has been made, and the Admiralty charged with the blame, where a First Lord has attempted to throw off the responsibility, because he had no control, or for any other reason. If there is to be a Committee, it would be a very proper point to inquire into whether any of the matters which have been made subjects of complaint can be traced to any want of power in the Admiralty, to any shortcomings in a particular department, or to one thwarting another. Certainly, many things have come before us which it is not very easy to be satisfied with. My right hon. Friend told us a fact two years ago, which I think rather surprised the House. He said that for the ten preceding years the Admiralty had been ordering ships which had never been produced except on paper; that, instead of three ships of the line and a certain number of frigates per year, only two liners, and frigates in proportion, had been built. Was that the fault of the system, or of the men who worked it during that time? At the end of that time we woke up one fine morning and found that the

French had got ahead of us, and it was said that if we had had those other ten ships this never would have happened. There might have been *laches*, but nobody has yet shown that that was owing to any fault in the constitution of the Admiralty, but it would be a very proper question for the Committee to inquire into. A short time ago a Commission was appointed to inquire into the best means of manning the Navy, and one of the things discoverd by that Commission was that the men did not get bread enough. The moment the Admiralty heard of it they increased the rations of bread 50 per cent. Was it the fault of the Admiralty that they had been short so long? One would have thought that a complaint of that sort must have reached the ears of the Admiralty very quickly. That is a matter which inquiry would set right one way or the other. But then it is said it is the shifting about of men in office that does all the mischief. You have seven or eight different Boards before you can say Jack Robinson. But at the head of the particular department which was concerned in the bread business there was an officer who had been there time out of mind. Admiral Milne was examined before the Commission, and he was asked, "How long have you been a Lord of the Admiralty?" "Many years," was his answer—a very vague term. I suppose his memory did not run to the time when he was not a Lord. He was a permanent officer, and he did not admit that there was any necessity for an increase in the bread; he gave the strongest evidence that the men had quite enough—they must have enough, because they do not draw all they have; they get pay instead of rations. But when the fact came to the knowledge of the Admiralty they increased the rations of bread by 50 per cent. Another curious bit of evidence was given in the same department about the meat. Admiral Milne said they bought the meat, and the contractor warranted it to last twelve months, but by some extraordinary management it was never served out to the men under two years. He told us that the allowance to each man is so much, and that if the meat shrinks down to less than a half the quantity is made up. But if a man who should have, say, one pound of meat for his dinner, finds that he gets only eight ounces and one pennyweight, he is not allowed to complain; nor has he any remedy with respect to the quality of the meat unless it was not sweet, although everybody knows what salt meat must be like when served out after two years. It was not proved, however, that the meat grievance was caused by the constitution of the Board of Admiralty. We were not told whether the captains of ships or the men themselves had brought the matter under the notice of the Board; but we ascertained that the gentleman whose particular duty it was to look after this department of the service was a permanent officer. Again, take the case of construction. I believe there have been only two Surveyors of the Navy for upwards of thirty years. That is not, therefore, a very shifting office, and yet there never has been anything like uniformity of opinion in this House as to the success of our naval construction. I do not know, indeed, whether the subject is one on which we can ever expect two men to agree. I am glad that the Government have consented to the proposed Committee. Provided that information is fairly afforded by the Government I think it is likely that the inquiry will show that there is some want of harmony in the working of the system, and some want of proper control over some of the departments. If the result be to point out to the Government what really is the disease, they will be the parties to apply the remedy. In a matter like this, which so closely concerns the privileges of this House with respect to the control of expenditure, and which so closely touches the prerogatives of the Crown, no party is fit to propose a remedy except the Government of the day. A Committee may be of assistance to them, either in pointing out where the blots, if any, are, or in satisfying the public mind that the want of success does not arise from the constitution of the Admiralty, but from some other cause. The subject is very important; time, I am sure, will not be wanting for the full elucidation of it; but, however that may be, it is clear that there must be an inquiry. Last night the noble Lord the Secretary to the Admiralty invited the opinion of the House on the subject of Sir Baldwin Walker's leaving the country. Considering the great difference of opinion which exists on the point of construction, and as to where the blame ought to fall, I think it is very probable that Sir Baldwin Walker's conduct will be called in question before the Committee. I think, also, that all matters connected with Admiralty action upon the dockyards must necessarily come before the Committee. Under these circumstances it certainly would have been better if Sir Baldwin Walker, instead of being out of the country, could have been present to give such explanations as he might deem necessary. It is not unlikely, moreover, that his former colleagues at the Admiralty may decline to open their minds fully in his absence. Nevertheless, I am glad that the Government have assented to the appointment of this Committee, because, having had full opportunity during the recess of considering the whole matter, they must have come to the conclusion that the public would be benefited by an inquiry.

Mr. BENTINCK said, he thought the House had fully adopted the spirit by which the hon. and gallant Gentleman who brought the question before the House had avowed he was actuated—that of disclaiming party spirit or an intention to cast blame on any particular Board of Admiralty. He wished, however, to advert at the outset of his remarks to what had fallen from the right hon. Gentleman the Member for Droitwich, with respect to the speech of the hon. and gallant Admiral. It appeared to him that those observations of the right hon. Baronet were unwarrantable, and quite uncalled for. There was nothing in the speech of the hon. and gallant Member, nor in anything which had fallen from him, either in that House or elsewhere, during his long professional and public career, which could afford the smallest justification for them. With that observation he would proceed to a subject which, if discussed at all, he thought should be discussed on the present occasion—namely, the constitution of the proposed Committee. The point had been mooted, whether the right hon. Baronet, who had already held the post of First Lord of the Admiralty ought or ought not to be a member of this Committee. Upon that subject he entertained a very strong opinion. In the observations, however, that he was about to make he begged it to be distinctly understood that he made them with no disrespect to the right hon. Baronet. As to the mere fact of ex-First Lords of the Admiralty being members of that Committee the right hon. Baronet himself had given a most conclusive reason against such a course being adopted. It was necessary, according to the right hon. Baronet, that the Committee should be composed of men who possessed a competent knowledge of the subject. That might be taken for granted; but one of the questions which the Committee would have to investigate was whether the public service was prejudiced by the practice of putting at the head of a great department men who, whatever their ability, were totally unacquainted with the details of the business over which they had to preside. Could it be expected that ex-First Lords would take the same—he would not say impartial—but dispassionate view of that matter that other persons less interested would? and would their presence in the Committee not give to the inquiry a tone and character which would much lessen the value of its results? Again, the noble Lord the Secretary to the Admiralty had declared that the Admiralty was about to be put upon its trial. If that were so, the proposal to put ex-First Lords upon the Committee amounted simply to this, that these distinguished men were to discharge the duty of both judge and jury in their own case. One of the most important questions to be decided by the Committee was whether civilians should be placed at the Board at all, and was it proper that the very men whose position would be thus impugned should be allowed to decide in their own cause? It was impossible that the Report of such a Committee could carry a conviction of its impartiality with it as far as the public were concerned. The case of Lord Spencer which had already been quoted, was a striking example of the evils of such a course. With such a case before them was it right to place other civilians in a similar position. He strongly objected, therefore, to the appointment of such a Committee, and he hoped the House would join him in thinking that the distinguished individuals in question would be of the utmost service to the Committee as witnesses, but ought not to be permitted to be among the Members of whom it was composed.

Mr. CONINGHAM said, he wished to express his objection to the system which appeared to be gradually growing up, and by which the direction of great departments was engrossed by Members of the other House. In order to secure inadequate responsibility to the country, the First Lord ought to sit in the House of Commons. In saying that he wished to cast no reflection on the noble Lord who now represented him there—it was the system to which he objected. The head of the War Office had just been translated to the Peers; the Colonial Secretary sat in the other House; and it would be a fitting climax that the Chancellor of the Exchequer should sit there also, and be vicariously represented in the Commons. Such a practice was, he believed, fraught with injury to the public interest.

SIR CHARLES WOOD: Sir, I must say that whilst I regret as much as my hon. Friend can do the absence from this House of the heads of both the great departments of expenditure, I am rather surprised to hear him complain of what he most unjustly designates as a system by which the heads of great departments are being transferred to the other House. When the present Government came into office, out of sixteen Cabinet Ministers ten occupied seats here, and out of five Secretaries of State four were in this House. Unfortunately Lord Herbert's state of health rendered necessary his transfer to the other House; but even now I do not think there exists any ground for the complaint of my hon. Friend. With regard to the main question under discussion, I agree that nothing can have been more satisfactory, temperate, and fair, than the whole tone of the discussion upon the main question before us this evening. It has been quite removed from anything like a party, petty, or personal spirit, and if, as I trust, this is an example which will be followed by the Committee, great advantage may be derived from its inquiries. I confess, however, that I do not anticipate that the Committee will find that any great change in the constitution of the Board of Admiralty is necessary. If the Government had thought such a change was clearly necessary, they would have made it themselves; but as they did not entertain that opinion, they proposed no alteration, nor did they suggest the appointment a Committee. Seeing, however, the complaints which are made against the Board—complaints, let me observe, unaccompanied by any attempt to show how these defects are in the slightest degree owing to the constitution of the Board—the Government think it wise to assent to the appointment of a Committee which may possibly detect faults; but, the appointment of which, at all events, will satisfy the country. Much has been said about the frequent shifting of the First Lord. But if he is not to go out along with the Ministry of which he is a member, I think the House must be prepared to alter the constitution of all the great departments of the State to which the same principle applies. Remember, that though these changes may take place, there exists a permanent civil staff, who perform their duties quite independent of the political heads under whom they serve. For myself, I believe there is an advantage in the change of these heads of departments from time to time. In all permanent bodies there is a tendency to a system of routine, and changes effected now and then, introducing new blood, are, in my opinion, of essential advantage to the public service. On the subject of the responsibility of the First Lord, I am rather surprised at some of the opinions which have been expressed. When I was in office I consulted my naval colleagues on all questions. I was too glad to do so, but I never experienced the slightest difficulty on this account. I was responsible, of course, for the measures which I brought forward. I have had great experience at the Admiralty—having been for five years Secretary to the Board and for three years First Lord—I can say that I have, in neither capacity, seen or experienced the slightest difficulty in carrying through any measure which the First Lord has thought necessary for the public service. For what he does the First Lord of the Admiralty is responsible to the House of Commons and the country, and I do not believe that any change you can make will fix on him a greater degree of responsibility than he has at present; and I do not think it would be advisable to put more responsibility on those officers who are not in this House to defend themselves, or answer for themselves, if their conduct is questioned. The duty of the House of Commons is to hold those responsible who are the Ministers of the Crown. If those Ministers find that any of the other officers of the department do not work well under them, then it is their duty to devise some remedy for the inconvenience; but the responsibility should not be divided; it should be imposed only on those who were able to answer for themselves in the House. I remember the time when the Poor Law Administration was not represented in this House, and at that time a constant series of vexatious attacks were made on that department. But after it had a representative here most of those attacks ceased. Whatever change may be made, I hope the responsibility of the First Lord of the Admiralty will not be affected, nor do I wish to see the influence of the Naval Lords diminished.

Mr. DISRAELI: My opinion, Sir, is in favour of granting this Committee; not that I think that the result of its investigation will be very important, or that it will bring about any great alteration in the administration of the Admiralty. But the Committee will deal with a subject that has much engaged public attention, and I think it will prove that many misconceptions exist with regard to this great branch of the public service. I should be sorry if one result of the labours of the Committee was to recommend that the head of the Admiralty shall in future always be a naval officer. If we come to that Resolution, the next step will be to take this department of the Government out of the House altogether. We have got it in the House now, and I recommend you to keep it here. I am persuaded that the schemes for changing the character of this branch of the public service into an administration purely professional are only preparing the way for the House of Commons losing the command of it. The hon. Member for Brighton (Mr. Coningham) has made some just observations on the position in which the House is now placed with regard to the heads of two great departments. However much we may deplore the circumstances that have produced this condition of things, the fact remains; neither the administration of the navy nor that of the army is represented by the heads of those departments in the popular branch of the Legislature. I do not wish to occupy the House at this period of the evening, but I did not like to remain silent, for some expressions have been used in the course of this debate by two hon. Friends of mine which I very much regretted to hear, and I think they must have arisen from some mutual misconception. If there has been any error on the part of the right hon. Member for Droitwich in giving notice of his intention to move for this Committee of Inquiry into the Administration of the Admiralty and the state of the Navy, I take the full responsibility for the step. My right hon. Friend asked my advice with regard to it; and it was with my sanction and approbation the notice was given. It would, therefore, be disingenuous in me, if, after what has passed, I should be silent on that head. If I had supposed that taking this course would have given offence to my hon. and gallant Friend the Member for the East Riding, I should have been the last person to have counselled the step. Between him and myself there exist the cordial relations of an intimacy of more than a quarter of a century. I have great respect for his talents, and regard for his character. I know the independent spirit that always animates him, and I much regretted that he did not find it convenient to afford the late Government the assistance his experience could have given had he joined it. Last Session, I know my hon. and gallant Friend brought this subject forward with distinguished ability, but I was not aware he was under any engagement to renew it in the present Session. The question has now even greater interest than it had last year, and as my hon. Friend was not here to remind us of the position in which he stood with respect to the question, my right hon. Friend may be pardoned if he has, inadvertently, poached on his manor. But my right hon. Friend, when made aware of the breach of Parliamentary etiquette he had unconsciously committed, showed that he was animated by the feelings which should influence one gentleman in his conduct towards another. He did not hesitate a moment to put himself right with my hon. Friend and the House. My hon. Friend the Member for West Norfolk (Mr. Bentinck) made some observations just now, marked—I will not say with bitterness—but with less pleasantness than is usual with him, when referring to some expressions of my right hon. Friend, which he seemed to think were not justified by anything which fell from my hon. and gallant Friend the Member for the East Riding. My hon. and gallant Friend, who loves frankness too well to quarrel with me for expressing my opinion frankly on this subject—[Admiral DUNCOMBE: Hear, hear!]—my hon. and gallant Friend will recollect that he had spoken of the conduct of my right hon. Friend as unwarrantable. Now that is an expression which cannot be easily passed over by any Gentleman in this House. It is a strong epithet, though, perhaps, Parliamentary. Any one who is told that his conduct is "unwarrantable," may be excused if he retorts with a little violence of tone and manner. But I trust my hon. Friend and the right hon. Baronet will find no occasion to remember this rather disagreeable passage of Parliamentary discussion. My hon. and gallant Friend has now obtained that position to which he is fairly entitled, and no one wishes for a moment to deprive him of it. I trust that when the Committee is appointed it will be animated in its labours by only one desire, to illustrate the question and throw that light upon the subject, which in the present state of the public mind is very desirable; and I shall be sorry if the result of this discussion is to deprive the Committee of the services of any of those distinguished statesmen who have been heads of the naval department.

ADMIRAL **DUNCOMBE** said, he rose to thank the right hon. Gentleman the Member for Buckingham for the kind and courteous manner in which he had spoken of him then and on former occasions. He would not deny that he felt excessively annoyed by the right hon. Member for Droitwich moving for the Committee. He had brought the question forward in the previous Session, and nothing was easier than to have ascertained whether he intended to follow up the subject or not. He had had longer experience in the House than the right hon. Baronet, and he never remembered when a Member had brought forward a question another hon. Gentleman stepping forward and taking it out of his hands. But after what had passed, he should say no more of the matter.

MR. **KINNAIRD** expressed a hope that the House would not lose sight of the great constitutional question which had been raised by the hon. Member for Brighton (Mr. Coningham), because, although within the last six years £80,000,000 had been voted by Parliament for the Naval Service, that important service was not represented in that House by a responsible Minister.

Motion *agreed to.*

Select Committee *appointed,*

"To inquire into the constitution of the Board of Admiralty, and the various duties devolving thereon; also as to the general effect of such system on the Navy.

House adjourned at Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, March 4, 1861.

MINUTES.] PUBLIC BILLS.—1ª Law of Foreign Countries.
2ª Trade Markets.

AFFAIRS OF ITALY.—EXPLANATION.

LORD **WODEHOUSE** said, he wished to offer a few words of explanation in reference to some points that had been raised in the discussion on the affairs of Italy on Friday evening. When he stated that there had no communications with Her Majesty's Government as to the blockade of Gaeta he had in his mind only communications with neutral Powers. He found that a communication had passed between the Minister of the King of Naples and the representative of the British Government in reference to the siege of Gaeta. That communication, together with the reply that had been made to it, he was ready to lay before the House. He also wished to observe that he was perfectly correct in the statement which he made with respect to General Pinelli. As soon as the proclamation issued by that General came to the knowledge of the Sardinian Government he was recalled. He had also been informed that the pension granted to the family of Milano for the attempted assassination of the King of Naples was no longer paid. One of the first acts of M. Farini when he became the representative of the King of Sardinia was to put an end to that pension.

THE MARQUESS OF **NORMANBY** said, he was glad to hear the explanation which had been made by his noble Friend. It was because he had reason to believe that there been such a communication as the noble Baron had mentioned between the Neapolitan agent and Her Majesty's Government that he had pressed for the papers for which he had asked, and that he was surprised to find no mention of it in the blue book. As to General Pinelli, if his information was correct, that General issued a proclamation something like the celebrated one of Gesler, ordering that any one who neglected to salute the arms of Sardinia should be shot. He remained in command of the army for two months after that, and during that period many of the atrocities of which he complained were committed. It was true that he afterwards issued a second proclamation which very much resembled the production of a madman, and that he was immediately afterwards recalled; but he was recalled, not because he issued that proclamation, but because he communicated it to a reactionary paper, *The Armonia*, in Turin, with the observation, "I trust this will satisfy you." This gross breach of military discipline was the ground given for his recall. He was very glad to hear that the payment of the disgraceful pension to the family of Milano had been stopped.

TRADE-MARKS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR, in moving the second reading of this Bill said, he had received a number of communications from chambers of commerce, eminent manufacturing firms, expressing their delight at the prospect of at last obtaining protection for their trade marks. The evil which the Bill was designed to prevent was a very serious one. The forgery of these marks inflicted a double injury on manufacturers, for it brought discredit upon their productions as well as robbed them of the fruits of their skill and industry, and it was carried on to a very great extent. Hitherto there had been no remedy against it except by an application to the Court of Chancery or a suit at common law. It was proposed in this Bill to make the forgery of trade marks a misdemeanour, liable to the punishment of fine or imprisonment. It had been suggested by some members of the mercantile community that there ought to be a registration of trade marks throughout the United Kingdom; that no trade mark should receive protection which was not registered; and that registration should be accepted as conclusive evidence of the property in such a mark. He believed, however, that the machinery to carry out such a system would be very complicated and expensive, and that the measure was better as it stood. There were also clauses in the Bill making it a misdemeanour in any one to use labels stating falsely the quantity or quality of the goods to which they were attached. He was doubtful whether he should retain the clause of the Bill with reference to works of art, as it might perhaps be found to come in more appropriately in the Bill which had been introduced into the other House on the copyright of such works.

Moved, That the Bill be now read 2ª.

LORD CHELMSFORD approved generally of the measure, but believed that Amendments might be introduced in Committee to render its operation more effectual.

Bill read 2ª, and *committed* to a Committee of the whole House on *Friday* next.

CASE OF MR. TURNBULL.

SELECT COMMITTEE MOVED FOR.

THE MARQUESS OF NORMANBY, in rising to move for the Appointment of a Select Committee to Inquire into the Circumstances that attended the Appointment and Resignation of Mr. Turnbull in the Record Office, said he had been led to change the form of the Motion, not from any choice of his own, but on account of the extraordinary conduct of the Government in regard to the papers presented to the House. The very day after the Prime Minister refused the prayer of the memorialists he (the Marquess of Normanby) fixed an early day for his Motion, in compliance with the wish of the noble Earl below him (the Earl of Shaftesbury). On the Thursday he also moved for the papers presented to the House of Commons, which he was informed at the Rolls Office would be ready the next day; but it was not till the Tuesday following that they were delivered. That delay, which was due to the management, or mismanagement of the Home Office, obliged him to postpone his Motion, and subsequent events caused him to alter its form. The day after that for which his Motion was originally fixed, he found that a Minute had been issued by the Treasury accepting the resignation of Mr. Turnbull. He must say that it was very unusual, and by no means respectful to their Lordships, that, after a Motion had been given notice of and papers moved for, those papers should be withheld so as to compel a postponement of the Motion, and that the transaction should then be completed which was to be called in question. He held that their Lordships were entitled to explanation from the Government on that point. Another point which he thought it desirable should be investigated by a Select Committee, was the relative responsibility of the different departments of the Government in regard to appointments of this kind. He always understood that it was quite out of the regular course for the First Lord to interfere in departmental arrangements, although no doubt he could do so if he chose and his Colleagues acquiesced. That was certainly the rule: when he was in office himself twenty years ago as Home Secretary, he should have been much surprised if the Prime Minister had assumed any personal responsibility as to the appointments he made with reference to the State Paper Office; and, therefore, so far as he could learn, the Prime Minister had deviated from the usual practice by appearing as the chief agent in the acceptance of Mr. Turnbull's resignation. He thought that an inquiry by a Committee would be the means of eliciting the whole truth. He had heard many noble Lords who expressed regret that the Record Department should have lost the services of Mr. Turnbull, ask why Mr. Turnbull resigned? It was the weak part of Mr. Turnbull's case. But he could assure their Lordships, on his own responsibility, that undeniable evidence could be produced to show that the resignation was caused by direct interference with the head of the Record Department on the part of Lord Palmerston. He should be able to show that Lord Palmerston, up to a certain time, did not altogether approve the views of the Protestant Alliance. In July 1860 the noble Lord told a deputation who waited on him with reference to Mr. Turnbull that they had not a leg to stand on, and that if an attempt were made to press the case against Mr. Turnbull, no man, whatever his position, would be safe. The noble Lord was reported to have told the noble Earl (the Earl of Shaftesbury) that he viewed such subjects through a green lens, and that he had better clear his eyesight. This was the noble Lord's tone up to the summer of 1860. But Lord Palmerston's opinions must have greatly changed; for a short time before the meeting of Parliament this year he had every reason to believe that he should be able to prove that Lord Palmerston wrote a letter to the Master of the Rolls to this effect:—"I hear that the appointment of Mr. Turnbull is to be attacked. If it is attacked you must defend it on your own responsibility. I cannot defend it." How could the resignation be said to be voluntary if the head of the Department was deprived of the support of the Minister, and Mr. Turnbull was harassed for months by the most insidious and unfair suspicions? The only ground of defence which Lord Palmerston used, when he was waited upon with the late deputation, was that Mr. Turnbull had volunteered his resignation. Could it be said, under the state of facts which he had suggested, that Mr. Turnbull was not forced to resign, or that he was to be blamed for having resigned? With regard to the charges against Mr. Turnbull, that gentleman himself, having completed the first volume of the work on which he was engaged, gave notice to all those who had been most severe in their attacks upon him, to judge what would be by what had been done. He invited them to examine the work, and see if they could find any fault with it. But, instead of adopting that fair and honourable course, the insinuations were continued, and the attacks repeated, until he tendered his resignation to the head of the Department. The resignation was not unconditionally accepted, because it appeared by the papers that the Master of the Rolls distinctly declared that he would do all in his power to persuade the Treasury not to accept it. It was put by the Master of the Rolls on the grounds both of detriment to the public service, and of cruelty to an individual. Yet the only reply vouchsafed by Lord Palmerston was the interlocutory answer which he gave to the deputation. If this Committee were appointed, the scruples arising from the official position of the Master of the Rolls would be at an end, and although he had had no communication with that learned Judge since the final decision of Lord Palmerston, he had no doubt the Master of the Rolls would come forward fearlessly to speak the whole truth. In this case the character and fortune of an English gentleman were concerned, and also to a certain extent, the character of an eminent lawyer, an officer of State, who sat on the judicial bench. Their Lordships' House was not only the permanent branch of the Legislature, but the highest Court of justice in the land, and he could not suppose for a moment that their Lordships' would by refusing this Committee close this question and refuse to hear the truth upon it. With regard to the quotation by Mr. Turnbull, in his letter to the Earl of Shaftesbury, of a passage from the *Athenæum* newspaper, adopted by the Protestant Alliance, nothing could be more complete than the disclaimer of the noble Earl (Earl Shaftesbury) of the main portion of the article. The *Athenæum* adopted the last monthly Report of the Protestant Alliance, but it is to be regretted that he attempted to avert the charge of having groundlessly allowed it in that publication to be believed that the appointment of this gentleman had caused discord in the *Record* Office, by saying that the paragraph meant the newspaper office, not the public department. Why, when was there ever anything but peace in the interior of a newspaper office? It is only when its products come forth that we "let slip the dogs of war." The absurdity of this pretence to avoid a charge of misrepresentation by an allusion to the *Record* newspaper is proved by the fact that the words were not printed in italics. But as to the statement that Mr. Turnbull was engaged to write the religious history of the reign of Queen Mary, it had never been withdrawn, although almost every one connected with the Protestant Alliance had admitted that it was entirely untrue. As for the preface which Mr. Turnbull had written for one of the publications of the Abbotsford Club, that was twenty years ago. Only forty copies of it were printed, and he was entirely at a loss to understand how it could have been brought against him at this time, until he received a letter from Edinburgh, stating that when Mr. Turnbull was in Edinburgh he was one of the most strenuous supporters of Lord Macaulay at an election where Sir Culling Eardley, one of the chief members of the Protestant Alliance, stood against him. Probably, therefore, one of Sir Culling Eardley's zealous friends had endeavoured in this way to reward him. At the interview which a deputation had with Lord Palmerston on the subject, his Lordship laid much stress on the facts that the emolument was small, and that the duties were very nearly concluded. If the emolument was small, that was principally the fault of the Treasury; but his Lordship was quite mistaken in saying that the work was nearly concluded. He might have seen that from the letter of the Master of the Rolls, offering Mr. Turnbull the appointment, in which he stated that if the Government continued the grant hitherto allowed, the employment would be one which would not be concluded for some years. There was nothing in this preface to this publication, *The Life of Father Southwell*, to justify the statement of Lord Palmerston, that Mr. Turnbull had said that "he would rather be damned with the Catholics than saved with the Protestants." The word used by Mr. Turnbull was "Puritans," and though the phrase might be rather a strong one, it was provoked by the reading of the tracts and pamphlets issued by the Puritans at that time. It was stated also that Mr. Turnbull had eulogized Babington's conspiracy as a "gallant confederacy," but any one who would look at the passage would see that there was nothing of eulogy in it. He himself it was well known was no admirer of Garibaldi's schemes, but if at any time he had spoken of "Garibaldi and his 'gallant' confederates," it would have been just as much a panegyric as was Mr. Turnbull's language in regard to Babington's conspiracy. It had been said of himself by an organ in direct communication with the Government that he could not possibly have taken up this matter from pure and public motives; but he had been so much exposed to attacks of this kind that he had grown quite callous. Still he might be permitted to say that, during his life, in the various employments which he had held, he had often been called on to give effect to those great principles of civil and religious liberty and equal toleration which he had always professed. The first words he had ever uttered in public life were in favour of the removal of Roman Catholic disabilities, and that was in very good company and with very good success. Some years afterwards, when he was employed in the Government of Jamaica, he was able to secure the lives and property of the Dissenters there, at some personal exertions, and with certainly a great sacrifice of local popularity. For this service, when he returned to England, he received the thanks of all the Dissenting bodies here. After that, when in Ireland, he had tried to give practical operation to emancipation; and when in Italy he had done all in his power to protect the liberties of the Italian Protestants, and on quitting his mission at Florence he received a vote of thanks from the Italian Protestants for what he had done for them and the extent to which he had ameliorated their position. Therefore, he was only applying to this case the principle of civil and religious liberty, which he had always professed and acted upon. That he thought was a sufficient answer to the charge that he was not actuated by public spirit in this matter of Mr. Turnbull. So many years after the Catholic Emancipation Act had been in operation he did not expect to see the Government sanction such an act of injustice. The noble Earl who represented the Government in this House had been educated by the most distinguished of the disciples of Mr. Canning, who would be principally known to posterity by his persevering exertions, under adverse circumstances, in favour of Catholic Emancipation; and, looking at the occupants of the Bench opposite, he should be surprised if the followers of Sir Robert Peel, who had opposed the Durham letter and its consequences, now supported so capricious an exercise of power on the part of the Prime Minister, whereby Roman Catholics seemed to be deprived of the privileges and the toleration which of late years had been assured to them in this country. It would have a most injurious effect if the opinion were allowed to go forth that from this time forward a Prime Minister would be justified in removing any individual from office on account of his religious views. Twenty-five years ago, upon the accession of Her present Majesty, Lord John Russell had declared the Queen's desire to see her Roman Catholic subjects in the full enjoyment of the civil and religious liberty to which they were fully entitled, adding in a letter addressed to himself (Lord Normanby), the Lord Lieutenant of Ireland.

> "She is persuaded that when invidious distinctions are altogether obliterated, her throne will be still more secure, and her people still more devoted."

Since then the Government of this country had been, for the most part in the hands of Lord Palmerston and Lord John Russell, and he regretted that so little progress had since been made in the direction indicated in the above letter, that there should at this day be such an exhibition of illiberality on the part of any persons as could give rise to the letter to the Master of the Rolls. In that letter Sir John Romilly expressed—

> "The pain I feel that any society of English gentlemen, professedly founded on religious principles, should have been found to exist in this country who have considered it consistent with the charity on which those principles are based to endeavour, by *ex parte* statements and confidential canvassing, to remove from an employment for which he is peculiarly fitted a gentleman so honourable and trustworthy as I consider you to be."

Such underhand proceedings, such unjust suspicions—indeed, such foul play, were little calculated to consolidate religious peace among different classes of the community; still less was it by such means that Protestants of the Church of England could vindicate what they held to be the truth. Mr. Turnbull had all along asked to be heard, and the evidence would establish that he had resigned entirely because he found he should not be supported by the head of the Government. He could not think that an assembly like that which he was addressing would refuse such an inquiry, and he hoped, therefore, that their Lordships would agree to the Motion which he now submitted to them.

Moved,

> "That a Select Committee be appointed to inquire into the Circumstances that attended the Appointment and Resignation of Mr. Turnbull in the Record Office."

THE EARL OF SHAFTESBURY: I shall detain your Lordships but a very few minutes, because I can say but little beyond that which has been already stated on this subject, and the arguments on both sides are now pretty well known. There used to be a very good rule in the House of Commons—I do not know whether it prevails here—namely, that whenever a matter becomes the subject of a law-suit, and is pending in one of the Courts of law, no discussion shall take place respecting it. Now, it does so happen that a law-suit is pending here. The Secretary of the Protestant Alliance has received an intimation that proceedings will be taken against him for libel by Mr. Turnbull; counsel have been retained, and in the course of a short time the whole matter must come under the jurisdiction of the courts of law. In cases of this kind the House of Commons deem it highly inexpedient that there should be a public discussion. However, as that does not appear to be the opinion of the House of Lords, I will proceed with the remarks which I have to make. In the first place, the noble Marquess is altogether incorrect when he states that a deputation waited on Lord Palmerston in 1859, and that the Premier then took a very different view upon Mr. Turnbull's appointment, telling the deputation that they had no *locus standi*. In 1859 there was no deputation at all. There was no deputation until the 25th of July, 1860. The statements of the noble Marquess respecting a certain conversation which I had with Lord Palmerston, and the many choice expressions which he detailed in reference to it, are complete fabrications; not emanating, of course, from the noble Marquess, but from those who have supplied him with information. My only conversation with Lord Palmerston on this subject was that which I held with him, in the presence of some forty or fifty gentlemen, in July, 1860; and from that time I had no communication with him, either by writing or word of mouth, except once, when I met him and asked whether any representations had been made to Sir John Romilly on the subject. That is the sole conversation I have had with Lord Palmerston on this question. I shall now confine myself altogether to the four corners of the memorial presented in July, 1860, for which I hold myself responsible in connection with those who presented it. With regard to this memorial, we are told—and the noble Marquess reiterated the charge—that this was a secret movement. I deny it. On the 4th of June—the deputation having waited on Lord Palmerston in July —an official letter was sent to Sir John Romilly, giving him a full account of the whole proceeding, the object of the movement, and, not specifically, but generally, of the grounds on which the deputation would proceed, or on which the members of the Alliance disapproved Mr. Turnbull's appointment. The next charge is that it was insinuated that Mr. Turnbull would tamper with the papers—that he would suppress or interpolate papers committed to his care. These are not the words of the Protestant Alliance; they are taken, I believe, from the memorial presented to Lord Palmerston by the noble Marquess and others with a view to induce him not to accept Mr. Turnbull's resignation. I ask where these expressions are taken from? By whom were these charges made? Were they made in writing, or by word of mouth? I maintain that such a statement has never been made in one publication or by any one person connected with the Protestant Alliance. In the memorial presented to Lord Palmerston on behalf of Mr. Turnbull it is stated—

> "Neither, it is believed, would any objection have been made to Mr. Turnbull's appointment if a literary paper had not insinuated that he was employed on the history of religion in England. That insinuation was false."

Now, in what way was that paper pressed into the service? On this point I must ask your Lordships' attention to dates. The memorialists say if that paragraph had not appeared no objection would have been made to Mr. Turnbull's appointment. Now, observe, Mr. Turnbull was appointed in 1859; the deputation to present the memorial against it took place on the 25th of July, 1860; Mr. Turnbull did not resign his office till the 28th of January of the present year; and the article alluded to in the literary paper was not written till the 2nd of February, 1861. And yet we are told by the memorial that that paragraph was the cause of the opposition to the appointment. The next charge is that Mr. Turnbull's appointment was objected to solely on the ground that he is by religion a Roman Catholic. I deny that. I deny it on my own part, and I can, I am satisfied, deny it on the part of many others who act with me. The noble Marquess stated—not here, but in another place—that if the principle of such an objection were carried into effect, Mr. Panizzi would have to be removed from the charge of the British Museum. I am glad the noble Marquess furnished me with so good an illustration. If Mr. Panizzi had been appointed to the duty of making abstracts of these records, I undertake to say that not a living soul in England or Scotland would have said a word against the appointment, because his judgment and impartiality and known to all —we know that he is a man of very calm mind, and not likely to be influenced by his feelings. The main objection to Mr. Turnbull was founded on the peculiarity of his opinions, combined with the peculiarity of his duties. I have put down the charges head by head; and, in answer to them, what I mean to say is this—I maintain that the objection to Mr. Turnbull was founded on the peculiarity of his disposition and temperament, the peculiarity of his feelings, and his very ardent and hasty judgment. To have a full understanding of the question we must consider the peculiar nature of the duties Mr. Turnbull had to perform, and I maintain that those duties require in every department great accuracy and great calmness. In proof of this observe what is said in the 20th Report of the Office of Records; in that Report Sir John Romilly states—

> "Whenever records have been considered valueless they have been transmitted to the Stationery Office for destruction, to be converted into waste paper."
>
> "The documents contain the whole of the materials for the history of this country, in every branch and under every aspect, civil, religious, political, social, moral, or material."

And, again—

> "They constitute the backbone of our civil, ecclesiastical, and political history."

Now, it requires a person of great judgment and impartiality to decide which of these documents are valuable and which are not. How impossible is it to judge of the character of such documents unless they are considered without any undue bias, and with all the lights that can be brought to bear upon them. Well, it being known that such is the character of the Records, when Mr. Turnbull was appointed to the office, many persons, naturally enough, began to consider what were his antecedents, to ascertain whether he was a proper man to have charge of such important papers. The memorialists state—

> "That the duty of such an appointment will be to make an outline or short abstract of documents which refer to the important religious struggles on the Continent, such as the Thirty Years' War

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> the War of Independence in Holland, the Wars of the Huguenots, the Dragonnades of Louis XIV., and to the treasonable attempts and plans of the Jesuits against the life of Queen Elizabeth and the safety of the realm of England. That to discharge faithfully and satisfactorily the duties of such an office, great impartiality and calm discrimination are essential, as the religious opinions of the person appointed as Calendarer cannot otherwise than seriously affect the value and truthfulness of the abstract to be prepared. That Mr. Turnbull is not only a Roman Catholic, but an avowed defender and admirer of the Jesuits, for whom he expresses, in his *Life of Father Southwell*, a 'natural bias,' and holds them in 'the highest veneration, honour, and esteem,' and has, in the same work, manifested this 'natural bias' by calling the Jesuit priest Garnet, who was implicated in the Gunpowder Plot, a 'well-known martyr,' and the conspiracy of Babington against the life of Elizabeth and the State of England a 'gallant confederacy;' that in another work he designated the Reformation 'a mischievous event.'"

The memorialists further state—

> "That a person who has expressed such strong sympathy for the Jesuits, and antipathy to those who opposed their atrocious designs, and who thus defamed the glorious Reformation, is most unfit to be intrusted with the valuable foreign papers under his control, and to be commissioned to prepare an official abstract of the same."

This memorial was signed by 2,500 persons of the educated classes of society, of whom 10 were peers, 19 Members of Parliament, 10 baronets, 85 magistrates, 518 clergymen, 553 Dissenting ministers, besides several generals, admirals, and other officers in the army and navy, heads of colleges, literary and other gentlemen. A memorial from the Scottish Reformation Society was signed by 3,500 persons; the Committee of the Religious Tract Society also presented a memorial against the appointment. Now, I maintain that to express an opinion that a person of Mr. Turnbull's feelings and disposition is unqualified for duties of the description specified involves no reflection on his character. Why, my Lords, suppose any one were to nominate me as an inspector of Roman Catholic schools, could anything be more inappropriate? Suppose I had to report on the condition of Benedictine monasteries or nunneries—would it be possible for me to report on them with any degree of impartiality? A Presbyterian who has written to a friend of mine says, "Should I be fit to have charge of the manuscripts in the Vatican?" Why, my Lords, you are yourselves disqualified from performing some duties. If it were proposed to run a railroad through any part of my property I should be told by our noble Chairman of Committees that I could not sit as one of a Committee on that particular Bill; but I should not consider this any reflection on my character. It ought not to be regarded as any reflection on the character of Mr. Turnbull to say that he could not give an impartial consideration to certain questions. In making abstracts of such records much depends on a few words, which may be important or unimportant according as they are viewed. They may be affected by the suppression, the alteration, or the addition of a single word. To deal with them impartially the mind should be calm, dispassionate, and able to weigh both sides of the questions involved. These documents must be regarded in a Protestant as well as in a Roman Catholic light. But the strong opinions expressed in Mr. Turnbull's writings show that in his case this would be impossible; they prove him to be impetuous, ardent, and hasty in his judgments. See how he speaks of Protestants. He says—

> "Look at the vile and pestilentially rampant heresies from Calvinism downwards, and are any redeeming qualities to be found in all their vagaries?"

How could a person holding such strong views avoid giving a colour to every abstract he might make of events in which the differences of the two religious systems were concerned? In the preface to a book published some years ago by Mr. Turnbull, the whole of which is couched in very strong terms, he concludes—

> "I will do my duty in all that lies in my power to aid in the extinction of heresy and the establishment of the Catholic Church of Christ on earth; and I declare that I had rather be condemned with a Papist than be saved with a Puritan."

Now, my Lords, I maintain that it is impossible that a man who could write so strongly upon a matter so serious, who exercises such little control over his feelings—it is impossible that he can give a fair and dispassionate abstract of any papers relating to the great controversy between Roman Catholics and Protestants. I solemnly declare that if I had been in the position of Sir John Romilly, and parties had come to me and proved to me that a Protestant had exhibited such temper, and such an incapability for being impartial upon those matters I would not have appointed him, but I would have said, however much I might admire his zeal and ability, that he was totally unfit to be intrusted with such delicate duties. The memorial concludes by expressing a hope that the appointment might be cancelled;

but I myself took the lead in that matter, and induced most of the deputation to concur with me; and when we waited upon Lord Palmerston we urged upon his Lordship not that the appointment should be cancelled, but that Mr. Turnbull should be removed to some other situation. I engaged in this matter very reluctantly, and only because I felt it to be a duty; but I was always most unwilling to appear even to act with any degree of personality against an individual, or to do anything to injure the prospects of a learned gentleman. I believe Mr. Turnbull to be a man of industry, of talent, and of learning, and I also believe him to be a man of warm feelings and fine heart; and I say now publicly, as I have said before privately, that it would give me sincere pleasure—as I believe it would also to many of those who went up with me as a deputation—if Mr. Turnbull could be appointed to some other situation where his peculiar opinions would not be detrimental to the public service. Those are the grounds upon which I have acted, and that is the answer which I give to the noble Marquess who has made this Motion.

EARL GRANVILLE: I confess I thought it was desirable that the noble Earl should follow the noble Marquess who has moved for a Committee, because it appeared to me that the noble Marquess entirely omitted to give any statement of facts to justify a charge against the Government. I thought it was desirable that the House should have some facts before it, and I was not able myself to give a full account of the proceedings in this matter, because I have made a point of not inquiring into the particular question between Mr. Turnbull and the Protestant Alliance. I, therefore, thought it better to permit the noble Earl to interpose with his statement. I may briefly refer to the circumstances which gave rise to the appointment. Some years ago when Sir Robert Peel was in office he made a beginning of arranging the State papers, and to print certain of them; but the selected State papers belonging to the reign of Henry VIII. alone occupied eleven printed volumes, and the bulk and the expense were found to be so great that the plan was abandoned. Some four or five years ago the State Paper Office was transferred to the Record Office, and, being desirous of making those papers more available to students of history, Sir John Romilly suggested to Sir George Lewis that it would be an enormous advantage if the papers were calendared, abstracts made, and properly indexed. Sir John Romilly, however, said that the strength of the office staff was not equal to the undertaking. He applied to the Lords of the Treasury who agreed to allow the sum necessary for the purpose of employing proper persons, but at the same time informed him that he must take upon himself all the responsibility of the appointments, as it was impossible for the Treasury to investigate the claims of persons who might be recommended as qualified for the duties. Sir John Romilly accepted that responsibility, and, acting upon that arrangement, he appointed three persons. The first was a lady, Mrs. Everett Green, who was remarkably skilled and qualified for the duties. Sir John Romilly proceeded upon the principle of inquiring into the fitness of applicants for the appointment, and into their characters, without any reference to the particular creed of religion they might profess. In the same way he appointed Mr. Bruce, and then Mr. Turnbull, who was recommended to him as a fit person and a man of high character. I am not aware of any proceedings taking place after the appointment of Mr. Turnbull until a deputation waited upon Lord Palmerston asking him to consider their objections to Mr. Turnbull, and requesting that that gentleman might be removed to some other office. The noble Marquess spoke as though he were astonished that a First Lord of the Treasury should interfere in a matter of this sort, and quoted his own official experience to show that nothing of the kind had ever been done before. I never heard so extraordinary a statement as that when a First Lord of the Treasury receives a large deputation of gentlemen upon a subject connected with a Government department he is not to place himself in communication with the head of that department. But the noble Lord at the head of the Government having received this deputation and having also received memorials numerously signed, was in the habit of writing letters, strictly private, to Sir John Romilly —letters written in a colloquial tone, such as might be expected between two old colleagues in office—asking for information; and the result was that he refused to accede to the request for Mr. Turnbull's dismissal. In the course of the autumn some further private notes passed between the First Lord of the Treasury and Sir John Romilly in which, after reference was made to the great agitation which existed in the public mind, and to the fact that it did appear that Mr. Turnbull was a man of extreme polemical opinions, the noble Lord asked whether it was not possible to change his employment; and being told that no other employment could be found for him in the office, the point was not pressed. I think Sir John Romilly was justified in the course he took of appointing this gentleman; but when warm remonstrances were made against it Sir John Romilly had a course open to him if he chose to adopt it, to refuse the resignation of Mr. Turnbull. He might have said he would not accept the resignation, that he considered himself responsible for the appointment, and would not annul it. I wish to avoid entering upon the question between Mr. Turnbull and the Protestant Alliance. A question was asked the other day to which the noble Earl has not, I think, given any answer—what was the nature of the Protestant Alliance—but I suppose we all know pretty well what that body is. In this country it is quite open to any persons to associate together to promote their particular views; and as persons associate together on political questions, so also is it open to them to join together for the promotion of the views of religion which are dear to them. It is natural that those who may be thus associated should from time to time criticize appointments, measures, and other proceedings which they may think affect their principles or objects. But on the one hand, when bodies of this character are formed, comprehending Members of this and the other House of Parliament, possessing a very extensive organization, and placing themselves under the presidency of any one filling so large a space in the public eye as the noble Earl (the Earl of Shaftesbury), they ought to be particularly careful not to take any step which, even though quite right in itself, may connect Protestantism, so dear to Englishmen, with any notions of intolerance. On the other hand, it is to be observed that it is unfair to visit with undue severity the conduct of any society or any individual engaged in prosecuting a public object. I will not attempt to determine how far the Protestant Alliance was justified in its course upon this matter. I leave that point to the noble Marquess on the one side, and the noble Earl, the President of that institution, on the other. With respect to Mr. Turnbull I have no fault to find with that gentleman for anything he has done in connection with the duties of his office. I am assured by competent persons that he has performed his abstracts very well and very fairly. It is, however, a question which has raised different opinions whether Mr. Turnbull was well advised in the step he took of placing his resignation into Sir John Romilly's hands in such an absolute and unqualified manner before the Government. He did this against the advice of Sir John Romilly, whose official and political experience entitled him to great weight, who was also responsible for this appointment, and in whose hands Mr. Turnbull might, therefore, have felt himself perfectly safe. The noble Marquess says Mr. Turnbull was acquainted with the views of Lord Palmerston on the subject. The noble Marquess must have been misinformed, because how is it possible to believe that Sir John Romilly should have communicated to Mr. Turnbull the contents of a private letter from the noble Viscount—especially, too, as he was particularly anxious that that gentleman should not resign the office in which he was engaged? But, even if Mr. Turnbull had had some information of this sort, and had been induced by it to offer his resignation, he ought not to have given in so absolute a resignation, but to have said that his own conscience told him he was right, and he was prepared to discharge his duties; but that unfair attacks had been made against him, and if the Government felt that any embarrassment or disadvantage would attend his continuance in his situation he was willing to relinquish it into their hands. At the same time I make no complaint against Mr. Turnbull for not doing this. He is a gentleman not much accustomed to public life, and, therefore, perhaps very sensitive to the attacks that were made upon him. Now I come to the conduct of Lord Palmerston. And here I appeal to noble Lords on either side of this House whether, in respect to official patronage it does not very often happen, in considering the claims of different candidates for an appointment, that, although a man may appear perfectly fit for the discharge of certain duties, yet some of his antecedents are such as to inspire in the public mind a want of confidence in which the patron himself may not share, but which, nevertheless, makes it desirable to intrust the office to some other person. I know nothing of Mr. Bruce's religious opinions, but if it had come to Sir John Romilly's knowledge, before appointing that gentleman, that he had been engaged in a hot controversy either with Roman Catholics, Dissenters, or the Church of England, that circumstance might have made him hesitate before finally selecting Mr. Bruce for such a position. That reasoning, however, does not apply to a man who is already in an office, and, therefore, I think it was perfectly right in Lord Palmerston to reject the application that was made to him in 1860 in this case. The noble Marquess is himself a man of great literary attainments and high personal honour, but if he were to be chosen for the purpose of making a *catalogue raisonné* or abstract of the materials for the lives of the present Cabinet, I should say the public mind would hardly regard the selection as a highly judicious one—not because he was now opposed to them in his political views, but because he has avowed and almost boasted of a personal hostility against Lord Palmerston which, I am sure, is not entertained by any other Member of this House, on whatever side he may sit. I much doubt whether Sir John Romilly, when he appointed Mr. Turnbull, had any reason to suspect that he was a man of very warm and zealous political feeling; but Lord Palmerston has been of opinion, rightly or wrongly, ever since the point was raised, that Mr. Turnbull was not the fittest person for such an office, not because he was a Roman Catholic, but because of his warm temper and strong controversial tendencies. Therefore, when an absolute and unqualified resignation was placed in his hands, that noble Lord had a perfect right to say, "Either this is meant to be a perfectly straightforward and sincere expression of a wish on Mr. Turnbull's part to get rid of an office that has been made disagreeable to him, or else it has been a sort of arrangement by which is to be thrown on me the responsibility of giving, in fact, a new appointment to a person who, in my judgment, is not the most suitable person for such a situation." This is the simple case as regards Lord Palmerston. I leave it to your Lordships to say whether his conduct in this matter—apart from your knowledge of his personal character—has been in any way underhand.

The Marquess of NORMANBY was understood to explain that he had spoken of the Protestant Alliance.

Earl GRANVILLE: The noble Marquess appealed to me as the son of one who was the friend of Mr. Canning, and, therefore, naturally interested in Catholic Emancipation. Now, I have always regarded the Act of 1829 as one of the most glorious Acts of the present century. It was not my fate to take any share whatever in passing that measure. There are very few persons in this House to whom it was possible to take the part which Lord Palmerston took in regard to it. The noble Marquess speaks of his own devotion to that cause; but the noble Viscount lived at a time when popular prejudice ran high, and yet, when the entire political party with which he was associated were against the Catholic claims, and also when the majority of his colleagues in office were opposed to them, he not only constantly supported those claims by his speeches and votes, but lost his seat in contesting Cambridge on that very subject. The whole conduct of Lord Palmerston ever since has been consistent on that question, and I must say this is the very first time I have ever heard the noble Viscount attacked for a want of respect to religious freedom. In casually looking over *Hansard* I lighted upon a speech delivered by the noble Viscount two years ago, which affords some answer to the noble Marquess's insinuation that Lord Palmerston, because he objects to one particular person on account of his strong controversial views, objects to Catholics holding office. The speech was made in support of the Roman Catholic Relief Bill when the question was raised whether the Lord Chancellorship of Ireland should be open to Catholics. The noble Viscount then declared, in the broadest and most distinct manner, that the spirit of the Emancipation Act was that every Roman Catholic should be admitted to every office excepting those connected with ecclesiastical authority. Why, the very last appointment made by the noble Viscount was that of a distinguished Roman Catholic gentleman; and in this he did not act in a very worldly-wise manner, because, it is said, he will lose two votes in consequence. I know that there are some noble Lords — the noble Marquess, for instance — and that there are many able and conscientious Catholics who object to the sympathy which the noble Viscount is known to feel with the Italians in their struggle at the present moment. Catholics object to it because a great many of them are not able in their own minds to disconnect the question of the spiritual from that of the temporal power of the Pope. But Lord Palmerston has not based his policy upon any religious aversions or predilections. He has based it upon exactly the same principle which induced him to give his sympathy and his active support to the Catholic population of Belgium, when, nearly thirty years ago, they were struggling against the domination of a Protestant King; and really, when the noble Marquess talks as if he was a consistent lover of liberty, and Lord Palmerston was departing from the principles which he has previously professed, it seems to me to be drawing a very false conclusion from the premises. I think your Lordships will hesitate before granting this Committee on the merits of the case itself, even if it was not out of the question for the purely technical reason alluded to by the noble Earl opposite.

THE EARL OF DERBY: My Lords, in whatever difficulty we may be placed in arguing this question by the extreme meagreness of the documents which have been presented to us by the Government, which in itself seems to me to be a reason for agreeing to the Motion of the noble Marquess for further inquiry into the circumstances of the case, I can, at least, profess that I approach its consideration without prejudice and without partiality. I have no personal or any other acquaintance with the gentleman whose case is so prominently before your Lordships; as far as I am acquainted with the opinions which he holds, or which are imputed to him, they are opinions from which I differ *toto cœlo.* I am from conviction a very sincere adherent of the Church of England: the gentleman whose case is before you is one who, to use the expression of an Irish newspaper, has "renounced the errors of Protestantism, and has embraced those of Roman Catholicism." Mr. Turnbull is an enthusiastic admirer of the Society of Jesus. I, in common, I think, with all your Lordships, see a great deal to admire in the zeal, the energy, the perseverance, and the devotedness to their object which characterize the members of that important society; but I think that their principles of moral action are detestable, and that their influence upon society, more especially upon domestic peace is most prejudicial and most dangerous. Mr. Turnbull deplores the Reformation as an unfortunate event; I consider it to be one of the greatest blessings which ever fell to the lot of this country. He regrets the dissolution of the monasteries; I believe that there were such evils accompanying their continued existence as to render their dissolution necessary, and even to excuse the manner in which it was carried out. It is said that Mr. Turnbull has expressed—whether seriously or not I do not know—the opinion that he would rather be eternally lost in company with Papists than saved with Puritans. That, again, is a matter of taste, as to which I entirely differ from Mr. Turnbull; and, in charity to him, I can only hope that he may not have pressed upon him the alternative which he has chosen. But really all this has nothing to do with the case. Mr. Turnbull's religious and political opinions have nothing to do with the question which is now before your Lordships. It is not even a question whether the appointment of Mr. Turnbull was in the first instance a judicious one. The question is whether Mr. Turnbull having been, upon the recommendation of the Master of the Rolls, appointed to this office, and having, according to universal consent, fulfilled its duties with probity, faithfulness, and ability, whether he has received from the Government that protection against anonymous and underhand attacks which every man in the public service has a right to expect from those by whom he has been appointed, and to whom he is answerable for the conduct of his department. That is the only question before your Lordships, and I beg that you will not be led away from its consideration by any reference to what Mr. Turnbull's feelings may have been, or by any discussion as to whether those feelings were strong enough to render his original appointment an improper one. I certainly was anxious to know upon what grounds my noble Friend opposite would place the refusal of a Committee to inquire into the circumstances of the case as to which we have had a great deal of contradictory evidence—if I may use the word evidence—at all events of contradictory statement on the part of the noble Marquess (the Marquess of Normanby) and my noble Friend below me (the Earl of Shaftesbury). The only ground upon which I can find that my noble Friend rests his refusal to consent to the appointment of this Committee is that a charge has been brought against Lord Palmerston of general indifference or general dislike to the Roman Chatholic religion. I must say that nothing is further from my mind than to impute any such feeling to the noble Viscount; nor do I think that any such idea ever entered the head of the noble Marquess. It only shows how very hard pushed my noble Friend opposite must have been for a reason on account of which to object to a Committee of inquiry which is to ascertain facts which are disputed, and upon which the question rests as to whether or not Mr. Turnbull has had justice done to him. My noble Friend said "apart from the technical ground" upon which my noble Friend below me had placed the question; what was the technical ground? The technical ground was that the Secretary of the Protestant Alliance had been charged by Mr. Turnbull with publishing a libel against him, and that legal proceedings were in consequence in progress. When those legal proceedings commenced I do not know. I take it that they must be of very recent origin indeed. Probably we shall hear something more about that; but, whatever they may be or whenever commenced, they do not touch this case. Legal proceedings are taken against the Secretary of the Protestant Alliance for having made unfounded charges, or rather insinuations, against Mr. Turnbull, who proceeds for the vindication of his own character, and the conviction of his libeller—if any one is a libeller—but what has that to do with the case between Mr. Turnbull and Her Majesty's Government—Mr. Turnbull, and the persons by whom he was appointed to office? Now, I said that this question does not turn upon whether this appointment was originally a justifiable or a judicious one or not; but, I am bound to say, moreover, that as far as I have heard from either side of the House, I do not see that there was anything in Mr. Turnbull's opinions which would disqualify him for the faithful performance of the duties which were intrusted to him. If, indeed, Mr. Turnbull, entertaining very strong religious and political opinions—opinions which at the time of which he was to treat were greatly intermixed—had been appointed by the Government, as it was industriously circulated that he had been appointed, to write a history of religion during that time, I should have said that such an appointment would have been a most unfortunate and most injudicious one. But the case is nothing of the sort. Mr. Turnbull, as has been stated by the noble Earl opposite, was appointed, not to write a history—and my noble Friend below me admits that there was no ground for alleging that he had been appointed to write a history—but to examine the various documents in the Foreign State Paper Office of a certain period, to index them, and to make an extensive abstract of their contents, with a reference to the original papers themselves, in order that the public might know where to obtain the accurate information to which the index was to direct them. Now, I am sure that my noble Friend who illustrated the case by supposing himself appointed to conduct an examination of the documents in the Vatican, did injustice to his own sense of probity and honour when he supposed that in such a case he should have an irresistible and irrepressible bias either to mutilate, destroy, or falsify important documents which might appear to militate against his own views. If, then, Mr. Turnbull was not to write a history, but only to make an index and an abstract with references to the actual papers, I ask what possible ground there could be for the suspicion that he would commit an act of such unparalleled folly, and I should say roguery, as not faithfully and honestly to discharge his duties. My noble Friend opposite says that he can conceive it to be very possible that Sir John Romilly might not when he first appointed Mr. Turnbull have been aware of his strong opinions and his strong bias, and that if he had had such knowledge, he might not have appointed him to this office. I see no reason to suppose anything of the kind. On the contrary, Sir John Romilly, not only when he made the appointment, but after a year and a half's experience, when these opinions of Mr. Turnbull had been brought to his notice in the amplest manner by communications from various quarters, expressed in the fullest and most explicit manner, his sense of the probity, integrity, and fidelity with which Mr. Turnbull had executed his trust. Nay, even the newspaper which is foremost in condemning this appointment is compelled to say that the portion of the work which has appeared in print has, upon the whole, not been badly executed. I am sure that my noble Friend is above making insinuations such as have appeared in certain newspapers against Mr. Turnbull; but he will not deny that there have been, if not imputations, insinuations that his bias is so strong that it would have been impossible for him to resist the temptation which opportunity might place in his way, and that the valuable papers in the Record Office would not be safe with a man of his feelings, and ought not to be intrusted to him. Not safe with Mr. Turnbull! My Lords, if they were not safe, does it not mean that he would either mutilate or destroy them, or get rid of them in some way or other? In some of the statements which have been circulated to prejudice the public mind, I have seen it asked, I think by the Secretary of the Protestant Alliance—

> "What if one of Mr. Turnbull's friends, the Jesuits, were to have an opportunity of abstracting one of these papers, and, being in a room by himself with a good fire, were to wish to get rid of a very inconvenient paper?"

What is that but imputing the basest of all actions to a man whose character is unimpeachable, has never been impeached, and who, for his fidelity in the discharge of his duties, will retire from office with the signal testimony in his favour of all those persons to whom his labours and exertions have been particularly made known? My Lords, I am told that the noble Viscount himself, on one occasion, expressed the opinion that Mr. Turnbull's views were of so extreme a character that he might have a bias which would be irresistibly opposed to the faithful discharge of the duties intrusted to him. If that be true it shows on the part of the noble Viscount a very low estimate of human character and honour. No doubt David said "all men are liars," but, then, he confesses that he said so in his haste. But the noble Viscount appears to have laid down the principle that all men are rogues—a very singular opinion to come from such a quarter, because it shows how much mankind must have fallen away from that state of purity and sinlessness in which, according to the somewhat peculiar theology of the noble Viscount, they are born into the world. After having pronounced in favour of the idea that men are born in a state of innocence the noble Viscount is now driven to the conclusion that at a more advanced period of their lives they are not to be trusted under any number of precautions and checks to perform faithfully and honestly the duties of a confidential position. Another illustration of the *animus* with which the attack upon Mr. Turnbull has been carried on is to be found in the argument which has been used that the extraordinary precautions which were taken for the custody and security of the documents intrusted to Mr. Turnbull's care were a sign that he did not possess the confidence of those who appointed him. The fact is that the rules for the security of the papers were laid down in 1851, eight years before Mr. Turnbull's appointment was thought of; so their stringency has, therefore, no special application to his case. No one pretends, as far as I know — certainly no one in the course of this discussion — that Mr. Turnbull has been guilty of any departure from the strict line of his duty during the eighteen months that he has been labouring, and for which he has received the large, the noble, the munificent remuneration of £218. There is no human being who brings a charge against him; and I say it is contrary to all justice, policy, and wisdom if you desire to have faithful and honourable servants to allow any person whatever who has been appointed to a situation and has been found blameless in it to be whispered and tormented out of it by slanders behind his back, and by imputations upon his honour which he had not an opportunity of refuting. I do not say that there are no cases where an appointment which has once been made should not be cancelled. For instance, on one occasion I appointed a certain number of stipendiary magistrates under the Slavery Abolition Act on the recommendations which I received in the most respectable, and, as I supposed, most trustworthy quarters. Most of the appointments turned out well. I received, however, a letter from the late Mr. Daniel O'Connell with whom, as your Lordships know, I was not on terms of very great intimacy, stating that one of the gentlemen I had appointed had been outlawed, and was at that moment incapacitated from discharging his duties; I at once inquired into the matter, and as soon as I ascertained the truth of the statement I cancelled the appointment, and I wrote to Mr. O'Connell informing him of the fact, and thanking him for having called my attention to it. But that is not at all a case like the present. It was the case of a man who had been legally brought into discredit, and who was incapacitated by law from performing the duties of his office. But Mr. Turnbull having been appointed, whether wisely or not, and the objections against him having been found not to interfere with the faithful discharge of his duties, ought to have been protected by the Government against the insinuations which drove him to resign by the mere force of the irritation and vexation which they caused; and I say that a Government which consents to the dismissal of a faithful servant under such circumstances, does not deserve to have and will not have faithful servants. There are a number of papers which I should like to see which do not appear among those laid before us, such as the memorial of the objectors and the correspondence between the noble Viscount and the Master of the Rolls. It is said that the noble Viscount refused to dismiss Mr. Turnbull in 1860. My noble Friend disputes the accuracy of the terms in which that refusal was couched as represented by the noble Marquess, but he does not dispute the fact that at that time Lord Palmerston deemed it an act of injustice to dismiss Mr. Turnbull. We are told, also, that in February last Mr. Turnbull, goaded by the continued attacks upon him, tendered his resignation; and that the noble Viscount then saw ample grounds for changing his opinion and accepting the resignation, notwithstanding the urgent remonstrances of the Master of the Rolls as to the loss which the public service would thereby sustain. I dare say no one knows better than the noble Viscount at the head of the Government the difference between a resignation and a dismissal. But I do not think he ought to judge other people's feelings by his own in such a case. I should like out of curiosity to know what amount of newspaper vituperation and public criticism would be required to induce the noble Viscount to resign office. I rather suspect that it would be found to be what in algebraic phrase is known as *x*, or an unknown quantity. No one who has served so long an apprenticeship to official life as the noble Viscount can fail to be tolerably well case-hardened against newspaper or any other attacks. In fact, a man must be very unfitted for public life who does not after a while become as invulnerable as an armour-clad vessel to the assaults of his opponents. On the outside sheathing the effect of the attack may be traced in a scratch or a dimple here or there, but the great majority of the shots fired produce not even a sensible concussion inside. But though politicians, especially of a certain standing, are so happily constituted that is not the case with the rest of the world. Perhaps I ought to except the gentlemen of the legal profession. I have known some very sensitive and touchy lawyers; but, generally speaking, I should say public vituperation has no more effect on them than on the armour-clad class—of course I could not think of attributing their insensibility to attack to the presence of any other metal. The rest of the world are generally of a very sensitive temper, and of all sensitive persons the most sensitive have been from the time of Horace the *genus irritabile* of authors and literary men, the class to whom Mr. Turnbull belongs. There is no class of men so sensitive to printed criticism, and so disposed to take an exaggerated view of the impression which it produces upon the public mind. But supposing it had even happened that Mr. Turnbull had resigned, simply from the annoyance of these unfounded accusations, I think the course which a just and generous superior would have pursued would have been to represent to him that in the minds of all reflecting persons these charges would refute themselves by their own violence, and would not produce such an impression as would justify his resignation—would have urged him to reconsider his decision, and would have assured him that those who had appointed him would defend his fair fame and guard him against unfair attacks. But, if the statement of the noble Marquess be correct, that was not the course the Government pursued; more than that, Mr. Turnbull was not left in any doubt as to the course the Government were prepared to follow. Mr. Turnbull had an intimation conveyed to him, that if the attacks were continued the Government would not take upon themselves to vindicate the original appointment.

THE MARQUESS OF NORMANBY:—The intimation was given to the Master of the Rolls.

THE EARL OF DERBY:—Yes; and the Master of the Rolls doubtless communicated it to Mr. Turnbull. At least it would have been an act of the grossest injustice in the Master of the Rolls, when Mr. Turnbull consulted him upon the propriety of making his resignation or not, to withhold from Mr. Turnbull the knowledge of the position in which the Government were prepared to leave him.

EARL GRANVILLE was understood to say that any intimation or suggestion which had been given by Lord Palmerston to the Master of the Rolls was conveyed in private letters, and was not of an official character. The Master of the Rolls, therefore, could not have communicated the intentions of the Government to Mr. Turnbull.

THE EARL OF DERBY:—That, my Lords, really puts the case in this position—that we have asked for all the possible information that could be given on the matter, and have received the meagrest skeleton possible of the case. We are told there are private letters—and that reminds me that a memorial was presented to Lord Palmerston for the dismissal of Mr. Turnbull, accompanied with a statement in many respects erroneous. This memorial was sent round for signatures and marked "private and confidential." It was sent, too, as a private and confidential communication to the Prime Minister, requesting him to dismiss a man without giving him the power of seeing or answering the allegations which it contained. I say that the answer of the noble Earl that these things passed in private communications makes the strongest possible case for the appointment of a Committee, and for these reasons: — We will have the Secretary of the Protestant Alliance before us; we will have before us the complaining parties; we will have the Master of the Rolls before us, and the Master of the Rolls will tell us what is his opinion of Mr. Turnbull, not when appointed to an office for which he was peculiarly qualified, but now, after a year and a half's experience of the manner in which Mr. Turnbull has discharged its duties. In justice to Mr. Turnbull, in justice to the Government, in justice to the Master of the Rolls, in justice to all who are concerned in the due subordination of persons in civil employment to those by whom they are appointed, and from whom they have a right to expect protection, I do earnestly hope your Lordships will not withhold your assent to an inquiry. The Committee would not have to inquire into Mr. Turnbull's religious opinions. His religious opinions, I say again, have nothing to do with the matter; nor is it a question whether the appointment in the first instance was judicious or not. Mr. Turnbull was appointed by my noble Friend Lord John Russell; and, although I have had many causes of difference with Lord John Russell, I have certainly never had to reproach him with any extraordinary partiality for persons, or for the principles of the Roman Catholic faith. My noble Friend has not even been a very strong supporter of the Church of England. The object of his peculiar attachment is a Protestant Dissenter, and next it is for the Low Church party in the Established Church; and I am perfectly certain that Lord John Russell would sooner have cut off his right hand than made an appointment with the knowledge of even a plausible case for dissatisfaction or discontent by the Protestant Alliance and the other societies who have joined in this agitation. We are not called on, however, to inquire into that. We are called upon to inquire whether Mr. Turnbull has a fair claim to appeal to us, not for a restoration to his office, because that would be, I will not say impossible after what has occurred, but impolitic—I regret the loss of the services of Mr. Turnbull, knowing the testimony to the manner in which he has discharged his duties which is borne even by his opponents—and the loss of his services is, I fear, unavoidable —but we are called upon to inquire into the facts. We are called upon to do justice between the parties; and, above all, we are called upon by our vote to declare that persons placed in office shall not have their character or reputation whispered away, but are and shall be entitled to the protection of those by whom they are appointed, and if that protection is withheld, that the protection of Parliament shall not be withheld from them.

The MARQUESS OF LANSDOWNE: My Lords, I beg leave to add very little to this debate. Indeed, I am incapable of doing more, and no one is better aware than I am of my inability to take an active part in your Lordships' proceedings. Nevertheless, I do think the circumstances of this appointment are such as to deserve particular notice for the purpose of removing all misrepresentations of which there have been so many on this subject. I hold it to be most essential that the conduct of the Government, the conduct of the Master of the Rolls, and the conduct of the Rolls Office, should be distinctly and clearly understood. My Lords, I say that there has been great misrepresentation, and that the subject, partly from its being of a religious character, and partly from the long controversy to which it has given rise is one which particularly requires explanation. I say this because, failing, as the adversaries of Mr. Turnbull have done, to discover anything upon which they could found a charge, they have certainly—I hope unintentionally, and I hope unadvisedly—circulated statements which are false. I find it asserted in some of the papers circulated by those societies that Mr. Turnbull retires now from the task confided to him of writing the "History of the Reigns of Queen Mary and Edward VI." On behalf, if necessary, of Her Majesty's Government, I take this opportunity of stating to the public at large that nothing can be so entirely erroneous as the allegation that Mr. Turnbull has received that charge. He has not received it from Her Majesty's Government. He has not received it from the Master of the Rolls. Nay! he has not charged himself with receiving it. He has never understood that he was called upon to write such a history. But he was charged, and I believe wisely, as far as his accuracy, his knowledge, and his peculiar attainments were concerned, with making a calendar of State papers. I differ from my noble Friend who spoke early in the debate (the Earl of Shaftesbury) as to the interpretation of the word "calendar." It is a technical word, and is perfectly understood to mean a catalogue pointing out dates and circumstances and affording most valuable materials for the historian, though not the work of an historian, as such. The noble Earl who spoke last presented the case to your Lordships as raising the question whether a public duty has been performed satisfactorily or not. I state on the authority of others more competent to judge than myself—and no man is more able or more interested in judging than the Master of the Rolls—that it has been satisfactorily performed. I have myself looked into a portion only of Mr. Turnbull's work; but I believe it is impossible to examine it, however cursorily, without being struck with the extreme care and nicety with which it is executed. I find that those who desired to remove Mr. Turnbull from office having no other charge to bring forward, alleged as a demerit that he had written a book. It puts me in mind of the controversy between the late Dean of Christ Church and Dr. Parr, in which the latter exclaimed, "Oh! that before I die I could catch him writing a book—I should then know how to deal with him." Mr. Turnbull, unfortunate in that respect, has not only written a book, but he has written two books, which, still more unfortunately for him, contradict themselves—one praising and the other denouncing the Pope. Nothing can be more reprehensible, perhaps, than the tone in which Mr. Turnbull's opinions are conveyed. But is the publication of a book a reason for saying to Mr. Turnbull, after he has performed his duty well that he is not worthy of his office? Supposing the noble Duke at the head of the Admiralty appointed an admiral to command a station abroad, and the admiral on several occasions displayed great skill and courage, what would be thought of my noble Friend if, when the admiral came home, he said, "While you have been fighting we have discovered that you once asserted opinions against fighting at all?" Would not the natural answer to that person be, "See how I have executed my command. Ask the persons who have

watched me, and who have acted with me, whether I have ever betrayed any symptom whatever of any impropriety of sentiment which unfitted me for the command which I have triumphantly (and Mr. Turnbull has a right to say "triumphantly") performed?" It is, therefore, a case of considerable hardship on Mr. Turnbull. The noble Marquess has alluded to some communication—which until I know it exists I cannot believe—between Lord Palmerston and the Master of the Rolls to the effect that Lord Palmerston would not defend the appointment of Mr. Turnbull if it were attacked. I cannot suppose that my noble Friend Lord Palmerston has been guilty of anything like illiberality. I am certain he has no objection to the appointment of a Roman Catholic to any office for which he is fitted; but rather he would be glad to see such a man appointed to such an office. But it has been industriously circulated in this country, and still more in Ireland, that this case is a proof that there is a disposition on the part of the Government not to do full justice to the Catholics by admitting them to all the situations to which they are entitled under the law. It is most essential that this conduct should be disclaimed thoroughly. Lord Palmerston, I am sure, had no regard to Mr. Turnbull's religious opinions when he accepted the resignation which that gentleman has, most unfortunately, given in. If there is any error in Mr. Turnbull's conduct it is not in anything that he has written, or in anything he has done since his appointment—it is the one act of his resigning the public duty with which he was intrusted, and which he was conscious of performing in such a way as to deserve the public approbation. I do not myself see any advantage from the appointment of a Committee, nor from calling for more papers. The papers already on the table fully explain the matter; and if you carry the inquiry further you will go on, step by step, until you find yourselves engaged in a verification of all the documents on which Mr. Turnbull has been engaged. The Committee will find themselves sitting at the Rolls during all the spring and summer; and I, for one, shall beg my noble Friend to excuse me being a member of it. It is essential, both to the character of Mr. Turnbull and the Master of the Rolls, that it should be understood that not only was the Master of the Rolls perfectly satisfied with Mr. Turnbull's perfect fitness when he appointed him and with the manner in which he has discharged his duties, but also that, from the moment he heard of the objections made to Mr. Turnbull's appointment, he has given every facility in the office to any adversary of Mr. Turnbull's who might wish to come there to investigate paper by paper to endeavour to discover where he had attempted to mislead the public. It appears to me to have been singularly disingenuous of this society to have excluded from the collection of letters which they have circulated that letter of Mr. Hardy, the head of the department, a gentleman of the highest character, in which he stated that no document could be abstracted from the office, nor even altered, so effectual were the precautions taken in the office. It is very hard on a gentleman who is charged with the possibility of withholding or suppressing documents committed to his charge that such a justification should have been omitted. That letter, I must say, had the greatest weight with me. There was also in some publication which I have seen a most unfair insinuation both against Mr. Turnbull and Sir John Romilly. It was stated that Sir John Romilly had directed that the papers should be regularly inspected when they were handed over to Mr. Turnbull, and also when they were taken away from him —a statement which was made for the purpose of insinuating that Sir John Romilly had that opinion of Mr. Turnbull that he had him particularly watched. He was watched, but it was in the same way and on the same principle that every other individual having access to the Office for the purpose of transcribing was watched—by the just precautions of the Office. I have no hesitation in saying that that was a most unfair insinuation. I have no personal interest in Mr. Turnbull's character. I am unacquainted with him, and as far as I know of his religious opinions, I am most distinctly and warmly opposed to them. I have no wish to protect the religion to which he belongs beyond the protection to which it is entitled by law; but I conceive that Mr. Turnbull has forfeited by no act of his own that protection to which he is entitled. His fault lies in having given in his resignation. It is not for me to say on what grounds my noble Friend accepted that resignation; but he had as perfect a right to accept it as Mr. Turnbull had to insist upon holding his office. The Master of the Rolls, I must say, appears to me to have done his duty to the public and every person concerned throughout this transaction, with the same zeal, fidelity, and honour which have always distinguished him through life. I am anxious that the public should not labour under the misconception that the Government has intrusted the duty of writing the history of England to any individual. It is understood in the Office that this was to be a calendar. It is a calendar only—it is open to your Lordships to inspect the volume—and those who do inspect it cannot but be struck, as I was, with the extreme nicety and accuracy displayed in it, and, I trust, it will have the approbation of the public.

EARL GREY: My Lords, there is one point on which, I trust, we shall have a distinct answer from the Government. Did Lord Palmerston or did he not write to the Master of the Rolls to say that in the event of Mr. Turnbull's appointment being questioned in Parliament it would not be defended by the Government? That is a point on which we ought to have some information; for I agree with the noble Earl below (the Earl of Derby) that the only question this House can consider is did the Government or did they not give that support to a public servant who was attacked, and who was properly discharging his duties which he had a right to expect? That is a question of far deeper importance than any which attaches to this particular case. I hold that in our system of Government much depends on maintaining all the public servants who are below the rank of Parliamentary office in the situations they have hitherto held, as men who, while they discharge their duties fairly to the country, may count on the support of the chiefs under whom they serve. They should not hold their offices liable to be displaced by every public clamour, but their tenure should be practically, if not theoretically, on good behaviour. But that vital principle will receive an effectual blow if it is to be admitted that when a public clamour is raised against any public servant the Government are to be at liberty to let him fall a victim; that he not being in Parliament to defend himself is to be dropped by the Government whom he serves; and that they are not to take upon themselves the responsibility of dismissing him as they ought to do if he does not discharge his duty efficiently; but that his office is to be made untenable by their declining to defend him where they only can defend him. If that principle is once admitted you give a shock to the whole system of our civil service; and it is with that view that I consider this question of importance. I shall, therefore, be reluctantly compelled to vote for the Committee, unless some member of the Government will tell me distinctly that Lord Palmerston did not write to the Master of the Rolls to say that if this appointment were questioned he would not be inclined to give it his support. If Mr. Turnbull, having resigned, had been merely told, "You have chosen your part, and must go," that would have been a different matter; but the whole circumstances of the case are altered when moral pressure is brought to bear upon Mr. Turnbull to extort his resignation. An intimation that Mr. Turnbull would not receive the support of the Prime Minister if the question came before Parliament involved, no doubt, a moral pressure deserving of severe condemnation; and, unless a denial is given to this statement I shall feel myself compelled, however reluctantly, to vote for the appointment of the Committee.

THE MARQUESS OF NORMANBY, in reply, said he had had no personal communication with the Master of the Rolls since the Government decided on accepting Mr. Turnbull's resignation. The Master of the Rolls felt the delicacy of his position as a Government officer, and intimated, as he (the Marquess of Normanby) felt that it would be better that any information upon the facts of the case should come from some other quarter. But if a Committee were appointed Sir John Romilly would cease to feel any delicacy as to his official position, and would, as he had every reason to believe, give full particulars of the communications received from Lord Palmerston; his Lordship, in substance, stating that if Mr. Turnbull's appointment were discussed in Parliament he would not take upon himself to defend it, but must leave the responsibility of that appointment entirely with the Master of the Rolls. Now, he (the Marquess of Normanby) thought he had good reason to complain that the noble Earl opposite (Earl Granville) had again thought proper to speak of what he was pleased to call his personal hostility to Lord Palmerston. The noble Earl must know that his public conduct had not been in the least influenced by any such sentiment. His (the Marquess of Normanby's) eternal political separation from Lord Palmerston dated from the month of December, 1851, in consequence of their wide divergence of opinions respecting the *coup d' état*, and his opinions expressed in despatches written home at the time formed one of the principal grounds upon which Lord John Russell dismissed Lord Palmerston from his Cabinet. There was no public man who had less right to forget this circumstance than the noble Earl opposite since he must then have shared the same views, since he had been the person to succeed to the office from which the noble Viscount had been dismissed. For ten years he had had no communication with the noble Lord, and had, therefore, told the gentlemen who signed the memorial that he had rather not head the deputation, provided their request was likely to be complied with; but, as soon as it was ascertained that such would not be the case, he could not refuse to assist in urging the matter on the noble Viscount, and failing in producing any effect upon that occasion, he at once determined to bring the matter before Parliament, and press upon their Lordships an inquiry into the case.

THE EARL OF ELLENBOROUGH:—If the Government are not prepared to answer the question put to them—if they fail to state that Lord Palmerston did not communicate with Sir John Romilly, declaring that if Mr. Turnbull's appointment were questioned in Parliament he could not give it the support of the Government—I shall feel compelled most reluctantly to vote for the Committee, as a censure upon the Government, thinking that some censure is deserved, and that Mr. Turnbull did not receive the protection to which public servants are entitled. It is impossible, however, to conceal the extreme inconvenience of the precedent which will be set by the appointment of a Committee before which a Prime Minister of the Crown and a Judge are to be brought to state the private and confidential communications which passed between them with respect to the appointment of a public servant.

LORD HERBERT:—I did not rise before to answer the question which has been put to the Government, because your Lordships will see that it is obviously very difficult to give a positive negative to that of which we have no knowledge. I had not heard until to-night of the statement that Lord Palmerston declared to the Master of the Rolls that if the question of Mr. Turnbull's appointment came before Parliament he could not defend it. It is impossible for me or for anybody to say whether such a charge is true or false.

But we may judge of its truth by probabilities. Is Lord Palmerston a man likely to desert a public servant unnecessarily or from mere fear? Are the antecedents of Lord Palmerston such as justify us in supposing that he, of all men in the world, is one to neglect the rights and interests of a public servant? I ask whether there has ever been a public man who has pushed this principle to such an extreme, who has gone to the verge of hardihood, and has risked so much as Lord Palmerston has risked for the purpose of defending men whom he thought were doing their best, simply because at that moment there happened to be a popular outcry against them? While neither I nor my Colleagues can give a positive denial to the statement now made, the considerations which I have mentioned must have great weight with all those who know the public character of the noble Viscount.

On Question their Lordships' *divided:*—Contents 26; Not-Contents 41: Majority 15.

Resolved in the *Negative.*

CONTENTS.

Bath M. [*Teller.*]
Normanby, M.
Salisbury, M.
Winchester, M.

Derby, E.
Ellenborough, E.
Grey, E.
Hardwicke, E.
Lucan, E.
Powis, E.
Selkirk, E.
Stanhope, E.

Dungannon, V.

Chelmsford, L.

Clifton, L. (*E. Darnley.*)
Colchester, L.
Colville of Culross, L.
Denman, L.
Feversham, L.
Monteagle of Brandon, L.
Penshurst, L. (*V. Strangford.*)
Petre, L.
Ravensworth, L. [*Teller.*]
Rollo, L.
Somerhill, L. (*M. Clanricarde.*)
Wynford, L.

NOT-CONTENTS.

Campbell, L. (*L. Chancellor.*)

Newcastle, D.
Somerset, D.

Ailesbury, M.

Camperdown, E.
De Grey, E.
Ducie, E.
Granville, E.
Saint Germans, E.
Shaftesbury, E.
Sommers, E.
Spencer, E.

Eversley, V.

Sydney, V.
Torrington, V.

Carlisle, Bp.
London, Bp.

Boyle, L. (*E. Cork and Orrery.*)
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Camoys, L. [*Teller.*]
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
De Tabley, L.
Ebury, L.
Foley, L. [*Teller.*]

Harris, L,
Herbert, L.
Hunsdon, L. (*V. Falkland.*)
Keane, L.
Lismore, L. (*V. Lismore.*)
Llanover, L.
Methuen, L.
Mont Eagle, L. (*M. Sligo.*)

Ponsonby, L. (*E. Bessborough.*)
Rossie, L. (*L. Kinnaird.*)
Stanley of Alderley, L.
Stratheden, L.
Taunton, L.
Truro, L.
Wodehouse, L.

House adjourned at a quarter-past Eight o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 4, 1861.

Minutes.] Public Bills.—1° Roads and Bridges (Scotland); Fictitious Savings Banks.
2° Local Government Act Amendment.

THE ABERDEENSHIRE ELECTION.

QUESTION.

Mr. MURE said, a Question had been put to the right hon. and learned Lord Advocate on a previous evening with reference to the appointment of a gentleman who had taken part in the Aberdeenshire election, and also with reference to certain riots which had occurred. He wished to know, Whether the Government are now in possession of any fuller information on the subject?

The LORD ADVOCATE stated, that he had received official information upon the subject of the recent death of a voter at Aberdeen; but the House would agree with him that when a matter was under judicial investigation it was not desirable that it should be made the subject of discussion in that House. At the same time, if any statement were made respecting it, it was only right that it should be distinctly and entirely correct. The statement which he had made the other night was founded upon information that had been given him; but he found that the voter had died from inflammation of the throat; of that there could be no doubt, being certified by four medical men who had attended him on the occasion. It was also perfectly certain, that so far as the appearances on the body were concerned, there was nothing to indicate that the inflammation did not arise from simply natural causes. That, too, was certified by the four medical men. With regard to the question whether the agitation and excitement of the election had produced those symptoms, the medical men were not agreed, two of them being of opinion that there was no ground for attributing the disease to that cause, whilst the other two, Dr. Davidson and Dr. Mitchell, were of opinion that it might have been produced by that cause. He would not take upon himself to say how far either were correct, because the investigation was not yet completed; but he could venture to say this—that neither as regarded the actual facts that took place at the election, nor as regarded the opinion that might be formed as to its results, were the material circumstances ascertained, and that neither he nor any one else could possibly at that moment express or even form a conclusion upon the subject.

GOVERNMENT APPOINTMENTS.

MR. SPRING RICE.—QUESTION.

Mr. CONINGHAM said, there was a question of which he had not given notice, but which he still thought he might put, attention having been called to the appointments made by the Government. He perceived that a son of Lord Monteagle had been appointed to a lucrative situation, and he wished to know, Whether it was in acknowledgment of the eminent services which that nobleman had rendered to the Liberal party in the last Session of Parliament?

Viscount PALMERSTON: I am unable to answer the question.

THE BALLOT SOCIETY AND THE POST OFFICE.—QUESTION.

Mr. T. DUNCOMBE said, he rose to ask the Secretary to the Treasury, Whether a Letter has been received by the Postmaster General from the Secretary to the Ballot Society, complaining of the non-delivery of upwards of three hundred letters addressed to Electors of the city of Ripon, and posted in London, and whether there would be any objection to produce any Reports or other Communications made to the Postmaster General on the subject?

Mr. PEEL said, that a letter had been received from the Ballot Society stating that in December last letters were sent by book post to all the electors of Ripon, and that very few of them had been delivered. The postmaster of Ripon and all the letter-carriers there denied positively that any letter received by them was suppressed, or that any such thing could by possibility have occurred. The Inspector of the Post Office had been in communication with the Ballot Society that day; and had made a Report, in which he stated that the Assistant Secretary of the Society informed him that, on the occasion of a public meeting held in Ripon, it was stated by certain persons that they had not received those packets. It, therefore, appeared that this application to the Treasury and the Post Office was founded merely on a statement made at a public meeting. It was suggested, also, by the society's officer that, in some instances, parties to whom the letters had been delivered might not like to admit it. The Post Office had asked the Ballot Society the name of any one person to whom a packet had been sent, and who had not received it; but they were unable to give such information. Under these circumstances he thought he was warranted in saying that the packets could not have been posted, or that if they had been they must have been delivered. It was rather unfortunate that no complaint had been made until six weeks after the letters were sent.

PASSPORTS IN BELGIUM.

QUESTION.

Mr. T. DUNCOMBE said, he would now beg to ask the Secretary of State for Foreign Affairs, Whether Her Majesty's Government have invited, or intend to invite, the King of the Belgians to follow the example of the Emperor of France by dispensing with Passports on the part of British Subjects visiting Belgium?

Lord JOHN RUSSELL: Sir, the answer I have to give is that without any invitation on the part of the British Government a modification has been made by the Belgian Government with respect to Passports in Belgium. On the 4th February a despatch was received from Lord Howard de Walden stating that new Passport Regulations had been made, purporting to relieve any persons travelling to Belgium from the annoyance and trouble of getting Passports; but any persons remaining in Belgium will be obliged to have some proof of their nationality. So far, therefore, as travellers are concerned the necessity for Passports is abolished.

THE ENGLISH SQUADRON IN THE JAPANESE WATERS.—QUESTION.

Mr. WARNER said, he would beg to ask the First Lord of the Treasury, Whether it is true that a considerable Naval Force has been directed to proceed to the Japanese waters, and whether precautions have been adopted to prevent any Consul or other Civil authority from commencing a war with Japan without instructions from the Government.

VISCOUNT PALMERSTON: I believe that part of the squadron in the Chinese Seas will visit Japan, not with any hostile or warlike purpose, but for the purpose of giving that moral support to British authority which is so desirable.

THE "NARCISSUS" FRIGATE.

SIR BALDWIN WALKER.—QUESTION.

SIR JOHN PAKINGTON: Sir, I have given notice of a Question to the noble Lord the Secretary for the Admiralty, whom I do not see in his place, but perhaps the hon. Gentleman (Mr. Whitbread) can answer the question. I have observed from the newspapers to-day that the *Narcissus* frigate has left Spithead, but that a communication was afterwards sent off to the ship. I wish to ask, Whether the *Narcissus* has finally left England, or whether it is intended that Sir Baldwin Walker shall give his evidence before a Committee before proceeding to the Cape?

MR. WHITBREAD said, he had no notice of the Question. So far as he was aware, the *Narcissus* had left England, and no order that he was aware of had been sent from the Admiralty to detain Sir Baldwin Walker.

CONSOLIDATED FUND AND EXCHEQUER BILLS ACTS.—COMMITTEE.

Order for Committee read.

Consolidated Fund and Exchequer Bills Acts *considered* in Committee.

(In the Committee).

THE CHANCELLOR OF THE EXCHEQUER: I rise, Sir, to call the attention of the Committee to a subject which is undoubtedly an important one, but which, at the same time, I am afraid will not be found the most attractive of all those which might be submitted to its notice. It is to the present Legislative arrangements with respect to the instruments of public credit, called Exchequer bills, and to certain proposals which I am about to make for the purpose of altering, in some material respects, the footing upon which they are at present placed. For a number of years changes have been going forward in the monetary condition of this country which have very much tended to contract the market for bills of this description, the principal change being the great multitude of securities which now exist, and which are of such a nature as to complete successfully with Exchequer bills, and thereby narrow the demand for them. Of course it would have been open to the public to keep afloat in the market an amount of Exchequer bills equal to those which were formerly in use; but that could only have been done by raising the rate of interest to a point at which the employment of such bills would cease to be in any respect advantageous to the public. The consequence has been that their amount has progressively diminished; and to the cause of that diminution and the mode of improving their position, I shall now call the attention of the Committee. The Select Committee of this House which was appointed in 1857 directed its attention to this among other subjects, and in the fourth section of its Report it made some important recommendations, the principal of which was this—that Exchequer bills, instead of being continued to be voted as part of the Annual Supplies, and made chargeable on grants of Parliament for Supply services, should be transferred at once to the Consolidated Fund; and that, together with this change, they should likewise cease to be, so far as the *corpus* of the Bill itself, loans annually renewable, but should be made current for a period as long as might be convenient, or as long as the instrument itself might bear circulation without the necessity of being renewed. The first four of the Resolutions which I have laid upon the table are intended to give effect to the recommendations of the Committee. They are not, indeed, literally and absolutely bounded by those recommendations; because they contain proposals which, I think, may be regarded as developments and applications of the principle upon which the recommendations are founded. The subject of the fifth Resolution was hardly a matter within the original appointment of the Committee, but it involves in principle a return to what was formerly the practice of the State; and in that view I shall trouble the Committee with a few remarks on the subject.

With regard to the question of Exchequer bills, I hold that the public who are the borrowers, and the holder, who is the lender to the public, have a common interest in these instruments. Speaking generally, the convenience of the borrower and of the lender are, though in different forms, one and the same. Whatever makes the bill a convenient security and gives to it steadiness in price, or invests it with all those features that make it a desirable security, is in the first instance for the interest of the holder of the Bill, because it follows that he is content to lend his money at a lower rate of charge. On the other hand, whatever tends to give unsoundness in these securities reacts on the public interest, because it makes the holder unwilling to lend his money except at a higher rate of interest. But over and above what affects the position of Exchequer bills in the market, there is a separate consideration, and one which principally attracted the notice of the Select Committee. The subject is one of a technical character, but I hope to make it intelligible to those who give me their attention. The Exchequer bills we are now dealing with are called Supply Exchequer bills. They are voted in Committee of Supply, and purport to be part of the Supplies of the year; and when they are presented for payment must be paid out of money that is already apportioned to the Supply, service of the year. The origin of this custom, which has now become a most inconvenient one to the regular progress of the public service, is to be found in the nature of the original instrument itself. When Exchequer bills were first resorted to they were simply instruments of credit issued in anticipation of the revenues granted by Parliament, but the collection of which proceeded slower than had been anticipated, and slower than the demands of the public service required. The practice in consequence was for the Exchequer to issue an engagement at short date which stood in lieu of, and was to be liquidated out of the Supplies voted by Parliament as they came into the Exchequer. So long as Exchequer bills were really and substantially issued in aid of the Supplies of the year, there could not be a more becoming or appropriate arrangement; but that has long ago ceased to be the case. Practically speaking, Exchequer bills have now no connection with the Supplies of the year. We look upon them as part of the unfunded debt of the country; and, as part of the unfunded debt we renew them from year to year without the slightest regard to what we ordinarily term Supply. This system is a very antiquated one—it is as inconvenient as it is antiquated, and the Committee is now asked to change the basis of the arrangement. We have just had a remarkable instance of the great inconvenience of the existing arrangement. Within the last week there has been an exchange of Exchequer bills, and that exchange has taken place under circumstances entirely unprecedented; for whereas Exchequer bills bear a low rate of interest we have been compelled to change them at a time when the rate of interest at the Bank of England, representing the general condition of the money market, is no less than 8 per cent. It was, therefore, to be expected that a considerable amount of Exchequer bills would be presented for payment, instead of for renewal, with a view to the more profitable investment of the money. But, in point of fact, only £1,000,000 out of the £6,000,000 which might have been presented for payment in March have been presented for that purpose; and, therefore, the holders of £5,000,000 have taken renewals for twelve months at the rate of 3 per cent, when commercial bills can only be negotiated at the rate of 8 per cent. But what I wish to call the attention of the Committee to is this—that we are not allowed to pay these bills out of the Consolidated Fund, but must pay them out of the money voted by Parliament for the army and navy and the civil service of the country. The consequence is that £1,000,000 must be deducted as the first step from these monies voted by Parliament. But how, then, are the various establishments to which I have referred to be supported? The system resembles one of double charge, and it is obvious there cannot be a more inconvenient arrangement. Parliament votes—say £40,000,000—for the Supply service of the country, but, besides supplying money to that amount, it sends out instruments involving engagements to the extent of £14,000,000 or £15,000,000, and makes that amount chargeable as to money voted for Supply. The consequence is that though it may be found desirable to withdraw the Exchequer bills altogether, it cannot be done, because they are payable out of the amount that is wanted for the army, the navy, and the civil service of the country. We are, therefore, compelled to re-issue them by a very complicated form, to the Paymaster, not because we want to send out Exchequer bills, but because the Paymaster wants money for the service of the country. The Select Committee recommended that we should remove this portion of the unfunded debt from any relation to the Supplies of the year as a system nominal, fictitious, and inconvenient. But there are other reasons that make it desirable to alter the basis of this arrangement. One of these is the extreme difficulty of reducing the amount of Exchequer bills when that becomes desirable. At the commencement of a war, for instance, when funded operations can only be conducted on a large scale it is necessary that the Government should have in its hands the power of issuing instruments of this kind at such times and in such quantities as may be found convenient; consequently, in time of war, there is generally a large amount of Exchequer bills afloat. But when we come back to a time of peace there is the greatest possible difficulty in reducing them; because, as I have said, there is no regular method by which the Government can cancel these Exchequer bills, because they are not liquidated out of the general funds of the country, but out of the means which have been devoted to another purpose. Consequently the bills themselves are not allowed to lapse, but a re-issue is necessary, whether that re-issue is on financial grounds desirable or not. The result of this proceeding has been that the law has provided a remedy which, I think, is of an exceptionable kind—that is to say, it has enabled the Commissioners for the Reduction of the National Debt, without the approbation of Parliament, to go through the process of what is called "funding Exchequer bills;" and, although that is a very defective arrangement it is, as the law now stands, the only means by which, under the existing machinery of our financial system, it is possible to effect any material contraction in the amount of Exchequer bills that may at any time come into the market.

Then, again, nothing can be more cumbrous than the present instrument at the command of the Finance Minister for meeting a temporary depression of Exchequer bills. Of course, with the great fluctuations of the money-market of this country —fluctuations which, I am afraid, are becoming not less but more considerable and rapid than at any former period—instruments of this kind must, like other securities, undergo great variations in price. But it is most desirable to give them as far as possible a character of steadiness. Sometimes a pressure comes upon the money-market which is of short duration, but which tells first, and most severely, upon instruments of this class. Exchequer bills go to a discount, although it is very desirable to keep them afloat at or above par; for it is not to the credit of the State that they should remain current at a discount, or go to a discount of any considerable amount. But at the present time the only mode by which that pressure can be met is by raising the rate of interest on the whole amount of Exchequer bills that may be in the market; and if the pressure comes soon after they are issued, as the term for which they run is not less than twelve months, the only remedy is very costly to the public, and may, if the pressure ceases, have the effect of carrying the Exchequer bills, before the twelve months have expired, to a premium so high as to be equally undesirable with the discount to which they had previously sunk. As to the inconvenience specially felt by the public it may be stated as follows:—In the first place the holders of these bills are called upon, at the expiration of the twelve months, to come to the west-end of the town to present their bills, and to deposit them for examination. They remain out of their possession for some days; and then the holders return to have new bills presented to them. Any one conversant with financial matters must see that this is a very serious inconvenience to commercial men; and if so it is, likewise, a very great obstruction to the circulation of these bills, and reacts on the public interest in discouraging that circulation. I propose, therefore, following the recommendation of the Committee to do away with the necessity, and indeed with the opportunity for the annual renewal of the Bill itself—meaning by that not the obligation contained in the bill, but the mere piece of paper on which the obligation is expressed. We propose to substitute for the bill annually exchanged an instrument of permanent currency, that will carry attached to it a number of coupons entitling the holder to receive the interest at the proper time. These coupons will be renewed from time to time, but the bill itself will remain in the hands of the holder until it may be necessary to renew it—in the same manner that a country bank-note may be renewed through its being worn and no longer in a convenient state for circulation. It is of most importance that I should be clearly understood on this point. In giving permanency to the bill it is not intended to give permanency to the currency of the bill. The bill will run on from year to year without renewal, but the currency will be renewed from year to year as it is at present—that is, the holder will be entitled to claim payment exactly as now, but if he prefers to continue to hold his bill a fresh term of twelve months will then commence; and so on from year to year, *toties quoties.* To avoid the necessity of presenting the bill at the West-end we propose to intrust the whole of the money business connected both with the liquidation of the bill and the payment of interest and principal into the hands of the Bank of England. It will be transacted as part of the business of the National Debt, in the form and at the place most convenient to the holders of these instruments. In the same way the holders of these bills have materially suffered from the great ranges of fluctuation in their value. I do not know that it will be possible to effect any great change in this respect, but I am very confident that something may be effected. I wish the Committee to understand how extensive these fluctuations have been. They have not indeed been so great as the fluctuations in the prices of the funds, or so great as the fluctuations in the rate of commercial discount, but still they have been very considerable. I have in my hand a list of the *maximum* and *minimum* prices of Exchequer bills during the last twenty years. There are only five of these years in which the price of Exchequer bills has not fluctuated as much or more than 30*s.* The *maximum* fluctuation was in 1841, 21*s.*; in 1849, 26*s.*; in 1850, 18*s.*; in 1851, 23*s.*; in 1854, 24*s.* Those are the years of the smallest fluctuation. But there were several years in which they were above 50*s.* In 1845 the fluctuation was 59*s.*; in 1847, 57*s.*; in 1853, not less than 90*s.* In the fourteen months from October, 1847, to December, 1848, the fluctuation was not less than 98*s.* in the price of Exchequer bills. It is obvious that the range of this fluctuation is much connected with the facility or difficulty of applying the natural remedy—that of raising the rate of interest. If the rate of interest could be raised for a moderate period the bills could be more easily used, and the discount more readily checked. But if, on the other hand, the only way of interposing to prevent the discount is by the use of a measure that will cost the public from £100,000 to £200,000, and which may end in leaving Exchequer bills as much too high with reference to the money-market as they were too low, then, of course, it is an instrument that must not be resorted to without very considerable deliberation.

I think the last objection I have to mention is this, that the *écheance* of the bill—that is, the date at which it is to be liquidated—is rather remote. In mercantile transactions a bill for six months is a very long bill; but Exchequer bills are Government bills running for twelve months. This is not in conformity with the ancient state of the law, for until the year 1838 Exchequer bills were presentable at an earlier period than at present. I now come to a proposal to enable the holders to claim payment at an earlier date. Before 1838 the state of the law with regard to the presentation of these bills conformed to the original theory on which their whole legal status was based. They were chargeable on the Supplies of the year following the year in which they were issued; and that being so, they might be presented for payment at any period following the 5th of April, that is to say, following the close of the financial year in which they were granted. This was not a convenient arrangement, for Exchequer bills might be presented at very different periods from the date at which they were issued. If they were issued on the 6th of April, they could not be presented for nearly twelve months. If they were issued on the 4th of April they could be presented after a single day. But practically the effect was this — Exchequer bills were issued at very various periods, and a number of them were payable at very short dates. I forgot to say when speaking of the Exchequer bills being presentable for payment I meant in payment of taxes; for their presentation for payment in cash could only take place at the end of a year —not before and not after. Until 1838 Exchequer bills might be presented in payment of taxes at any period after the 5th of April immediately following their issue, and if issued on the 4th of April they might be presented for payment in taxes on the 6th of April; and if issued on the 6th of April they would not be so presentable until the next 6th of April. In 1838 a different rule was substituted, and it was then established by Parliament that Exchequer bills might be presentable in payment of taxes at any period exceeding twelve months from the date of issue. This was equivalent, in point of fact, to destroying altogether the value of the privilege which the holders of Exchequer bills had enjoyed; because, inasmuch as every Exchequer bill was liable to be discharged in money at or after the expiration of twelve months from its issue, it was not very likely that the man who could receive his money in a direct payment on presenting his Exchequer bills would adopt the roundabout process of getting them paid by presenting them in liquidation of some claim on the part of Government for duties. What I propose is that during the last six months of the year for which Exchequer bills shall have currency by law, those Exchequer bills shall, at the option of the holder, be receivable in discharge of any claim for duties or taxes due to Her Majesty. This is an important provision, and which I hope the Committee will adopt, though not without being fully alive to its nature and bearing. The effect of this, as we have now two issues of Exchequer bills in the year, will be as follows:—We issue Exchequer bills in the middle of March and again in the middle of June. The holder of the March Exchequer bills will be able to claim that they shall be received by the Government in satisfaction of any duties owing to the Government on and after the middle of September, and until the middle of March next, when the full twelve months will have elapsed. The holder of the June Exchequer bills will be able to make the same claim in the middle of December and at any period following the middle of December until the middle of the following June. The effect of this will be to give to these bills the character of six months' bills; and thus bankers and others who hold Exchequer bills of both issues—of March and of June—will have the power of liquidating a portion of those Exchequer bills once in every quarter. In March they may have their March Exchequer bills paid off in money, and in June they may have their June Exchequer bills paid off in money; and after the middle of September they may have their March Exchequer bills tendered and received in payment of duty, and after the middle of December and until the middle of the following June they may have their June Exchequer bills tendered and received in payment of duty in like manner. There is no doubt that the substitution of this arrangement for that now in existence is generally considered extremely desirable by those whose acquaintance with monetary matters makes them authorities on the subject. I mean to say that their opinion is that enabling Exchequer bills to be tendered at shorter periods from their issue than at present would be of very considerable value to the commercial world.

Then, the question to be considered is whether the change is attended with any prospect of inconvenience to the interests of the State? Have we, for example, any reason to fear that at periods when the revenue may be running short, the presentation of these bills in lieu of money may produce a pressure on our resources, and even put the Government in some danger with respect to the power of fulfiling their engagements? I shall be quite prepared to present to the Committee, if they should desire it, a statement, showing what was the practical working of the system at periods when Exchequer bills were presentable in payment of duty after a short period. About the conclusion of the war, and, perhaps, so late as the panic of 1825, no doubt, considerable quantities were so presented; but I am not aware that there is on record any case of public inconvenience in consequence—I mean fiscal inconvenience in connection with the revenue, or the engagements to which the revenue was pledged. After a very considerable experience it may be said that there is no disposition, even when money may be scarce, to make such a use of the privilege as would be inconvenient to the public. In point of fact, there are certain natural limits within which the privilege can be used. For example, at present Exchequer bills are held, and they are likely always to be held, not quite exclusively, but almost exclusively in London, and they could not be presented on a very large scale for duty except in London or one or two other places. Then, again, there are certain duties only for which, from the nature of the business in connection with them, Exchequer bills could be tendered in satisfaction. They might be tendered, no doubt, in satisfaction of Customs' duties. But the amount of Customs' duty received in London was from £200,000 to £250,000 a week; and therefore the effect of an operation of this kind would be that, while it might be for a particular holder a most convenient arrangement, and thus tend to increase confidence in the bills, it would at the same time be extremely difficult to imagine a use of Exchequer bills in this way on any scale so extensive as to produce inconvenience to the revenue.

But that is not the whole of the case, because I am not going to propose to take away the power now enjoyed, and necessary to be employed, of sustaining the Exchequer bills in the market by raising the rate of interest. I call the attention of the Committee to the provision I make by the second Resolution to the effect that the interest on the bills shall be payable by coupons half-yearly, instead of yearly —and that in every way is a most useful provision. At present there is great inconvenience in regard to Exchequer bills with respect to the payment of the income tax. The mode of dealing with Exchequer bills in the open market is by selling them with so much of the interest on them as was due up to the period of the year already elapsed. The interest is a penny or so a day, and, though the collection of the interest in that way is very easy and simple, any attempt to deduct the income tax from the interest so reckoned is, on the contrary, most inconvenient. The consequence is that the income tax is as the year passes continually disturbing the price of Exchequer bills and forming an element in their purchase or sale. It is impossible entirely to get rid of that difficulty. It applies in a degree to all public securities, but the difficulty is more than doubled with respect to Exchequer bills from the fact that the interest is paid only once, at the end of the year, and the income tax of the whole year is deducted from that interest. Therefore, it will be an advantage to the holder that the interest should be paid half-yearly, for he then would not be so long out of his money as at present, and it would be a still greater advantage to the State. The power of raising the interest, by which, according to established practice, the Finance Minister is enabled to rectify the position of the Exchequer bills, will henceforth and entirely be exercised by raising the interest, not for an unexpired period of twelve months, but for a period of six months. The interest will be fixed from time to time. The *minimum* rate of interest will be guaranteed at the commencement of each year for twelve months; but when the interest is raised the Chancellor of the Exchequer will be able to raise it for half a year, instead of the whole year. Under these circumstances the Chancellor of the Exchequer will be more free than at present to raise the rate of interest, and the average increase in the charge for interest will probably not be more than one-third what it is at present.

I have been obliged to trouble the Committee rather unmercifully with a number of these points of detail, because I hold it to be my duty not to study that which is agreeable and convenient as matter of rhetorical discourse, but to aim at conveying a clear and full statement of all the particulars that bear upon the discussion of a measure of very considerable importance. I shall be happy to give any supplementary explanation which any Member of the Committee may be pleased to ask of me, and in the meantime I have only to add that I propose to make a slight alteration in the wording of the last two Resolutions, with a view to greater clearness of expression and better order of arrangement.

Perhaps, however, before I sit down, I may be permitted to say a few words with respect to the notice given by the hon. Baronet the Member for Evesham (Sir Henry Willoughby). The hon. Gentleman has given notice of a sixth Resolution, to which it will not be possible for me to agree at the present moment; but which, on the other hand, I should be sorry to oppose, and which I hope to be able to induce him to withdraw, upon grounds of which, I think, he will see the sufficiency. His Resolution is intended to prevent the Commissioners of the National Debt from funding Exchequer bills without the consent of Parliament. To the principle of that Resolution I need not say I am entirely friendly, because in a Bill which I had before the House last year I included myself a provision for that purpose. But a provision which I may think very convenient in a measure relating to the general finance of the National Debt Commissioners would not be convenient in the measure now before the House. In point of fact, it is too much and too little. When we have to pass a Loan Act we do not provide in that Act what shall be the particular powers of those who are to deal with the loan in the public market, and the Resolution of the hon. Baronet ought to be embodied, not in a measure relating to what I may call the *status* of Exchequer bills, but in one relating to the powers of the National Debt Commissioners. The Resolution would be too narrow. The Bill which will be founded upon the Resolutions of this Committee will be limited to one description of Exchequer bills, those that are called Supply Exchequer bills—those that are habitually bought and sold in the open market; and it would be most inconvenient to mix up with Supply Bills, which are a security known to the public, legislation relating to other descriptions of Exchequer bills, the very existence of which as such is absolutely unknown to the public, but which are of great importance in regulating the financial transactions of the country. The other descriptions of bills to which I allude are Deficiency Bills, and Ways and Means Bills. My hon. Friend is aware that by far the most objectionable kind of funding power possessed by the Commissioners of the National Debt is the power of funding Deficiency and Ways and Means Exchequer bills, because the practical effect of its exercise is that deficiencies in the current revenue of the year are converted into part of the funded debt of the country without the knowledge or intervention of Parliament. It would never do to leave that power in existence, and at the same time to deal with a minor and less important power in a measure of this kind. But what I wish to do is to appeal to the hon. Baronet to reserve himself for another occasion. If there is a strong feeling in the House I should not much object to deal with his Resolution in a separate Bill, but I think we should wait until we are dealing with the general question of the finance of the National Debt Commissioners, which would be the appropriate time for discussing the proposition submitted by my hon. Friend. After a Government has proposed by Act to part with a certain power, the representative of that Government would not feel himself justified in using it, and certainly I should not think it right, after having asked Parliament to put this power away altogether, to put it in exercise without coming to Parliament beforehand. But that is a matter in which the hon. Baronet will exercise his own discretion, though, as I do not believe there is any practical difference in the Committee upon the point, I should be sorry to be obliged to put a negative upon his Resolution on account simply of its inapplicability to the present occasion. With these observations I have only to put into the hands of the Chairman the Resolutions of which I have given notice, and which are as follows:—

"1. That it is the opinion of this Committee the principal monies of Exchequer bills issued undert he authority of Parliament, together with the interest thereon, which may become payable from time to time, shall be charged upon and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof.

"2. That the interest on such Exchequer bills shall, during their currency by Law, be payable half-yearly by coupons, and shall be paid at the Bank of England.

"3. That an option shall be given at the expiration of each twelve months to the holders of Exchequer bills to be paid the principal monies of all Exchequer bills held by them, and such principal monies when paid shall be paid to the holders at the Bank of England; and that all Exchequer bills not so paid off from time to time shall have currency for the next twelve months following the date of such option.

"4. That, when such Exchequer bills shall be paid off, the Commissioners of Her Majesty's Treasury may issue the like amount of Exchequer bills to replace the Exchequer bills so paid off.

"5. That all Exchequer bills shall be receivable for Duties granted to Her Majesty during the last six months of each year during which such Bills shall have currency by Law."

MR. W. WILLIAMS said, in his opinion, one of the propositions of these Resolutions would add greatly to the convenience of the holders of Exchequer bills, and also save some expense to the Government, and they would not necessarily be called upon for the renewal of the whole amount. This was one of the propositions recommended by the Committee on Public Moneys which sat four years ago. He would ask whether the right hon. Gentleman would take an early opportunity of carrying out the recommendations of that Committee.

MR. ALDERMAN SALOMONS said, that the monetary interest in the City viewed the propositions of the Chancellor of the Exchequer as a great improvement on the present system with regard to Exchequer bills; but, at the same time, he thought he might venture to apply to the case a homely maxim, by saying that the Chancellor of the Exchequer "shut the stable door after the steed had been stolen." Nothing could be more useful than a review of the causes which had led to the depreciation of Exchequer bills. Perhaps the origin of the evil might be found in an error made so far back as 1853, when it was proposed to reduce the interest on Exchequer bills to a rate below that at which they would float in the market at a premium. One of the results of that mistake was that about £3,000,000 of Exchequer bills were presented at the Treasury to be paid off instead of renewal. Since that time there had been an increase of floating securities of another description, such as East India debentures and railway debentures to a large amount, and the low rate of interest on Exchequer bills offered no inducement to parties to hold those securities as heretofore. A reasonable expectation might be entertained that, with the privilege now conceded of paying duties after six months in Exchequer bills, that security would again rise in the estimation of capitalists. When the present discouraging state of the money market should have passed away; and when that improvement had taken place they would no longer witness the mortification with which the Chancellor of the Exchequer had to acknowledge that so large an amount of Exchequer bills were presented for payment as to occasion inconvenience to the public. He believed the disposition of the monied interest was at all times to aid the Treasury and not at any time to distress the Government by presenting their Exchequer bills for the sake of gaining a few shillings. He was persuaded that, if the Chancellor of the Exchequer took care that the amount of Exchequer bills were not unduly increased beyond what the market could fairly bear, the Resolutions now before the Committee would open a new era in the history of public credit.

Mr. CAYLEY said, he had no doubt that the proposed changes would add to the popularity of Exchequer bills. One good effect of the measure would be, that in times of pressure or panic it would enable bankers to afford more accommodation to their customers by paying in Exchequer bills to the Treasury instead of cash. One question he should like to put to the Chancellor of the Exchequer. He had stated that at the end of six months, during the first year of their currency, Exchequer bills might be paid into the Treasury for taxes; but he had not explained in what position holders would be if, after the expiration of the first twelve months, they wished to pay them for taxes to the Government.

Sir STAFFORD NORTHCOTE wished to ask a question of the right hon. Gentleman. It was proposed to give the holders of Exchequer bills an option to receive their money at the expiration of the year; would there be a corresponding right on the part of the Treasury to call in the Exchequer bills at the same period? Suppose the holders did not want to get their money, but wished to hold their bills, their doing so might be a disadvantage if the Government desired to call in a portion of them. The result would be that, at the option of the holders of Exchequer bills, the whole of the unfunded debt would be kept up from year to year. Inconvenience might also arise from a considerable portion being paid in at a particular period. Was it not possible that some arrangement should be made by which Government might at the expiration of the year of currency call in a portion of the Exchequer bills which it might be convenient to the Government to discharge instead of leaving the whole amount in the hands of holders? It was perfectly true that at present Exchequer bills were only held in London, and that the payments in respect to the Customs here were not large; but with this new privilege given to Exchequer bills it might become worth while at Liverpool and other large ports to hold them, and half a million of money might be paid in that form, which would lead to considerable inconvenience. Then, when they were paid in, what was to become of them? Was there to be a power of re-issuing them?

The CHANCELLOR of the EXCHEQUER made an observation across the table which could not be heard:—but

Sir STAFFORD NORTHCOTE said, in that case his objection fell to the ground, and he had no further question to ask.

Mr. THOMSON HANKEY said, he thought the holders of Exchequer bills had a right to expect some benefit of the kind held out by their Resolutions at the hands of the right hon. Gentleman, for he believed no previous Chancellor of the Exchequer ever so much damaged the character of Exchequer bills as he had done in 1853, when he reduced the interest so low as 1*d.* Formerly the Exchequer bills were one of the most desirable securities a banker could hold. They were the nearest approach to a bank-note, with the advantage that it bore a certain rate of interest. The Resolutions would be regarded by the monetary interest as a boon; but he was at a loss to see the great advantage of the arrangement to the finances of the country. The Chancellor of the Exchequer thought that the Exchequer bills should no longer be taken as part of the charges for the year; but that was merely theoretically—for practically the Bills were never paid, and they were really a part of the permanent debt of the country. They were now to be placed on the Consolidated Fund; and, were, therefore, not nominally but avowedly part of the permanent debt. It was true that the holder had the power to demand payment at the end of twelve months; but again practically this would be checked by the Chancellor raising the rate of interest; or if the repayment were actually made, a similar amount of bills could be re-issued. He objected to a permanent addition to the national debt without the express consent of Parliament. He agreed with the hon. Baronet the Member for Evesham (Sir Henry Willoughby) that it was very necessary to place on record the opinion of the House that these Bills should not be funded. It was perfectly true that the Chancellor of the Exchequer did not intend to fund last year; but he might alter his mind in six or twelve months, and he hoped the hon. Baronet would not withdraw his Resolution. It did not matter that the Resolutions only proposed to apply to Supply Bills. They might deal with the Deficiency Bills afterwards. It was a very strong measure to fund Deficiency Bills, and he did not think the Chancellor of the Exchequer would propose to do so; but some measure of the kind might be resorted to unless it were forbidden by Act of Parliament. The Chancellor of the Exchequer said that Exchequer bills would be kept up at their price, because they would be payable as duties, and the amount in the market would be *pro tanto* reduced; but, formerly Exchequer bills were kept up by the variations in the rate of interest which, he thought, was the only legitimate way of meeting the case. If a large portion of the bills were to be paid in as duties it would affect the Supplies for the year. As far as the public were concerned, the matter would be very nearly as broad as it was long, and to the bankers Exchequer bills would be a convenient security in which to invest their money. But he had expected that the Chancellor of the Exchequer, when making any alteration with reference to Exchequer bills, would have abolished the absurd rule, according to which interest on them, unlike all other securities, was computable *de die in diem*. Not only was this productive of inconvenience in rendering an increase in the rate of interest, whenever such took place, applicable to very large sums; but the very least addition that could be made—that of a farthing daily—amounted in the year to 7*s* 6*d.*; whereas it was obvious that an increase of 2*s.* or 3*s.* would be sufficient. He could not believe that there was any additional facility in calculating interest at a daily instead of a yearly rate; at least he was certain that the latter was generally employed by those familiar with banking business.

SIR HENRY WILLOUGHBY said, he should not have taken the liberty of adding a Resolution to those proposed by the Chancellor of the Exchequer, if he did not believe that it went to the very marrow of a question which the right hon. Gentleman had approached with his usual ability—the best mode of sustaining the credit of Exchequer bills;—and the whole of the five Resolutions of the right hon. Gentleman went to that point. He thought, however, that the Resolution he proposed to add touched more deeply on the question of the estimation in which Exchequer bills were to be held than all the rest of the Resolutions. It was quite true that the credit of Exchequer bills received a sudden blow by changes in the rate of interest; but the market was much more prejudicially affected by the operations on a great scale carried on in complete privacy by the financial Minister of the day. Those operations were carried on in complete secrecy, and it appeared to him that until they passed a measure enacting that all Government transactions in Exchequer bills should take place in the public market, and in the face of day, they would accomplish little or nothing. As far as the Resolutions were founded upon the Report of the Committee of Public Monies, he entirely concurred in them. Mr. Goulburn, who, according to his judgment, was an honest Chancellor of the Exchequer, placed on the table, so long back as 1844, a paper showing that silently and secretly, by the action of the Government, Exchequer bills to the amount of £7,000,000 had been converted from unfunded into funded debt. The House of Commons knew nothing about it; but year after year this change from unfunded to funded debt took place. The last two operations were the transfer, in 1853, of a sum of £383,000 Exchequer bills to the funded debt when Consols were 99¾, and that of a sum of £791,000 when they stood at 97¾; but the House of Commons knew no more about it till the periodical returns were issued than the greatest stranger to financial operations. Who could doubt that these transactions struck at the very foundation of the credit of Exchequer bills? Therefore, he trusted that the right hon. Gentleman would say he would deal with that matter in a measure during the present Session. If he could receive an assurance of that nature, he should be delighted to withdraw his Resolution; because he admitted at once that the question cut very deep—much deeper, perhaps, than the Committee was aware—because he could show that the funded debt of the country had been greatly increased — not merely changed from unfunded to funded debt, but positively increased—by the operations which took place in 1838, 1839, 1840, and 1841, in which the additions were respectively £600,000 in 1838, £500,000 in 1839, £500,000 in 1840, and £600,000 in 1841, so that the House of Commons of that day was placed in the ludicrous position of having nearly £2,000,000 of public debt created without their knowledge. What could they do, he asked, when such circumstances as those were possible, to sustain the credit of the Exchequer bill market, unless they struck at the very root of such transactions? What had been done in former years might be repeated in 1861, and what he wanted was the introduction of a very simple measure, which would relieve the system of one of its greatest difficulties. He wished to know, also, to what extent coupons were to be added to the Exchequer bills, and on whom, in the case of forgery, the loss would fall; and how the £1,000,000 Exchequer bills to be consolidated were to be dealt with. The Consolidated Fund was such a mythical thing that one hardly knew what it meant, and a great deal of misconception existed about it. He did not agree with his hon. Friend (Mr. Hankey), in hoping that the computation of the interest of Exchequer bills would be altered from the present mode, which was very convenient when there was a large sum out at short dates. He hoped, however, that the right hon. Gentleman would give him an affirmative answer upon the more important question as to whether he would bring in a measure to the effect that Government should not fund any Exchequer bills without the previous consent of Parliament.

Mr. GLYN hoped some distinct understanding would now be arrived at by the House with regard to this subject. He entirely agreed with the hon. Baronet (Sir Henry Willoughby) that nothing so much affected Exchequer bills, and, indeed, all public securities, as concealed operations; and that the funded debt of the country should not be increased without the express consent of Parliament. With regard to the calculation of interest, knowing that in every other species of security a per annum calculation was practicable, he thought it might easily be effected in the case of Exchequer bills. He was anxious to express his opinion that to Mr. Masterman, the late Member for London, they were indebted for some of the best suggestions on the subject now before the Committee. He would also observe that the right hon. Gentleman the Chancellor of the Exchequer had this Session introduced two measures which were calculated to effect a great reform in the public business, and that these financial improvements were appreciated in the proper quarter.

The CHANCELLOR of the EXCHEQUER said, that he had to express his great gratification at the general approval of the substance of his Resolutions by the Committee. He had been asked by the hon. Member for Lambeth whether he intended to give effect to the recommendations of the Committee on Public Monies? He had the pleasure of stating to the House on a previous night that the Bill was in preparation which would give effect—not absolutely to the whole of the recommendations of that Committee, but to the more important ones. With reference to the relative merits the *per diem* and *per annum* computation of the interest on Exchequer bills he was fully open to conviction, but hitherto he had not been able to ascertain what the general wish was. That was the first time he had heard the question introduced, and if it were shown that it was the general wish he should have no difficulty in making a provision in the Bill, to alter the mode of computing. His hon. Friend the Member for Yorkshire (Mr. Cayley) had asked how would the holder of an Exchequer bill stand with respect to the right of offering his bill in payment of taxes after the expiration of twelve months? The general effect of the change would be, not exactly, but in a considerable degree, to convert this instrument, at the option of the holder, from a twelve months' into a six months' instrument. The holder would become after six months—that is, in the middle of September—entitled to tender his bill in payment of taxes, and would continue so entitled until the expiration of twelve months —that is, till the middle of the following March. At the expiry of the twelve months he would have the option of taking his bill in money; if he did not take money, then a new term commenced exactly the same as the former. It would thus be capable of liquidation through the medium of taxes at the expiration of six months; of being presented for money at the expiration of twelve; but at the commencement of every new year it would be capable of commencing its course afresh. The hon. Member for Stamford (Sir Stafford Northcote) had asked whether, as the holder of the bills had an option of tendering them, there would also be a corresponding option on the part of the Government of calling in those Exchequer bills? He (the Chancellor of the Exchequer) did not intend to include in the Bill any proposition of that kind. It would be very much at variance with the mode in this country of contracting public loans of another description. It was a constant part of the practice of foreign Governments in raising money; but he thought the machinery necessary for determining what portion of the bills should be actually liable to liquidation at the option of the Government would not be satisfactory to the public, and he did not see that there was any strong financial reason for such a provision. His hon. Friend feared there might be inconvenience from those bills being paid for revenue in considerable amounts; but he begged him to observe that at the same time that the Government gave to the holder the power of tendering them for revenue at the expiration of six months, they not only reserved the whole power now possessed of inducing the holder to continue to hold them by raising the rate of interest, but, if necessary, greatly increased the efficacy of the instrument by enabling the Finance Minister to raise the interest for the unexpired part of the six months—that is, for three months instead of nine. Thus there would be a threefold power—the power of re-issue, by arrangement with the Bank of England or otherwise; the power of allowing the bill to become extinct if the public convenience allowed it; and likewise the power, which was the only one now enjoyed—and a cumbrous one it was—of keeping it afloat by raising the rate of interest. With respect to what the hon. Alderman (Alderman Salomons) remarked as to the injury done to Exchequer bills in 1853 by reducing the rate of interest, the fact was, the two things came closely together, but he did not think the facts had been quite accurately stated. He admitted that the effect of reducing the rate of interest from $1\frac{1}{4}d.$ a day to $1d.$—for the whole question was whether the rate should be 7*s.* a year higher or lower—was to produce a diminution out of all proportion to what could be supposed. But still it did not cause the presentation of a single bill for payment. It was on the 15th of September that the March bills were reduced to 1*d.* a day, and on the arrival of March not a bill was presented. He granted that in June £3,000,000 were presented for payment; but there had been a most extraordinary and important change in the state of the money market between March and June, marked by the regular and progressive decline in value, not only in Exchequer bills, but in other public securities, and among other changes a great rise in the rate of discount at the Bank in June. But that was a history to enter into which would require a great deal of detail. However, he might say that the usual amount of unfunded debt before 1838 was from £24,000,000 to £30,000,000 of Exchequer bills; and it was at the period after 1838 that the greatest reduction took place, because it was then reduced from £24,000,000 in 1839 to £18,000,000 in 1842. It continued £18,000,000 to 1853, and then, for the moment, it was reduced by the presentation of £3,000,000 for payment; but those £3,000,000 were issued in January, 1854, and it was the fact that no great change took place in the amount of Exchequer bills between 1842 and the outbreak of the Russian war. He quite agreed with the observations of the hon. Baronet (Sir Henry Willoughby) with regard to the funding of Deficiency Bills and Ways and Means Bills, and he had attempted to embody his views on the matter in a Bill of last year. He could not, however, give any positive pledge as to the time when he might be able to deal with the matter; but he was entirely of the opinion which he had expressed many years ago, that those were powers which ought to be taken away; and that being so, the hon. Baronet ought to retain his right to press the subject if he thought him (the Chancellor of the Exchequer) slack. Again, he desired to express his acknowledgments to those Gentlemen who had spoken, for the favour with which they had received his propositions.

THE CHAIRMAN having read the Resolutions;

THE CHANCELLOR OF THE EXCHEQUER said, that he proposed that the fourth and fifth Resolutions should be transposed, and verbally altered; and the Resolutions thus amended, were severally put from the Chair and *agreed to,* as follow:—

1. *Resolved,*

"That the principal monies of Exchequer Bills issued under the authority of Parliament, together with the interest thereon, which may become payable from time to time, shall be charged upon and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof."

2. *Resolved,*

"That the interest on such Exchequer Bills shall during their currency by Law be payable half-yearly by coupons, and shall be paid at the Bank of England."

3. *Resolved,*

"That an option shall be given at the expiration of each twelve months to the holders of Exchequer Bills to be paid the principal monies of all Exchequer Bills held by them, and such principal monies when paid shall be paid to the holders at the Bank of England; and that all Exchequer Bills not so paid off from time to time shall have currency for the next twelve months following the date of such option."

4. *Resolved,*

"That during the last six months of each year for which any Exchequer Bills shall have currency by Law, such Exchequer Bills shall be receivable for Duties granted to Her Majesty."

5. *Resolved,*

"That, when any Exchequer Bills shall be paid off or received for Duties, the Commissioners of Her Majesty's Treasury may issue the like amount of Exchequer Bills to replace them."

SIR HENRY WILLOUGHBY said, that after the explanations of the Chancellor of the Exchequer, he would not move the additional Resolution that stood in his name, namely:—

"That the Commissioners for the Reduction of the National Debt shall not fund any Exchequer bill or bills without the consent of Parliament previously obtained for such funding."

House *resumed.*
Resolutions to be *reported To-morrow.*

On the Motion that the House go into Committee of Supply,

ITALIAN POLICY OF THE GOVERNMENT.

OBSERVATIONS.—FIRST NIGHT.

MR. HENNESSY:—Sir, it is rather more than six years ago since an eminent statesman brought into this House a measure for the employment of foreign mercenaries in the army of the Queen. That was an unpopular measure; and to regain the popularity he had lost by introducing such a Bill this eminent statesman turned political informer against some Members of the Government to which he then belonged. On a later occasion that eminent Statesman was sent to the Congress of Vienna. The British public kept their eyes on his proceedings, and it was alleged that while there he truckled to Austria. It was alleged that he who was so bold in the House of Commons had trembled in the councils of Germany. No failure could be more humiliating and complete than the failure of this statesman in his first essay as a diplomatist and Foreign Minister. He returned to this country only to be condemned by the public and to be deserted by his Colleagues. He was received with silence by the House, he fell into political disgrace, and sought for shelter on the other side of the Alps. He went to Italy to study Italian affairs. On his return he denounced the Government of the noble Viscount because it did not interfere enough in Italian affairs, and he said the time had arrived for an active interference in Italy. It was not enough for him that the British Government, through its Plenipotentiary, Lord Clarendon, had, without the smallest pretext, dragged the Papal Government and the Administration of the King of Naples before the Paris Congress, and invited Italian subjects to revolt; the eminent statesman to whom I am referring counselled more active measures. On the 14th of July, 1856, he made a Motion on Italian affairs, and took that occasion to announce the policy which, were he in office, he would feel bound to pursue. Here are his words—

"If we confine ourselves to notes and paper protestations I am afraid that we shall altogether lose the confidence of the inhabitants of that peninsula."

He went further; he gave a description of what might be done along the seaboard of Italy by a British squadron. Indeed so technical and elaborate was this portion of his intervention speech that old jokes were cracked as to his capacity to command the Channel fleet. His Motion was not very fortunate. After a long debate it was negatived. Thus, his second essay in Foreign Affairs proved as unsuccessful as his first. This eminent person, who became unpopular by his strenuous advocacy of foreign mercenaries, who lost public confidence still further by the treacherous betrayal of his Colleagues, and whose European policy had involved him in well-merited disgrace—this eminent person is now Her Majesty's Secretary of State for Foreign Affairs. In that capacity he has had an opportunity of carrying out his views on the Italian question. These views are now embodied in despatches which he has presented to Parliament, and on which he demands the criticism of this House. Sir, my criticism of the noble Lord's despatches is this: I find in them the old blots that characterized his foreign policy when he was not Secretary of State; the same apparent truckling to Austria, and the same morbid desire for active interference in Italy in promotion of Piedmontese policy. I believe—and I think I shall be able to show the House—that his submissive attitude to Austria is not genuine. As long as Austria is powerful he will cringe before the statesmen of Vienna; but should a moment of weakness and disaster come no one, I feel confident, will be quicker than the Secretary of State in taking advantage of that weakness and consummating the disaster. But this is a question for the future. At present we have to deal with the Piedmontese policy which he has done so much to promote. The noble Lord studied Italian affairs at Florence. There he became intimate with gentlemen belonging to the Piedmontese party, and it was mainly on what they told him that he formed his views upon Roman and Neapolitan policy. I would not complain of this Piedmontese policy if it were consistent with our interests, with the interests of the people of Italy, and with our own honour. But this is very far from being the case.

I am ready to take up the issue raised by Her Majesty's Ministers. The noble Lord has invited comparison between the results of the government of Piedmont and those of other portions of Italy. That issue I accept. This time last year the Chancellor of the Exchequer, in the peroration to his financial statement, dwelt upon the connection which existed between good financial systems and good government. How far has Piedmont fulfilled the requirements of such a test? How far has Count Cavour exhibited those indications of good government which, in illustrating the progress of England, the late Sir Robert Peel so often noticed? Sir Robert Peel always held that the state of our public finances, the mode in which we raised the revenue, the various evidences furnished by trade and commerce as to the production, accumulation, and wise distribution of capital, formed the best tests of good government. The noble Viscount opposite (Lord Palmerston) and the leading members of his Administration have followed the example of Sir Robert Peel. In dealing with the question, then, I not only at once accept the issue of the Government, but I will deal with their issue according to the general method adopted by the Government in similar cases. And what is the testimony on which I am about to ask the House to decide this issue? Again, I have recourse to the Government. I will adduce the evidence of our own officers abroad, of officials employed in the office of the noble Lord (Lord John Russell), and Piedmontese evidence, to show that such a test failed in the case of Piedmont.

What was the state of the Piedmontese finances under the administration of Count Cavour? The Piedmontese policy might be said to have commenced in 1848, and my remarks will be principally directed to the period subsequent to that date. On this important question of Count Cavour's financial arrangements, I will first read to the House the opinion of an ardent Piedmontese Signor Angelo Brofferio. This gentleman represented Genoa for many years in the Turin Parliament, and within the last few weeks he has been elected simultaneously for two places, Castelnuovo-nei-monti, and Castelmaggiore. He is known to many Members of this House, and his authority will not be questioned either here or in Turin as far as it derives weight from great honesty and ample information. He says in a work just published—

> "Count Cavour's financial arrangements were of the worst kind. He exhausted the tax-payers without enriching the treasury. He levied enormous taxes on all petty industry, retail trade, and small properties. He put odious duties on the chief necessaries of life; he taxed thirst, hunger, cold, fever, and death; by means of his inheritance duty, he found out the way of mulcting even debts, the tears of the orphan, and the grief of the widow; while leaving untaxed the measureless wealth of the exchange, and the bank notes, and bills of exchange, &c., he levied a duty on debt, which is poverty; without extorting a farthing from credit, which is wealth. His tax on patents, or permission to exercise industry, trades, and professions, pressed most heavily on the struggling poor, while unfelt by the rich. In the tax on paper factories, for example, the first machine paid 400 francs yearly, every other only 100."

This valuable testimony of a Piedmontese Member of Parliament is well sustained by the official agents employed under our own Secretary of State for Foreign Affairs. I beg leave to refer the House to a very valuable and interesting Report made in 1860, by Mr. West, the British Secretary of Legation at Turin, in which he called the attention of Her Majesty's Government to the state of Piedmontese finances. For the special object I have now in view, the rate at which the national debt of Piedmont has grown will be best understood by considering the increase of the total interest in two periods—namely, from the year 1819 to 1848, and from 1848 down to the present period. During the first period the interest on the national debt amounted to 8,400,000*f.*; and in the second period, during which the Piedmontese policy had been at work, the addition made to the interest of the debt was 71,000,000*f.*, and the interest on the national debt at present is 80,000,000*f.* The actual figures are instructive, as showing the rapid increase year by year after 1848:—Before the revolutionary period the amount of interest on perpetual debt, 5 per cent (1819), was 2,416,032*f.* 31*c.*; terminable debt, 5 per cent, 2,867,327*f.* 17*c.*; ditto, ditto (1831), 1,500,000*f.*; State obligations, 4 per cent (1834), 1,620,000*f.* After the revolutionary period, the amount of interest on terminable debt, 5 per cent (1848-51), was 3,044,036*f.* 23*c.*; ditto, ditto, 4 per cent State obligations (1849), 1,194,120*f.*; terminable debt, 5 per cent (1849), 43,430,398*f.*; State obligations, 4 per cent (1850), 1,080,000*f.*; terminable debt, 5 per cent (1851), 5,416,250*f.*; ditto, ditto, 3 per cent (1853), 2,310,386*f.*; interest of debt on Island of Sardinia, 959,347*f.* 59*c.*; interest on British loan (1855), 2,000,000*f.*; interest on other debts, 286,278*f.*; Treasury bonds, 1,000,000*f.*; interest on deposits, 23,000*f.*; life annuities (*debito vitalizio*), 10,157,411*f.* 59c. Mr. West had further stated that in the space of three years the interest payable on the national debt had been nearly doubled; and he added—

> "In a financial point of view, therefore, the policy which actuated the Piedmontese Government in entering into the late war was a desperate policy, as it could only be by the acquisition of lucrative provinces that it could hope to restore the shattered condition of its finances."

May I ask the attention of the House to this important statement? The noble Lord's Secretary of Legation at Turin (a well-informed gentleman and an English official) tells us that the finances of Piedmont are in a "shattered condition." But, more than this, he speaks of the "desperate policy" of the Piedmontese Government. He tells us, as plainly as language can convey it, that the late war was not undertaken, as the noble Lord and as Count Cavour would make us believe, through pure patriotism, but was undertaken as a piece of public robbery to repair, by the acquisition of lucrative provinces, the broken fortunes of Piedmont. On the subject of national burdens, Mr. West in the same Report says—

> "An increase of taxation will be necessary, because money must be found to meet the ever increasing scale of expenditure, and that recourse will eventually be had to an income tax seems probable. The pressure of taxation is chiefly felt by the landed proprietor. The house tax and land tax, which amount to more than one-sixth of the whole revenue, are severely felt, and more especially the latter, as far as Piedmont is concerned, by the small proprietor. The equal distribution of property tends greatly to impoverish the large estates, and although the value of land for purchase may not have decreased, still its division amongst so many proprietors causes a want of capital for agricultural purposes, which increases the burden of taxation. These remarks, however, apply to Piedmont Proper."

Now, as the challenge of Her Majesty's Government was to compare the results of government in Piedmont with those of any other parts of Italy, he would accept that challenge, and draw the attention of the House first to the government of the Grand Duke of Tuscany. Up to the year 1852 the public debt of Tuscany amounted to £2,470,000; but that amount had been accumulating for years. It now amounted to nearly £4,000,000; showing, therefore, an increase of nearly £1,500,000 in two years. But these two years have been years of annexation. Even in that brief period the poison of Piedmontese policy has been able to corrupt the Tuscan finances.

It was not enough, however, merely to show the shattered state of the public finances in Piedmont. According to the return of our own Board of Trade, the computed value of the merchandize imported into the United Kingdom from Sardinia was, in 1855, £247,000; in 1856, £238,000; in 1857, 206,000; in 1858, £135,000; showing a progressive decline. But the reverse was the case with respect to the Two Sicilies. Taking the same return and the same years,—

in 1855 the imports into the United Kingdom, were £1,281,000; in 1856, £1,500,000; in 1857, £1,597,000; and in 1858, £1,700,000; showing a progressive increase. This is the account given, be it remembered, in the returns of the British Board of Trade. What would the late Sir Robert Peel, who so often expatiated on such facts as these in describing the progress of England, what will his great pupil (Mr. Gladstone) say of this evidence? I hope living statesmen will do what I have no doubt Sir Robert Peel would have done; I hope they will frankly acknowledge its conclusiveness and its value. In preparing this evidence as regards Piedmont, our officials complain that they labour under a difficulty, arising from the extraordinary neglect of public statistics by the Government of King Victor Emmanuel. Indeed that Government, in this respect, is one of the most backward in Europe. Members of this House who get their Board of Trade returns every month will appreciate the complaints of our officials in Sardinia. In 1858 Mr. Erskine complained that "every branch of statistics was neglected by the Sardinian Government," and Mr. Brown made the same complaint in 1860. He says—

> "For the information in my Report I am indebted to the kindness of merchants and other persons versed in commercial and industrious affairs, since, with the exception of the little pamphlet published this year under the care of the Chamber of Commerce, Genoa, nothing has been published on the trades and manufactures of this place since 1848."

Turning to that part of Mr. Consul Brown's Report which describes the shipping trade in the most important—in fact, the only important—seaport in Piedmont, I find that the number of British vessels which entered the harbour of Genoa in 1853, were 312; in 1854, 290; in 1855, 260; in 1856, 231; and in 1857, 234; showing a serious decline. Of Sardinian vessels the number appeared to have been, in 1853, 1,484; 1854, 1,424; 1855, 1,446; 1856, 1,283; and 1857, 1,222; also showing a steady decline. A similar declension was shown in the quantity of the cargoes year by year. On this decline in British trade the consul remarks—

> "The arrivals of English vessels have considerably diminished in number, and the tonnage has not increased. The proportion of British sailing vessels arriving from England is smaller compared to the number of ships arriving under foreign flags. I can easily conceive that the Genoese merchants, preferring to encourage the shipping of their own country, would charter Sardinian ships in preference to British; but I regret to say that I am informed by some of them that they find it answer better to take up vessels of some other foreign flags, especially Swedish and Norwegian, rather than employ British ships. The cargoes most generally brought by foreign vessels coming from England are iron, coals, and coke."

Taking the principal articles exported to England or British possessions from Genoa in 1855, the total amount in francs was 6,800,000, but in 1857 it was reduced to 5,500,000. Mr. Gray had also delivered a valuable report regarding the island of Sardinia. It resembled the account given of that island by M. Thouvenel in one of his conversations with Lord Cowley, only that Mr. Gray entered into more detail. M. Thouvenel, it would be recollected, said the French Government could not think of taking the island of Sardinia, because it was "in a state of barbarism which was a disgrace to its Government." Now, Mr. Gray gave statistics, and from those it appeared that the number of vessels from all nations arriving was 803 in 1854, but had fallen to 574 in 1857. Of course, by far the largest trade of the island of Sardinia was with the main land of Piedmont. In 1854 the coasting vessels entering Sardinia numbered 531; in 1857 they had fallen to 331. The tonnage in 1854 was 56,000, but it had fallen in 1857 to 46,000; showing again, therefore, throughout a steady decline. In former times this island carried on an extensive trade with Tunis, Hanover, Turkey, Belgium, and Portugal; but the whole of this trade was now extinct. Our own exports thither of cottons, woollens, silk, hardware, sugar, soap, and paper had fallen off. Mr. Gray showed that the import as well as the manufacture of paper had also declined. Her Majesty's Government had just entered into a convention with Sardinia on the subject of copyright in books. Had they inquired before they did so they would have found the number of books exported from Sardinia had been declining for years, and had now reached its *minimum*. It was also important to notice that the decline in trade was more especially observed to be in those branches which mostly employed native capital in Sardinia. Mr. Gray in the course of his Report made the following remark, and it was one of a most important character:—

> "If the island (Sardinia) were progressing in the way of improvement, and developing its re-

> sources, the effect of these serious blows might be mitigated; but this is not the case. Agriculture, the hope and stay of the island, is perfectly stationary, both in practice and extent; nay, indeed, I fear the latter has even decreased from the want of hands to support it. From 1851 to 1857 there were taken for the conscription 10,622 of the finest youths of the land, and of these 1,200 only are supposed to have returned to their homes, thus leaving the island, with its scanty and sickly population of barely 79 to the geographical square mile, minus 9,400 able bodied men, chiefly composed of those of which the island is so much in need to meet its industrial requirements, and to develop its rich but dormant resources."

The island, therefore, had been robbed of the flower of its youth and able-bodied labour, and agriculture was stationary. The effect of this Piedmontese policy had been almost to destroy the commerce of England in that part of Europe; for the labouring population had been taken away and employed in a predatory warfare, and Count Cavour's financial and fiscal system was so bad that it had completely crippled commerce and trade. Now, I will compare these facts and figures with those relating to other parts of Italy; and here, again, I will refer only to the Reports of British officials. The accounts from our officials in other parts of Italy offered a striking contrast to those of our consuls in Piedmont. With regard to the dominions of the Pope, Mr. (now Lord Lyons) wrote thus in a despatch from Rome, May 29, 1857—

> "Commerce has been advanced, the revenue has increased by a very considerable reduction of import duties. The value of land has risen, and agriculture is flourishing."

Just the reverse of Piedmont. Again, on the same subject, Mr. Lyons wrote—

> "The continued rise in the value of landed property in the Papal States of late years is very remarkable; but still it does not seem to have reached its limit. Agriculture is undoubtedly making considerable progress."

And, again—

> "There is a marked and progressive amelioration in the state of the finances."

He also says—

> "By the edicts of the 1st of June, 1855, and the 7th May, 1856, great reductions were made by the Papal Government in the Customs' tariff, and a great increase in the receipts followed; and that a further reduction had been carried into effect by the edict of the 26th of March, 1857."

As the policy of the Emperor of the French with reference to the States of the Church is at this moment attracting European attention, it is interesting to confirm our own Minister's highly favourable account of the Papal dominions by referring to the official information in the possession of the Imperial Government. In a despatch of the 14th of May, 1856, the French envoy thus addressed the French Minister for Foreign Affairs—

> "In the Papal States new buildings are very numerous, commercial relations are extending, large profits are being realized in agricultural and financial operations, great fortunes are being made, and an appearance of prosperity strikes the eye of the least observant."

Again, returning to British authorities, I find that the last Report (dated 1860) is from M. Gaggiotti, British Consul in the Papal States. He says that

> "The mulberry plantations are increasing throughout the country, and the capital employed in the produce is very extensive."

M. Gaggiotti added that the British manufactured goods, cotton and linen yarns, and iron bars, mainly supplied the wants of the country, with almost no rivalship; and in the same Report he gave statistics which showed that in the five years from 1854 to 1858 inclusive—the period when our trade with Sardinia was declining—the value of British imports increased nearly 100 per cent. The exports from the Papal States to the United Kingdom during the same period increased in a still greater ratio, being nearly 200 per cent more in 1858 than in 1854; and it was stated that the general foreign commerce exhibited, in the total number of tons exported into the States of the Church, an increase of from 80,000 in 1854 to 113,000 in 1858. These are important facts. May I ask the House to bear in mind the sources from whence they are obtained. They are not the result of my own observation; indeed I would not presume to trouble the House with evidence so little worthy of attention in a momentous discussion of this kind. Nor are they facts taken from sources friendly to the Governments of Central and Southern Italy. Nor are they the assertions of anonymous writers. I have obtained these facts in the records of the British Foreign Offices and the British Board of Trade. They have been compiled by British officials residing in Italy, they have been compiled by direction of the British Government; and, in accordance with a Resolution of this House, they have been presented to Parliament by the noble Lord himself (Lord John Russell).

Sir, I am sorry that I cannot leave this part of the subject without making another charge against the Secretary of State for Foreign Affairs. I have to charge the noble Lord with deliberately concealing a very important despatch. In March last I gave notice of an address to the Queen for the Reports of our Consuls in Tuscany, Sardinia, the Papal States, and the other States of Italy. That notice was placed on the books of the House; the noble Lord read it in print, and in a private interview he told me that, though he had no objection to give all the information I required about Tuscany, Sardinia, the Papal dominions, and the other States of Italy, he should like the Motion to be made general, calling for the Reports of all the consuls who had reported since 1858. Of course I acceded to the wish of the noble Lord; I amended my Motion accordingly, and after the rising of Parliament, a blue book containing the Reports was presented to Members. I looked at that blue book with great anxiety, because I expected to find in it an important despatch from Tuscany. I found no such despatch; however, when I went to Italy during the recess I found all the merchants of Leghorn were complaining of the distress which had fallen on them in consequence of the annexation. When the announcement appeared in the Piedmontese papers that the fiscal system of Sardinia was to be applied to Tuscany in place of the enlightened and liberal system of the Grand Duke, they all took alarm. In the despatch which ought to have been presented in accordance with an address voted by the House, but which the noble Lord kept back, important details were given. In particular our consul called the attention of the British Government to the fact that one of the most important branches of British trade consisted of the import into Tuscany of a sort of woollen cloth mixed with silk, which flourished under the enlightened system of the Grand Duke, but which had been destroyed by the Sardinian tariff. It formerly was imported into the Tuscan States at a trifling *ad valorem* duty; but, as the result of the annexation, the Sardinians had put on a specific duty; and the duty charged on the material as silk was far beyond its value. That branch of British trade had, therefore, been extinguished. The peasants relied upon that material for a large portion of their clothing, but they were now entirely deprived of it. These interesting facts, I am sorry to say, have been concealed from the House. The Chamber of Commerce of Leghorn on the 15th of November protested against the Sardinian system, and sent to Count Cavour a very strong remonstrance against his fiscal system. English captains trading to Leghorn complained not only of high duties, but of the greatly increased detention by Customs' functionaries since the annexation. Now they were detained twenty-four hours at Leghorn as a *minimum,* in consequence of the custom-house regulations, instead of, as formerly, being able to transact their business there in half an hour.

But I have also to call the attention of the House to another document which has been concealed from the House by the noble Lord. More than twelve months ago, that is on the 1st of March, 1860, the young King of Naples made some important fiscal reforms in the tariff of the Two Sicilies. The British Government concealed the details of this reform from the public and from Parliament. I am not in the habit of quoting anonymous articles from newspapers in this House, and in doing so now I venture to hope that the House will see I am compelled to do so because the Secretary of State has not given us the information which he was bound to supply. Whilst I was on the Continent I received a copy of the *Newcastle Journal,* in which I read with great surprise the following statement—

> "The article, which we re-publish below from the *Daily News* of Thursday, contains the startling intelligence that, on the 1st and 15th of March and 1st of May last, the King of Naples signed three decrees by which free trade was established throughout his dominions. This intelligence is startling because of the date of these decrees. More than six months ago this was done, and the English people now learn it for the first time. The *Daily News* further states that copies of these most important decrees were duly forwarded by our Minister at Naples to the Foreign Office in London, but that they were not published. A notice only was inserted in the *Gazette* to the effect that important reductions in the Neapolitan tariff had been made. Parliament was sitting, but the subject was never alluded to. At the same time, Mr. Elliot's despatches, containing accusations against the King and Government of Naples respecting the internal affairs of the country, were published in hot haste. These despatches were re-published immediately at Naples and Palermo as incentives to the insurrection then preparing. The *Daily News*, aghast at the suppression of news, so intimately concerning and so important to the English people, by the Government, endeavours to account for their conduct by attributing it to indifference to the interests of trade."

The *Daily News*, hon. Members are aware, is a leading organ of the Liberal party in England, and one of the ablest advocates of the Revolution abroad. The remarks of the *Daily News*—I quote from the journal of the 11th October, 1860—are, therefore, to say the least, not those of an organ inimical to the noble Lord. On these concealed reforms, it says—

> "By virtue of three royal decrees issued successively on the 1st and 16th of March and the 1st of May last, the whole body of import duties in the Two Sicilies was remodelled after the manner of Peel and Gladstone."

And, again, it says—

> "Our Civil Service costs just three times today what it did twenty years ago; yet it is too much trouble to have a copy made of a dozen pages of schedule affecting the commercial interests of hundreds of thousands of people who toil to be able to pay the taxes on which our easy-going administrators live. Here and there throughout the country the keen eye of speculation has looked through its private spyglass, and discovered that on the quays of Palermo and Naples the old customs' barricades had been taken down, and that consequently it would pay to send out an assorted cargo of attractive wares to meet or to create a new demand. Keen-eyed speculation in such case will probably meet its reward. But is this the way in which national trade ought to be carried on? Or is this the use of a special department ironically said to be devoted to the care of popular industry?"

The *Daily News* says that the noble Lord (Lord John Russell) concealed all this important information because he was indifferent to the interests of trade. I take a different view of the noble Lord's policy in this business. Indifference to the interests of truth, when such indifference suits his purposes, is a more likely explanation of what he omitted to do in this case; as I think it is the explanation, also, of what he actually did before Europe in other cases.

Sir, I think I have now shown the House that, as far as regards those tests of prosperity to which the late Sir Robert Peel and his great pupil were in the habit of appealing, Sardinia stands lowest in the scale; while Tuscany, Naples, and the Papal States are, on the contrary, in a most satisfactory condition. To take a more selfish view, Piedmontese policy has most seriously enfeebled British trade; and, as far as the island of Sardinia is concerned, it has destroyed that existing with Belgium, Hanover, and other countries.

This brings me to the question of the noble Lord's intervention in support of Piedmontese policy. The noble Lord contended that he had left the Italians to settle their own affairs, and that his policy towards Italy had been one of strict neutrality. But in a despatch, dated 22nd of May, he went out of his way to extract two definite promises from Sardinia; first, that she would not attack Venetia, and next, that she would refrain from attacking the Kingdom of the Two Sicilies. In this I hold that the noble Lord has—instead of leaving the Italians to settle their own affairs—been guilty of two acts of direct intervention, and, as I hope to be able to show the House, most treacherous intervention. Count Cavour declared that the Government of the King would abstain from any act of aggression towards Austria as long as that country loyally acted in the same spirit; and he made a like declaration, with a like reservation, respecting the Kingdom of Naples. But Count Cavour contemplated the possibility of the very attack which afterwards took place, for he declared that Piedmont, like the British Government, was unable to repress "manifestations of sympathy" with the people of Sicily. The King of Sardinia afterwards broke his promise and interfered in the affairs of the kingdom of Naples. I will not now utter any condemnation of my own, but point to the despatches of the noble Lord, in which it was laid down that Victor Emmanuel—

> "Having given his Royal word to maintain peace and friendship, was not at liberty to set his obligations at defiance, and to make a wanton aggression on a neighbouring Sovereign."

When the King of Sardinia violated his word and invaded the States of the Two Sicilies the King of Naples was strongly intrenched on the Volturno; and it has been truly stated by all the correspondents that but for the arrival of the Sardinian troops King Francis would have stopped the progress of Garibaldi, and put an end to the invasion. Now let the House remember that in the same despatch in which he gives the promise that Sardinia would not invade the Two Sicilies, Count Cavour actually contemplated the case of a Garibaldian attack on Naples. The promise was made with a full knowledge of what was going to occur; but, as I am now anxious to keep the attention of the House on the one point of deliberate breach of faith by King Victor Emmanuel, I note Count Cavour's anticipation of the future merely to prove that no attack or proceedings of what he called the "Italian populations" altered the case as regards the promise extracted by England, and given solemnly by Sardinia. That pledge was communicated by the noble Lord to the King of Naples. That young Sovereign relied, of course, on it; for though the character of Count Cavour and his Royal Master would not command much faith, the guarantee given by the fact that it was a pledge obtained by the British Government, and communicated from one party to the other by the Secretary of State, was sufficient to induce the King of Naples to believe that the pledge would not be broken. Well, what took place? Victor Emmanuel broke his word. Before all Europe he committed an act of the blackest treachery, and he openly violated, not, indeed, for the first time, a deliberate engagement. From one end of Christendom to the other the infamy of his conduct was denounced. Statesmen of all religions and of all countries condemned him. England alone came to the defence of the Royal pirate. The noble Lord defended the conduct of Victor Emmanuel.

I pass by the defence of piracy and plunder; that is trifling compared with the noble Lord's defence of deliberate falsehood. And what is the excuse given by the noble Lord? He says the Neapolitans were up in arms against their Sovereign. I deny it. But even if they were, what has that to say to the solemn obligations incurred and violated by Sardinia? Now I can give the noble Lord a little piece of testimony on the question that he thinks so important—the number of Neapolitans in arms against the King. Are hon. Members aware of the extent of the assistance which Garibaldi received from the Neapolitans themselves? Writing from Naples on the 10th of December, *The Times* correspondent stated "I am assured, on undoubted authority, that the number of Neapolitans who had enrolled themselves under Garibaldi was less than 100." The writer could not be suspected of sympathy with the King, for he had done much to promote the success of the revolution. "There were many applications for commissions," he says, "but the common soldiers were under 100." *The Times* itself, in a leader published a few days after the letter of the correspondent on December 14, 1860, stated that "the revolution was made for the Neapolitans rather than by them." This was also proved by the fact that Garibaldi telegraphed to Victor Emmanuel for 14,000 men. There are Members of this House who were present at the battle, and who can tell us that it was decided by the Piedmontese who came up in the middle of the day. Among the foreigners who fought for Garibaldi there were some whose interference the House would, I am sure, regret. Garibaldi could boast of having captured two cannons. But were they captured by the 90 or 100 Neapolitans who were fighting against their King? Through the courtesy of the Admiralty I am in possession of a document which stated who did capture them. Having addressed a letter on the subject to the Admiralty, I received a reply, in which I was informed that, in consequence of certain statements which had appeared in the public papers the department had written to Commander Forbes, of the *Renown*, for a report. In that Report the commander stated that the cannon were, in the first instance, captured by English Garibaldians; that, subsequently, when they were about 200 yards from Santa Maria a necessity arose for assistance, and that the English sailors having been called on they gave it, and dragged the cannon into that place. Thus, it seems, the only cannon taken from the King were taken by foreigners. I earnestly ask the attention of the House to the proclamation issued by the Sardinian general, Cialdini, after his entry into the Neapolitan dominions. In that famous document he said, "Publish the fact that I shoot all peasants that I find in arms, and that I give quarter to troops only." This announcement had a peculiar significance when taken in connection with the fact that the King of Naples had formed volunteer corps among his people, and that while less than 100 had joined Garibaldi, thousands had been found ready to fight for King Francis. Our Minister at Naples condemned the cruel proclamation of the Sardinian general. He said it was "barbarous;" but very different was the language of the Foreign Minister at home. In his extraordinary despatch of the 27th of October the noble Lord asked, "Did the people of Naples and the Roman States take up arms for good reasons?" My answer to that is, that they did not take up arms against their Sovereigns at all. Arms were taken up against them by the foreigners who invaded their dominions. Again, when the noble Lord asks, "Did the people take up arms for good reasons?" I refer him, for an answer, to those sanguinary orders of the day issued by the Sardinian generals, in which they said that any of the people found with arms in their hands would be shot without quarter. The Sardinian generals evidently thought, with the noble Lord, that the people did take up arms; but the Sardinian generals also differed from the noble Lord, for they shot the people who presumed to do what the noble Lord thinks so praiseworthy. In fact, speaking generally, none but foreigners took up arms against the King of the Two Sicilies. The noble Lord went on to say that the Italian revolution "had been conducted with singular temper and forbearance." The "temper and forbearance" exhibited was evidenced by the proclamation to which I have just alluded; by the atrocities committed on the subjects of the King of Naples; and by the breach of faith and international law of which Victor Emmanuel had been guilty in invading the territories of a Sovereign with whom he was diplomatically at peace. I received a letter from an English gentleman residing in Italy in which he stated that thirty-six villages had been totally burnt in the Abruzzi; many hundreds of men in one day were shot summarily as rebels; and an anormous amount of public and private property was destroyed. The writer further said that he had seen hundreds of both sexes dragged out of monasteries and convents and forced to fly from before the troops of the King of Piedmont. In the journal edited by Alexandre Dumas, a Piedmontese officer writing of his exploits said:—

> "A brigand fell into my hands by chance, but instead of having him shot I tied a cord round his head, and, by the aid of a piece of wood, I squeezed his temples until the brain protruded from his head."

Let us not forget that this is told by a Piedmontese officer, and told in the journal of A. Dumas. This is not an authority friendly to the cause of the King of Naples. The *Nomade,* a revolutionary journal in Italy, mentioned the act of a certain village having been sacked by order of the general, and that the mayor, a priest, and two other individuals who alone had remained in it were shot, because, as the writer observed, "everybody without exception in this country are brigands." I find in another Italian journal the following statement:—

> "Flying columns organized were charged to burn without distinction all the towns of the brigands, to force them into one point, and then to exterminate them as Napoleon I. once did under similar circumstances."

Mr. Hennessy

Now, here I beg to remind the House that when Napoleon I., in 1808, sought to combine the powers of Europe against England, Pope Pius VII. positively refused to enter a war, especially one against the British Government, from whom, he said, he had never received the slightest offence. The consequence was that Napoleon confiscated his States and declared Italy to be united. In six years afterwards, when the policy of Pitt and the sword of the Duke of Wellington had annihilated the Bonaparte *regimé,* the population of the Peninsula repudiated united Italy, and, with rejoicings, declared their heartfelt allegiance to the legitimate sovereigns. Sir, it was stated by way of excuse by our Government that one of the Piedmontese generals was dismissed from his command on account of the proclamation which he issued. The proclamation to which I refer was issued by General Pinelli on behalf of the King of Sardinia, before the 27th of November, for we had an account of it in this country at that date. It declared that every person found with arms of any description would be shot, and it went on to say that "the same penalty would be immediately applied to those who, by words or acts, shall insult the arms of Savoy." The arms of Savoy! What had the peasants of South Italy to do with the arms of Savoy—with the arms of a French province sold by Pinelli's master to the Emperor? Any one could understand how the peasants would not know the meaning of the words "insulting the arms of Savoy." Well, that proclamation was issued before the 27th of November. When was Pinelli dismissed? Not until the second or third week in February—nearly three months after the issuing of the proclamation. And what was he doing in the meantime? Why, in one village of the kingdom of the Two Sicilies he shot, within a fortnight, 123 persons. That was in the first fortnight after the issuing of the proclamation. As to what he did subsequently at Teramo I am unable to tell the House. In another village he took seventeen prisoners and shot them on the steps of the church. The scene was described in a letter by a friend, in which he said—

> "The poor women were like crazy while the executions were going on. Some cast themselves at the feet of the soldiers imploring mercy; others ran shrieking out, tearing their hair; while others fell apparently lifeless, utterly overcome by the frightful scene."
>
> "When Pietro Bordoni was placed in position

Rosina Manera broke through the ranks and folded herself round him as a guard, but she was torn away after much struggling, and with such violence that one of her wrists is irremediably injured. At Barete the people were at first quiet, contented themselves with pinning on the white cockade, and crying from their houses "Viva Francesco II!" but when the Piedmontese proceeded to take down the Neapolitan arms they lost their self-command, and in the most imprudent manner they rushed in threes and fours on the troops, and, of course, immediately lost their lives. The remainder fled, and then the place was sacked, the wine butts set flowing, and every sort of destruction ensued."

"Their next assault was on Cugnano—here a terrific scene took place: for Carlo Daniele aroused the people in a fiery harangue, and had time to organize a firmer resistance. He, with the principal males, took possession of the inn; from its front windows they fired on the Piedmontese, who returned the fire with equal vigour. The inn had another entrance at the rear in a back lane by means of which the other inhabitants supplied Daniele and his little band of heroes with powder, ball, missiles, and fresh men to take the place of those at the front windows who fell under the shot of the invaders. At length the Piedmontese discovered the entrance at the rear, forced it, and took prisoners those within, though not until the battle had been carried on from room to room and stair to stair. The house streamed with blood from the roof to the cellars, and is completely riddled with balls, as I myself saw two days ago; and I do not believe any process will ever clear it of the blood-stains which everywhere mark it in the interior. At other places the same fearful slaughters were committed. In one place the village priest heard that several of his people were to be shot, and, against the wishes of his brother and sister-in-law, went to plead for them to the Piedmontese officer."

"He fervently entreated him to have mercy on the unfortunate men. He begged him to remember that they were ignorant people, who had never before heard of Piedmont; who only knew and loved Francis II., who, seeing his arms effaced, believed they were bound in duty to avenge the insult. The colonel did not even answer him, but had him taken prisoner, and ordered that he should be shot with the others, which was done in the next hour."

I have called attention to these atrocities and proclamations because the noble Lord must have been acquainted with them at the time that he wrote his despatch, in which he spoke of the singular forbearance and temper which had been displayed by the Piedmontese.

The next point noticed in the despatches to which I am anxious to solicit the attention of the House is the nature of the elections; and, without travelling over the same ground that had been traversed so well in "another place," by the highest authority in England on Italian affairs—I mean Lord Normanby—I feel bound to mention a few facts, in order that hon. Members may be in possession of the real state of the case concerning those elections. Southern Italy is a very populous place; I hold in my hand a return from an official journal of the numbers who voted in the elections in Naples. Elections are matters in which men generally took an interest, and I may incidentally remark that 6,400 electors of the county of Cork voted the other day for a Conservative candidate who was returned mainly upon the ground of disapproval of the noble Lord's foreign policy. This was the largest number that ever voted at an election in Ireland. It was clear that the people of Cork took a different view of the policy of the noble Lord from that held by some Reformers in this House. But in South Italy, Liborio Romano, Minister of the Interior, was a candidate; and 119 persons voted for him; and he was at the head of the poll. And how many voted for Castellano in South Italy? Why, twenty-nine. And for Rossi? Sixty. And other members of the Sardinian Parliament were elected by a smaller number of votes. Universal suffrage had been much talked of. But what was to be said of the universal suffrage where 119 persons elected a minister in a population of 990,000? In Parma, Tuscany, Modena, and the Papal States the same results of annexation characterises the elections. How many voted at Piacenza? The poll-book contained only 1,213 names out of a numerous population. These were all that were allowed to vote. Well, a contest took place; and how many voted? Why, sixty-eight. The loyal inhabitants of Italy took no part in the elections. They have acted wisely. They looked for better days; and I am sanguine enough to think they are not far distant. Then at Milan 239 voters returned a member to Parliament. At Florence, 144—Florence, once so gay and flourishing, is now a deserted town, and one of the most miserable places in Italy. Signor Saffi, a professor of Italian at Oxford, went to Italy, and stood for a town in Naples. There were only 162 votes in Ruoti, and he obtained 154 of them. One would fancy he ought to be elected, but he was not in the Piedmontese Parliament. And how did this occur? Signor Saffi was a Republican and a friend of Garibaldi; and Count Cavour resolved that he should not sit. A scrutiny was consequently demanded, and the scrutineer, one of the new Piedmontese officials, struck off 121 of his votes. The result was that the Republican was not admitted to his seat in Parliament. This would give the House a notion of the value to be attached to the elections so often referred to by the noble Lord. The figures I give from the Piedmontese elections in Tuscany and Parma are taken from the official returns, *Atti Uff. della Camera dei Deputati, tornata del* 4 *Ottobre*, 1860, No. 139, p. 541.

The same noble Lord once threw out a taunt against the King of Naples for not having defended his kingdom—

Lord JOHN RUSSELL: No, never.

Mr. HENNESSY: I am glad to hear the noble Lord say "No." But at any rate members of the Government had said so; Members of his (Lord John Russell's) side of the House had said so, and the public press associated with his views had said so. Now, why did not the young King attempt to reconquer Sicily? Why did he not defend Naples? I will tell the House. It has been asked why did he (the King) not go across to the island of Sicily when Garibaldi had possession of it; and he has been called a poltroon for not going. "Why not show some pluck and spirit? Why did he not retake the island from Garibaldi?" The noble Lord knew why. In one of his (Lord John Russell's) despatches to Sir James Hudson the noble Lord said—

> "The proposal made by the Government of Sardinia that no attempt shall be made by the King of Naples to reconquer Sicily seems to her Majesty's Government to be necessary."

And in a subsequent despatch the noble Lord went on to say that—

> "Her Majesty's Government would have great satisfaction in finding that the special mission (from Naples) had been able to come to an agreement with Sardinia, and that no attempt should be made by the King of Naples to recover possession of Sicily without the consent of Great Britain."

The consent of Great Britain! Was Great Britain a part of Italy? Was this leaving the Italians to settle their own affairs? What had Great Britain to do with the question whether the young King should be allowed to fight for his kingdom, or whether he should be forced into an "agreement" not to do so? Was not this interfering? Why should England make such a stipulation on one side or the other? This was evidently one reason why the young King did not regain Sicily. There was no such information as to why the King did not defend Naples, because we have no despatches from the noble Lord on that subject. We have, however, the words of the noble Lord in this House. The question was whether the young King should defend Naples or not? At the council board, sitting beside him, was Liborio Romano, a man who was then, as now, in the pay of Sardinia, and who is one of the greatest traitors in Europe. The British fleet, the largest that ever entered the Bay of Naples, was at Naples; and the question arose whether the King should defend his capital or not. At his council board, sitting next the King, on the day when that question was discussed, was Liborio Romano. That man, who, I repeat, is one of the greatest traitors in Europe, was enabled by the conduct of the noble Lord to make fatal use of his treachery. It was the King's opinion that by going outside the town a short distance with his army he might fight with advantage. There were five general officers present. Four of them agreed with Liborio Romano in recommending the King to retire on the river, and not defend the walls of Naples; one alone—General Bosco—who remained faithful, concurred with his Majesty in thinking that it would be well to fight at once. How did Liborio Romano strengthen the advice he gave? By pointing to the despatches received from the noble Lord. The noble Lord at that crisis wrote "strongly remonstrating" against the repetition at Naples of what occurred at Palermo. The noble Lord had told the House on the 5th July, 1860, that he and the Cabinet actually considered the question how far the British fleet in the Bay of Naples might act with advantage against the King of Naples in case he did more than merely attack the mob in insurrection. But the noble Lord said they had found it impossible to send out to the Admiral such precise instructions as would be necessary to enable him to act. Was this "leaving the Italians to settle their own affairs?" Was this "strict neutrality?" Could any Member of the House deny, however prejudiced he might be, that this was an interference in Italian affairs on the part of the noble Lord? To prevent the young King from endeavouring to regain Sicily was unpardonable interference by the British Government. To remonstrate with him, or, as the Secretary of State said, to "strongly remonstrate" with the King about the defence of Naples was interference equally unpardonable.

But the most active interference of all, that which stamped the proceedings of the noble Lord with the guilt of highly treacherous intervention in Italian affairs, was his conduct when the Sardinian army invaded the Papal States and the Neapolitan dominions. All the Powers of Europe protested against the King of Sardinia's forgetting his honour when he broke the pledge which he had given to England and to Europe not to attack the young King provided he made no attempt to recover Sicily; but the noble Lord alone came forward to defend that celebrated falsehood. Having extracted a solemn promise from Sardinia the noble Lord was the only statesman who defended its flagrant violation. That was an interference in Italian affairs, and an interference honourable neither to England nor to English statesmen.

Against the army of General Lamoriciere—to which the noble Lord had referred not in the most complimentary terms—the Piedmontese fought, and the Piedmontese alone. Not a single subject of the Pope took up arms except in support of the tiara. Not a single Roman was in arms against Lamoriciere. The noble Lord had spoken of foreign mercenaries, who, he seemed to think, ought never to be employed. But, in 1854, in moving the second reading of his Bill for allowing foreign mercenaries to be employed in the Queen's service, the noble Lord said this country had never achieved distinction without employing foreign mercenaries. He is fond of historical illustration, and he said:—

> "Did the Duke of Marlborough rely upon the English alone as the forces which should be brought into the field? I have here an exact account of the component parts of the 40,000 men contributed by this country. I find that the numbers of the English was 18,328, and of foreigners in the English pay 21,672. Was there, then, any of these feelings that foreigners were not to be employed? No such ideas never entered the minds of the great men who sway the destinies of England."

But the Secretary of State is not the only British authority in favour of the policy of Monsignor de Merode. The noble Viscount, too, who was then entering into an alliance with the Evangelical party, said the employment of foreign mercenaries was "a consecrated system." He added that every country in the world had employed them, and that England ought to follow their example, and especially because she did not use the power of conscription. But there was another power in Europe that did not employ the conscription, and that was the Government of the Pope. On the 27th of March, 1856, the Sardinian Plenipotentiary, at the Congress of Paris, addressed a memorandum to Lord Clarendon, recommending that certain provinces should be taken from the Pope, and that the Pope should maintain an army of 8,000 men, composed one-half of natives and one-half of foreign troops, who would be sufficient to keep order at Rome without the presence of French troops. Mr. Lyons, who was acting practically as our Minister at Rome, recommended Cardinal Antonelli to have an army such as had been recommended by Count Cavour, and, writing home on the 24th of May, 1856, he said that,

> "With an adequate body of foreign soldiers in its own service, the Papal Government might dispense with the troops of France and Austria."

Why should Mr. Lyons recommend Cardinal Antonelli to have an army of foreign mercenaries? Did not this advice, and the admonitions that accompanied it, amount to interference? But above all, when the British Minister held such language, was it fair, was it honourable, or honest, that the British Government should be the first and only Government to defend the Piedmontese invasion on the ground that the Pope employed foreign troops? Count Cavour, however, in September, 1860, writes to Cardinal Antonelli, pointing out that the Pope was employing an army of foreign mercenaries, and that they ought to be disbanded. General Cialdini, in leading his troops against General Lamoriciere, issued an order of the day, in which he told them he was leading them against a band of foreign adventurers who were animated by a thirst for gold, and a desire for pillage, and he called upon his soldiers to attack and disperse them "without mercy." Was that singular temper and forbearance? The Piedmontese general carried fire and sword through the Papal States because the Pope chose to employ some foreign troops, and yet it was the Minister of Piedmont who suggested that the Pope should form an army of 8,000 men, half natives and half foreigners. And that policy of employing foreign troops was approved of by the Minister of England. And the subsequent outrage on international law and on this policy is now approved of by the British Government. General Lamoriciere's army was attacked without a declaration of war, and, being greatly outnumbered, was defeated. Early in May, the noble Lord had instructed Mr. Odo Russell to ask Cardinal Antonelli whether he would give a pledge to act on the defensive. Cardinal Antonelli gave that pledge, but what was the conduct of the noble Lord when that pledge was violated? On the 21st of September, the noble Lord (Lord John Russell), writing to Mr. Fane, said:—

> "I did not enter (with Count Wimpfen) into the original justice of the claim set up by Victor Emmanuel to be the chief and the champion of Italy. But, having undertaken that task, I thought he was forced by necessity not to allow the fragments of the Italian Kingdom to be scrambled for by the followers of Garibaldi and the foreign mercenaries of the Pope. It was the business of the King to command and regulate the movement, to put down anarchy by force, and to substitute orderly Government for the oppression which crushed and the insurrection which convulsed the Italian provinces."

Sir, I shall not condescend to discuss with the noble Lord the expediency of abolishing the temporal power of the Pope. I will only tell Her Majesty's Government that when the British Minister denounced the temporal power of the Sovereign Pontiff he insulted millions of the Queen's subjects, and he did so most wantonly. What cause of quarrel had he with the Pope? Why should he allow his party spirit and the traditions of Whig policy so far to guide his public conduct as to involve him in a course of vindictive enmity against a peaceful Sovereign for whom many millions of British subjects entertain feelings of deep respect, and, in his spiritual capacity, of strong attachment and devotion? Does the noble Lord think he will thus increase the loyalty of the Irish Catholics, or the loyalty of the Catholics of Canada, of the West Indies, and of Australia? I will not characterize, in the only language fit to describe it, the proposition of the noble Lord, that the Pope should place himself at the disposal and under the protection of the King of Sardinia. I will only say of that, and of the other proceedings of the Secretary of State against the interests and dignity of the Pope, that they all constitute acts of unjustifiable interference in Italian affairs.

But of all these despatches now before us I know none which the public, if they are still animated by a spirit of fair play, will peruse with greater pain than that which was addressed by the noble Lord to the Court of France, with a view to promote the bombardment of Gaeta. The noble Lord alone of European statesmen had not protested against the bombardment of Ancona. His animosity against the Pope, no doubt accounts for that. Ancona was bombarded by foreigners without a declaration of war. In that bombardment more women and children were killed in the town than sailors and soldiers on board Admiral Persano's fleet. The British Government looked on in silence. Capua was subsequently bombarded by the Piedmontese, and again the British Government remained silent. Let the House remember the energetic remonstrances of the noble Lord against bombardments at Palermo and Naples. Well, the bombardment of Gaeta from the land side began, and the bombardment by the Sardinian fleet was threatened. What did the British Government do? In pursuance of that policy of "systematic hostility" to the King of the Two Sicilies, which General Casella has lately charged (with undoubted truth) upon the noble Lord, the whole influence of Her Majesty's Foreign Office was brought to bear against the King. The noble Lord encouraged and enforced the bombardment of Gaeta. And who were those upon whose heads a Minister of England thus persisted in showering the shells and shot of the Sardinian fleet? In Gaeta was a young King gallantly defending his throne against foreigners; and sharing with her husband all the dangers of the siege was that royal lady—the princess of modern chivalry—she whose conjugal devotion, inflexible courage, and dignified endurance under the greatest of calamaties have made her—more than Queen of the two Sicilies—the example and the sovereign of her sex. The hostility of the British Government to these young monarchs seemed to increase with the growth of their misfortunes. In a despatch of the 13th of December, the noble Lord said "The King of Naples is free to retire, why does he not do so?" I will tell the noble Lord why he did not retire; it is because the King of Naples is a brave man, who had a great duty to discharge; and who imperilled his life fighting, as I shall ever maintain, for the independence of his people. That independence is now, for a time, lost. The people of South Italy are under the martial law of foreigners. I, who wish to see the Italians free, protest against the active interference of Her Majesty's Government, because it is an interference which has been as detrimental to the people as it has been to the Sovereigns of Italy.

Sir, I have shown the House what has been the policy of the noble Lord. Is there an honest man in this country who will now believe the assertion of the Secretary of State that his policy is a policy of neutrality? I have shown you that he interfered to promote Piedmontese influence; that such interference has been alike injurious to Italian and to English interests; that he has compromised the independence of the Italian people; that he has contributed to destroy British trade and commerce. Has he destroyed nothing else? Where now is the great settlement of five-and-forty years ago? Where is that magna charta of European order that the sword of my illustrious countryman, and the best blood and treasure of this nation secured? The predatory army of Piedmont has torn the Treaty of Vienna to pieces. Where are now the alliances in whose stability the safety of the country, as we have always been taught, was so closely involved? Where are the great Conservative principles of Continental policy which were developed by the genius of Mr. Pitt, and enforced by the Duke of Wellington? Where are the once firm links of international law which bound the Sovereignty of England to the States of Europe? There was a time—not many years ago—when your alliances abroad would in an hour of national danger contribute to your safety. If, a few years ago, 80,000 Frenchmen were landed on your coast the bayonets of Austria and Russia would glitter on the Rhine, and a French occupation of London would involve an allied occupation of Paris. It is very different now. With your change of policy you have changed your allies. And yet, your fortifications, the augmentation of your fleet, and the hasty drilling of your Volunteers prove that the new alliance which you substituted for the others is not to live. In pursuing the phantom of Italian unity you have thus endangered your peace, your prosperity, and your national glory. Trade, treaties, and alliances have fallen away: more than all this, your policy has destroyed the confidence of European statesmen in the honesty of the Foreign Office. By your repeated defence of falsehood, and your treacherous conduct to the Sovereign Pontiff, and the young King of Naples, you have degraded British diplomacy and deeply stained the honour of England.

MR. LAYARD said, he trusted the House would excuse him if he trespassed on its attention for a short period, of her had special reasons for speaking on this subject. He had long taken a deep interest in it, and he believed he knew something about it—more, perhaps, than the hon. Gentleman who had just spoken, though he would not detain the House at the same length. He thought the hon. Gentleman had omitted a very important element from his speech. The hon. Member had omitted all mention of the Italians and their feelings. As to his statements with regard to the state of trade in Italy he had said that to which he thought he should be able to give a sufficient answer. Another reason that he had for addressing the House was that the subject was an important one, and ought to be debated in that House. In Italy the deepest interest attached to what passed in that House. The people read every word that was spoken, their papers reported every speech that was made there—they looked to that House for counsel, for encouragement, and support. He did not think that the question ought to have been brought on in this form. On Friday he came down to the House prepared to move a definite Resolution, declaring that the policy which had been pursued by Her Majesty's Government was in accordance with the opinion of the large mass of the English people, and was worthy of the honour, the interest, and the dignity of this country. He reflected, however, that it might have been considered a party question, and he was most desirous that this subject should not be degraded to a party question. Although he knew from the cheering which he had heard that the general opinion of Gentlemen opposite was unfavourable to Italy, he was perfectly well aware that there were Gentlemen on that side of the House who had large sympathies and who did feel for that country. He would not say that those Gentlemen would have voted against their consciences, but he should not have liked to place them in the position of having to vote upon what might have been considered a party question against those with whom they generally acted. Upon these grounds he refrained from proposing his Motion. He hoped that in any remarks which he might make, and which might appear condemnatory of the Papal Government, he should not be understood to mean anything disrespectful to the Pope himself. He believed the Pope to be a well-meaning, humane, benevolent man, and that no one could better represent the Catholic Church as its spiritual head than he did. He said this because an impression existed in France, and elsewhere, that the policy of this country was very much guided by a feeling against the Pope as the head of the Roman Catholic Church. That he did not believe. Other feelings guided the policy of this country. We had always wished to see the Pope independent; the question was, how he was to be independent? Nor was he (Mr. Layard) without claims to be considered a tolerant man. When he sat in that House before he had always voted, and he would in the future vote, in favour of all proper concessions to Roman Catholics. He considered this question upon the much broader ground of the advisability of separating the temporal from the spiritual power of the Pope. He was frequently astonished at the line of argument pursued by hon. Gentlemen opposite who persist in connecting the temporal with the religious question. Was there, he asked, a single man in Italy, eminent in literature, in art, in science, or in politics, who was at this moment in favour of combining the temporal and spiritual power of the Pope? They could not find one. [Mr. HENNESSY: Secchi, the greatest astronomer of the day.] Secchi was a Jesuit, and was bound, therefore, to support the Papacy. But to him he would oppose the Marquis D'Azeglio, not the celebrated novelist, but the well-known member of the Sardinian Senate who had supported the policy of what was called the religious party in Piedmont against that of Count Cavour, but who was well known to have declared against the union of the spiritual and temporal power of the Pope. What was the inference from this? Either these men, being good Roman Catholics, desired to separate the temporal and spiritual authority of the Pope, or they had ceased to be Roman Catholics. He believed that the former was the case. He asked hon. Gentlemen opposite, particularly the hon. Gentleman who had just spoken, from whom they derived their information? [Mr. HENNESSY: From the Government.] He did not get his information from the Government; he got it from Italy. He did not know whether the hon. Member spoke Italian, or from whom he got his information at Rome. Was it from the Monsignori, or the cardinals, who received him and showed him civility, or did he go to the hard-working middle classes of Rome —men who thought that they had something better to do than to support the beggars who swarmed around them and an effete ecclesiastical system—who had some regard for the honour and dignity of the country, and who wished to see its interests enlarge and its prosperity increase? In a very important protest addressed to the French Government by the leading men of the Liberal party in Rome they ask, with great force, this question—"Do the interests of Europe require that we should be considered as slaves bound to the soil and born to support the rule of the Pope which many declare to be necessary, but which no one would wish to see in his own country?" Would the hon. Gentleman like to see the Government of the Pope in his country? Had he been into the provinces, and into the small towns, or had he only been at Rome? Had he mixed with the people, or was it only from the nobility and the Monsignori that he had received his information? He was astonished at the ignorance displayed by hon. Gentlemen. He (Mr. Layard) was at Rome when the hon. Member for Dungarvan (Mr. Maguire) was there, and he saw how he obtained his information. He saw him led away in the morning by, he supposed he must call him, an illustrious Prelate, taken from institution to institution, and brought home at night; and then the hon. Gentleman who had seen no other part of the Roman States, and who could not speak a word of Italian, came home to England and wrote a book which was an authority upon the subject! In that book he praised the immense number of charitable institutions in Rome, the great patronage of what he was pleased to call education, the great hospitals, and the monastic institutions. Why, these were the curses of the country. The population of Rome had been divided into two equal parts, one of which lived upon the other. The hon. Gentleman visited the great political prison of San Michael, and he could hardly find words to describe the beauty of the place. He had described how the sunbeams fell into the courtyards, dwelt upon the beautiful looking-glasses with which the prisoners were provided, and said that he even felt some delicacy in intruding upon people who seemed so happy. He had told how in the courtyards there were little tables at which gentlemen were playing at dominoes, and it really only wanted some ladies in a particular costume to make a complete scene for Her Majesty's Theatre. But he could have shown the hon. Gentleman as a reverse to this picture, one of the most ingenious artists in Rome who was now again in exile because he had designed the hilt of a sword to be presented to the Emperor Napoleon, the defender of the Pope! who was confined for three years in a cell in this very prison in which he could hardly turn, and who every hour of the night or day was called upon to answer to his name until his intellect gave way, and he was confined in a madhouse. He referred to Signor Castellani. He could have taken the hon. Gentleman to places near Rome where he would have seen men who had been in prisons of the most revolting description for years and years without trial, and without accusation. The hon. Gentleman said nothing in his book about the Inquisition—for the Inquisition still existed. It was true that the ingenious tortures of former times did not exist; but, considering the period at which we had arrived, the Inquisition was nearly as bad as ever. In travelling in the Marches and other parts of the Roman States he saw the edicts of the Inquisition stuck up in all directions. These were edicts against blasphemy, which was defined to be reading any book which was prohibited by the Sacred Office, or knowing anybody—even their nearest relations—who had read such a book and not denouncing him. One of these edicts, which he got at Ancona, and which was signed by the Inquisitor General, after denouncing a penalty of imprisonment against sorcerers and dealers in magic art, concluded by prohibiting all intercourse, such as eating, sleeping, dancing and going to market together, &c., between Jews and Christians, and denounced against offenders the penalties mentioned in the Bull of Pope Clement VIII., entitled *Cœca et Obdurata*. While he was in the Roman States he read M. About's book, and he would venture to say, and would stake his reputation upon the assertion that, although its style and language were a little exaggerated, there was in it scarcely a statement which was not true in fact. A great deal had been said about the paternal Government of the Pope. Nothing on the face of the earth could be more mischievous, more calculated to oppress and degrade a people than this paternal Government so highly extolled in certain quarters. The paternal Government in the Roman States consisted of an inquisitorial interference in the affairs of families. It betrayed itself in one place in the arrest of five young men who had obtained from the local authorities permission to bury one of their own kindred—a permission which was not ratified from Rome. That fact was stated by Mr. Odo Russell whom no one could accuse of partiality, for no diplomatic officer could have conducted himself with more prudence and uprightness than Mr. Russell had done in Rome. The result was that he had conciliated every party, and was equally trusted by the Liberals and the supporters of the Papal Government. At Ferrara, some years ago, the Papal authorities stopped the cultivation of flax—the staple of the province—because they thought that women engaged in one of the processes showed rather more of their extremities than was consistent with the ecclesiastical idea of propriety—the only excuse to be urged for the Pope was the fact that since 1849 the Pope had not governed a single acre of his own States; occupation by foreign armies had neutralized his temporal authority. There had been a French occupation of Rome, and an Austrian occupation of the Legations, while the rest of the Papal territories had been given over to the tender mercies of Swiss mercenaries. At Bologna there had been a combination—the most horrible that could be conceived—a combination of the stupid brutality of the Austrian soldier with the cunning cruelty of that of priests; and what was the result? During eight years of Austrian occupation no fewer than 186 persons had been put to death, of whom some were under the age of eighteen. It might be said that the Pope was not responsible for these things; but the fact was not so. Amid all these bloody executions it might fairly be expected that the Pope or his Government would have interfered on the side of mercy. The Pope did interfere once, but for what object? Was it to put a stop to these cruel practices? No. He interfered to give a dispensation to the Austrians to shoot a boy who was under the legal age at which the punishment of death could be inflicted. The subjects of the Pope in the Legations were taken before an Austrian court martial, both in criminal and civil causes; the trials were conducted in German, which was to them an unknown tongue, and the appeal was not to the Pope, but to an Austrian general at Verona and Mantua. He had himself seen a curious document taken from the archives of Bologna. It was a letter from Marshal Radetzki to the Papal Legate, in which the Austrian general replied to a proposition previously made to him by his correspondent. What that proposition was did not clearly appear; but Radetzky said, "If I were to adopt your advice with respect to the treatment of political offenders I should dishonour myself and disgrace my country." The people liked the temporal power of the Pope no more than the tyranny of the Austrians. Such was the state of things in Bologna that the last Papal Legate there wrote to his Government that there was not in the whole of the Legations a single man, woman, or child—with the exception, perhaps, of a few old men and women—who was well disposed to the Papal Government. Consequently, when the Austrian troops left Bologna they were accompanied by the Papal Legate, who found it impossible to remain behind, and the whole of the Legations passed at once into the hands of the people, who, considering what had occurred, behaved themselves with marvellous moderation. The case of Perugia was equally, if not more discreditable to the Papal Government. Perugia was sacked; men, women and children were slain with every circumstance of barbarity; and General Schmitz, who commanded the troops, was rewarded and decorated by the Pope. The only Italians engaged in the taking of Perugia were a battalion of artillery. Their commander, in reporting the result of the operations to his Government, congratulated himself that his soldiers had taken no part in the massacres which had occurred in the place. The consequence was that he was turned out of his post. Another Italian officer who refused to act as a member of the infamous tribunal which was established after the sack was also dismissed the service. The hon. Member (Mr. Hennessy) had said something about the atrocities that had been committed in the Abruzzi, and a strange witness had been cited in the person of M. Dumas. He had often heard M. Dumas quoted as an authority upon fiction, but never as an authority upon facts; and some of the stories which that gentleman had printed in his journal had more the appearance of fiction than of fact. But he held a letter in his hand dated Feb. 18, detailing the grossest atrocities committed by the Papal troops. It was a fact which could not be denied that Collalto, a small village of about 700 souls, was given up to a general sack; that the medical man of the place, one Latini, was stabbed to death; that his sister, who ran to his assistance, was shot down; that the Sindic was mortally wounded; and that the heads of the Imperi family were miserably slain, and their little child of twenty months, transfixed by a bayonet, was carried in triumph through the streets. These atrocities were committed by a Roman general, who was decorated by Monsignor de Merode for what he had done. He held in his hand a letter, dated the 1st of March, in which the writer described his own journey from Naples to Ancona. The writer stated that he met an officer in the Piedmontese uniform, walking and crying bitterly, who told him that his house had been burnt to the ground, and that his father had been killed, and cut into small pieces, which were thrown to the dogs, and were still to be seen in the street. A family in the same neighbourhood, suspected of Piedmontese sympathies, had fled for fear of the reactionary party, but had left behind them a youth of tender age. The poor child was seized by the brigands who tore out his eyes, and committed every manner of torture upon him before putting him to death. He had no doubt the hon. Member (Mr. Hennessy) would tell him that his authorities were valueless, he (Mr. Layard) said the same of the hon. Member's. He proposed to strike off the atrocities on both sides, for, in fact, they had nothing to do with the matter. Such great revolutions such as had taken place in Italy some acts worthy of condemnation were inevitable. Allusion had been made that evening to General Pinelli's proclamation. Now, he had been told on the best authority that the proclamation in question was condemned as soon as it was issued, and that two months were not allowed to elapse before its author was recalled. It had also been asserted that the Piedmontese Government continued a pension to the family of Milano, the man who attempted to assassinate the King of Naples; but the fact was, that the moment the Piedmontese Government obtained authority in Naples that pension was discontinued. By whom was that pension given? Not by General Garibaldi, but somebody about him who was utterly undeserving of his confidence, and without his consent. After all it was the condition of the country under the Roman Government which was the best proof of the badness of that Government. Was it true, or not, that the neighbourhood of Rome was a desert, and that the whole population was almost in a state of open rebellion? Mr. Russell, in a despatch dated November 11, 1860, said that the enthusiasm for unity and Victor Emmanuel was greater in the Marches and Umbria than in any other part of Italy; that his attention had been attracted by the growing national sympathies of the lower clergy; and that those sympathies were gradually making their way among the more enlightened Cardinals and Bishops. He could confirm that statement himself. Last summer he had visited one of the largest and best conducted Benedictine convents in Italy; and from its principal inmates he heard the strongest opinions expressed against the Papal Government. That was within a very few miles of Rome. After all, the people were the best judges of the character of the Government, and they had declared it intolerable, and had risen against it. The hon. Gentleman had quoted largely from documents purporting to be trade returns. He would rather give them the result of his own experience. A few years ago, he was at Ferrara and other places in the Marches and Legations, and found them deserts. Last year he revisited the same places, and the change was perfectly wonderful. The inhabitants seemed to breathe a freer and more invigorating air; everywhere there was activity and industry. Bologna had become the great centre of railways branching off in all directions. The Report of Mr. Otway, our consul general at Milan, which was among the printed papers, afforded a conclusive answer to the hon. Gentlemen's assertions as to the decrease of trade—

> "There can be no doubt whatever," says the report, "that since the annexation of Lombardy to Piedmont the trade between England and Lombardy has become more active, and will become more so still as soon as the political questions be set at rest, and that the prospect of the future becomes certain, and be not disturbed by fear of war or internal dissensions."

In the same document the improved state of commerce was attributed to the moderate Customs' tariff introduced by the Piedmontese. The greatest increase in the importation had been in cottons. A man had only to use his own eyes in Italy to observe the contrast between the Papal and Piedmontese rule. While Piedmont was extending its railways on every side there were but two short railways in all the Papal States—one from Rome to Civita Vechia, the other from Rome to Frascati. A remarkable illustration of the way in which things were managed in the Roman dominions was to be found in the story that one of the very first trains on the Frascati line was stopped by brigands and the passengers plundered. Such an incident could have happened in no other country in the world. Turning, then, to Naples, the hon. Gentleman claimed sympathy for the young King of Naples who had shown at the last moment the courage of despair. But was no sympathy due to the hundreds of thousands who had been the victims of Bourbon tyranny? Could they forget the dungeons filled with prisoners who had never undergone trial, and all the other horrors and atrocities which had been committed for years and years in the kingdom of Naples? Or could they deny them? He would not describe the state of Venetia. He would only mention a couple of public notices to illustrate the rule of the Austrians. One was issued some four years ago, and sanctioned the whipping of two young girls for insulting the Austrian flag, for which a Bill was actually sent to the Municipality of Milan for the rods, vinegar, and bandages; the other was issued only last year, and threatened the people with fire and sword because some street boys had hissed a lady the dimensions of whose dress exceeded the limit approved by popular taste. But it might be said that abuses might be reformed. Reforms were impossible—the time for them had gone by. The murder of Count Rossi had been constantly dwelt upon as justifying the refusal of the Pope to grant reforms. The secret history of 1848 would, no doubt, some day become known; and, although it might turn out that the Pope was personally innocent, he believed that evil counsellors around him had roused the indignation of the people. Were any of the reforms promised by the Pope by the celebrated *motú proprio* of Portici upon his return to Rome ever carried out? Had not remonstrances been made with the Pope against his mode of government from that time to the present? And had not every remonstrance, no matter from what quarter, been treated with neglect or met with the usual answer, *non possumus?* The noble Lord the Foreign Secretary, in his search for a new form of suffrage, might, perhaps, be interested in one devised by the Pope. The Pope had promised that a municipal body should be elected; but the condition of the electors voting was that they should first have a certificate of good religious and political conduct from their parish priest. Up to the present moment no subject of the Pope, however highly educated, however intelligent, however distinguished in social position, could pass beyond the gates of Rome into the Campagna without a certificate from the curé of the parish, that he had duly attended sacrament and confession. Could they hope for reform in Naples under the Bourbons? No. The bitterest saying which was ever uttered by one man concerning another was drawn from Baron Poerio in the Piedmontese Parliament by the statement that the King of Naples was ready to grant a Constitution.

> "Governments," he said, "are founded on traditions. The tradition of the Neapolitan Government is perjury. The King has promised a Constitution. He will show himself the legitimate successor to the throne by forswearing himself. But a man cannot forswear himself till he has taken an oath."

Poerio's remark was as true as it was bitter. Neither was there any hope of reform in Venice. Some years ago the Venetian people might have been conciliated, but the atrocious, stupid misgovernment of the Austrians, who had spared neither friend nor foe, had alienated every Venetian. A Government and an army in which the Venetians were represented was essential to reform in Venice. But there was not a single Italian who would either accept office or bear arms under the Austrians. Again, in the Roman States the two chief elements of reform were the abolition of ecclesiastical privileges and orders and the transfer of the land to those who would cultivate it from those who kept it a desert. He had it on the highest authority that those two concessions could not be made; and, therefore, reform was impossible. It might be said that there were more laymen than ecclesiastics in office; and so, perhaps, there were, if they took account of all the paltry minor situations which the ecclesiastics would not condescend to accept. But all the high officers, all the legates, governors, Judges of the upper Courts, and so on, were either ecclesiastics, or at least, prelates who enjoyed ecclesiastical privileges. One of these privileges consisted in this, that if one person in a suit, whether amongst the plaintiffs or defendants was an ecclesiastic, that suit could be removed from the Civil into the Ecclesiastical Courts, in which corruptions and delays rendered it impossible to obtain justice. When, after the peace of Villafranca, the Emperor declared there should be an Italian Confederation, every Italian felt justly indignant at the suggestion. The time for confederation had passed. There was but one Italian Prince. The King of Naples, the Grand Duke of Tuscany, and all the other petty sovereigns ruled through the support of Austria, and were mere Austrian tools; but they might have been Italian Princes at that moment had they conciliated the affections of their people by the concession of their rights, and discarded foreign aid and influences. Victor Emmanuel, although not of an Italian family, was the only true Italian Prince, because he was the only Prince who had refused to repose on foreign bayonets, and had relied upon the Italians themselves, and had devoted himself to the great idea of Italian unity and independence. He believed that King Victor was actuated by a noble ambition, and that the people were right in gathering round him. The motive of Victor Emmanuel's conduct need not be sought in urn ambition. He said, "I will be an Italian King. I have confidence in my subjects. I will give them liberty, and I will rely on them." When the Confederation, therefore, was proposed and rejected, the whole of Italy rallied round Victor Emmanuel. The hon. Gentleman talked about the voting, and said that the people had shown no interest in the elections. He denied it. He believed that the numbers quoted by the hon. Gentleman had nothing at all to do with the voting. They referred to the "Ballotaggio." He was in the north of Tuscany at the time of the voting. He saw peasants coming from all directions with priests at their head, and voting by ballot with the greatest calmness and moderation. There was no intimidation—no bribery, and he believed that not a single man gave his vote except with the entire conviction that he was voting according to the dictates of his conscience. He would take a higher test. Who were elected to the Parliament of Tuscany? Men who represented families which had existed for 500 or 600 years. Let anybody go through the historic roll of the great families of Tuscany, and he would find that not a single name of importance was absent from the list. The clergy, science, and art were also represented—and who was elected chief of the country during the interregnum? Ricasoli—a man of whom the country gentlemen of England might be proud. He was a man of large possessions, who had devoted himself to the improvements of his vast estates; who had come to England to see the best inventions in agriculture, and to introduce into his own country the latest improvements—a man of most exemplary character, and against whom his bitterest adversaries were never able to say a single word. It was the same in the Legations. The men elected were of the highest character and most distinguished families. He would not trouble the House with their names, but with many of them he had the honour to be acquainted, and he ventured to say that it was impossible to have chosen any number of men, by any mode which could be devised, who more entirely represented the feelings of the people than those who composed the Parliamentary representatives of Tuscany and the Legations. It was a most remarkable and interesting fact that there was not one man who had taken part in the Italian movement against whom a finger could be pointed. There was not one who could be accused of speculating on the Bourse, or who was not of the highest private character. He would not say that they would afford a favourable contrast with men in a country nearer to us than Italy, but they did afford a most striking contrast with the officials in the Roman States, where all was bribery and corruption. If you wanted an order to see a public building in those States or to see a book in a library you must bribe. Legates were sent to govern districts with a salary of £200 or £300 a year, and they came back with fortunes. The whole country was a mass of bribery. The result of all this misgovernment was that throughout the whole of Italy the people called on the King of Sardinia to extend his dominions. It was an important fact to bear in mind that this great movement had been carried on entirely by the moderate party. The so-called Mazzini party had disappeared. The noble Lord the Member for the City of London would bear him out when he reminded him that four or five years ago he said that party was almost extinct. In 1848 the moderate party abstained from action, but the movement now was entirely that of the moderate party. The result was that every honest, intelligent, and liberal man had gathered round them, and Mr. Russell, in one of his despatches, noticed the change of public feeling, speaking of the people as placing their hopes in the King of Sardinia and Count Cavour, in whom they saw the sole salvation of Italy. They had heard of intimidation at Naples. He had the authority of the military commander of Naples for saying that, when the elections took place in that city, there were only twenty-two soldiers present in it. He believed, therefore, the numbers quoted by the hon. Member opposite (Mr. Hennessy) were founded on some mistake. [MR. HENNESSY: They were official.] He believed that Her Majesty's Government was justified in the course they had taken. He believed that the despatch written by the noble Lord accurately stated the feeling of the English people. He had an authority to quote almost higher than that of the noble Lord. He held in his hand a pamphlet on Lombardy, written by one who would not be accused of partiality for Italian liberals; it was written by George Bowyer, Esq., D.C.L., author of *Commentaries on the Constitutional Law of England; and on the Modern Civil Law.* It was published in 1848, but things were not much changed since then—

> "It must, moreover, be remembered that the King was invited by the Government *de facto* of Lombardy, being in full possession of the capital, to assist that Government in its contest against Austria. The case is one, not of intervention, but of the acknowledgment of a new Government during the continuance of a civil war. Such an acknowledgment and its consequences are shown to be lawful by some of the highest authorities on the law of nations. Wheaton (vol. i., pp. 92, 93) holds that while a civil war involving a contest for the Government continues, other States may remain indifferent spectators of the contest, or may espouse the cause of the party which they believe to have justice on its side; and he corroborates his position by citing divers precedents. Vattel and Martens hold the same opinion. The former says (liv. ii., ch. iv. § 56), 'Quand un peuple prend avec raison les armes contre un oppresseur, il n'y a que justice et generosité à secourir de braves gens qui defendent leur liberté. Toutes les fois, donc, que les choses en viennent à une guerre civile, les puissances étrangères peuvent assister celui des deux parties qui leur parait fondé en justice.'"

When he saw the quotation from Vattel in the despatch of the noble Lord the Member for the City, he little thought that the noble Lord was indebted for it to the pamphlet of the hon. and learned Member for Dundalk. The hon. and learned Member was the tutor, preceptor, and friend of the noble Lord, and furnished him with this very quotation. Still less would he have anticipated that the noble Lord would have gone to the hon. and learned Member for illustrations on a great constitutional question. The hon. and learned Member, however, went on to say—

> "This is a doctrine which the admirers of William III. and the Revolution of 1688 cannot be allowed to call in question. Vattel shows that in a case of civil war foreign Powers have a right to deal with the contending parties as separate Powers and to take part with either. These are authorities directly in point. It is also established law that a foreign Power may by force put an end to a civil war in another State for the purpose of preventing a condition of things dangerous or injurious to herself."

Further on the hon. and learned Member wrote—

> "Are the Italian feelings of nationality entitled to no respect? True, the Italians have never in modern times been united into one State. But what then? Is community of language and literature nothing? Is community of traditions and history nothing? And is community of race no bond of union? The Italians feel as one nation, and there are few Englishmen who do not sympathize with them and cordially desire their deliverance, by their own valour, from their foreign masters."

The hon. and learned Member wound up—

> "I shall assume, therefore, that the independence of Italy is a great and desirable object for which we, as a free nation, must be zealous, as we should be for our own deliverance if the course of events had brought us under foreign domination, and deprived us of our political liberties. Such is the feeling which makes me rejoice that the armies of Italy are led in a just cause by a just man."

He was sure the hon. and learned Member would not call in question that which he had written. He did not wish to rest the question, however, on these quotations. There were times when nations did not go by Vattel or any other authority on international law. There were great crises in the history of a nation when international law was set aside, as when Hampden refused to pay ship-money and when we effected our great Revolution. This was a great revolution, and they must weigh the good against the bad. They must see what was the necessity, and take upon their own showing the manifestations of feeling by the people. He confessed that he was one of those who, like the noble Lord, thought that what was called unification was not likely to promote the prosperity of Italy. He believed that a federation of States under the same head, but with self government, would best suit the genius of the Italians and would best agree with their former history. But the Italians had decided otherwise. It might be an experiment which would turn out ill; but, if it did, it must not be forgotten that no nation had established its independence by one struggle, and it might be that through many struggles the hour of redemption for Italy would come at last. But if the voice of that House could reach Italy he hoped it would tell her to care not so much for unification as for her municipal institutions. There was no country in the world which had such municipal institutions. They dated from the earliest period, and they were the cause of the preservation of that little liberty which had survived all foreign tyranny. By means of the municipal institutions the whole of the taxes in Tuscany were collected without one shilling of expense to the Government. They not only discounted their own bills for taxes, but even paid them sometimes in advance. He had no doubt the Chancellor of the Exchequer would be glad to see such a system in operation here. He entreated the Italians, then, to retain their old municipal institutions. They were the glory and the best safeguard of freedom of England, and, he believed, in no country could liberty be safe where they did not exist. He rejoiced to see that in the programme of Count Cavour the principle was laid down that municipal institutions should be preserved and promoted to the greatest possible extent. He was not one of those who went as far as an eminent modern writer in believing that men had no influence over events, but were entirely dependent upon them; but he did believe that when great events were about to take place the men necessary to direct them were to be found. This had been eminently the case in Italy. The three very men required to carry through the great change which had taken place there had been found—a King disposed to listen to the advice of a constitutional Minister; a great constitutional Minister—for he was a great constitutional Minister—let them say what they liked, who could give true liberal institutions to his country, and a general, like Garibaldi, who could direct the enthusiasm of his countrymen and lead them to conquer their freedom. There was another man whose name should not be omitted in the history of Italian independence—Sir James Hudson—who had not interfered in the affairs of Italy, otherwise than being always ready with the most prudent and wisest counsel, and who by steadily pointing out to the Italians the true path of constitutional liberty, had earned a title to their lasting gratitude. It seemed to be supposed that Italy had always been a slave and must remain so. But it should be remembered that from the tenth to the fifteenth century no country had been so rich or prosperous, and, at the same time, so free. What led to the destruction of her commerce and her liberties? The ambition of Popes, and afterwards the invasion of the French in the time of Charles VIII. To restore them the ambition of the Popes must be restrained, and her foreign oppressors, whether Austrians or French, be removed. Italy would then regain her former prosperity. She had shown herself eminently qualified for liberal institutions. Look at the Parliamentary Government of Piedmont. Compare Piedmont with Rome. Look at the railways of Piedmont, at the increase of her commerce, and the prosperity of her population: no one could travel through the country without being struck with wonder at the progress she had made in a few years. Look at the Italian press; its moderation was a proof of the moderation of the people. It was in this respect an example to Europe. He was told Italy would be French; but no nation permanently allied itself to another from motives of gratitude; he believed that Italy would be the ally of that country which most resembled herself in her institutions and in which she had the greatest material interests—she would be the ally of this country. Did they think it suited France to have a united Italy? Look at the policy of France in years gone by. After the restoration of the Bourbons, during the time of the Republic, it had always been the same; it was opposed to a strong and united Italy. Italy united could not be French; Italy disunited would always be French. Let the Austrians be removed from Venetia, let there be no more pretext for French interference, Italy would be united and independent; she would then know where to seek for her best allies. Such being his opinions, he could not but feel that the despatch of the noble Lord truly and justly represented the feeling of this country. He believed the policy of hon. Gentlemen opposite as a party, was Austrian, and against Italian unity; and he thought it would be the greatest possible misfortune if the present Government were brought to an end, for he believed such a foreign policy would involve us in a war before long; and, therefore, he would do everything in his power to support the present Government. Before he sat down he owed some reparation to Lord Derby who complained that he had misquoted what he (Lord Derby) said on a recent occasion in "another place." A wrong impression had been given of what he really did say. He certainly did condemn the quotation made use of by the noble Lord in which he compared the Italians to dogs and curs, and the manner in which he had spoken of Garibaldi; he thought his words would appear, when translated, insulting to the Italian people; and he was borne out in that by the Italian press. But he fully acquitted the noble Lord of wishing to say anything offensive to the Italian people, or of saying anything personally disrespectful of Garibaldi. He entirely sympathized with the Italian people, and he thought the policy which had been pursued was right. We could not do more; we could not do less. They had our moral support, sympathy, encouragement, and, he hoped, our advice; and he believed the time would come when they would be grateful. An enviable glory would attach to the two noble Lords who had enabled a great country to resume that place in the family of nations to which she was so well entitled by the genius of her people and her past history.

SIR GEORGE BOWYER* would not follow the hon. Gentleman into the details of his invective against the Papal Government. He would content himself with a sample or two. He had quoted an old story about a certain judge or inquisitor who had issued a very foolish decree as a sample of what the Roman Government was; but that foolish person, who held a very obscure and subordinate office which had fallen completely into desuetude, who thought he would show his authority and importance by publishing that decree, was displaced when it was known at Rome, and the decree itself was quashed and annulled. Then the hon. Gentleman told a story about some brigands near Rome stopping a railway train. Certainly, any brigands who could stop a steam-engine travelling on a railroad must be very powerful fellows—almost as powerful as the bulls which the hon. Gentleman had discovered. He remembered the story very well; but the fact was, it was all a hoax, which amused people at Rome for some days, to which no one ever attached the slightest credit. Then the hon. Gentleman referred to the much talked of massacre at Perugia. When he was at Rome he was told by an English lady and gentleman of high character—Protestants—in no way prejudiced in favour of the Papal Government—who were at Perugia at the time and saw all that took place, that there was no massacre at all. No women or children at all were killed; the town was taken by storm, certainly, and about thirty men in arms were killed in fair fight, but there was no such thing as a massacre. The hon. Gentleman had addressed a sort of *argumentum ad hominem* to him, by quoting from a pamphlet which he had written in the year 1848. To every word in that pamphlet he still adhered; but the circumstances of 1848 were entirely different from those of 1860 and 1861. There was then no conspiracy of the King of Sardinia against Austria. The Austrians by a popular rising had been driven out of Lombardy, and the King of Sardinia, exercising the right of intervention, and being invited by the authorities of Lombardy, did march his troops into that country. The cases were quite different. By his quotation the hon. Gentleman endeavoured to show that he had been guilty of self-contradiction, and that he had been in favour of intervention at one time, and of non-intervention at another. But he still maintained that, according to the doctrine of international law, when there was a war going on in a country, an adjoining country, if it were interested, had a right to intervene; and the exercise of the right was justifiable or not according to the side which was taken. If you took up a just quarrel, the intervention was justifiable; if you took up an unjust quarrel, intervention was unjustifiable. But now intervention was only considered justifiable and right when it took place in favour of rebellion. Anything that was done against the lawful Sovereign fighting to maintain his rights was justifiable; but anything done on the side of a lawful Sovereign was stigmatized as unjustifiable. Hon. Gentlemen cheered when reference was made to the massacre of Perugia; but not a word of indignation was heard when his hon. Friend mentioned the atrocities which had been committed by the Piedmontese Government. It was quite right for the Piedmontese to bombard Ancona, Capua, and Gaeta; but when Ferdinand King of Naples bombarded a part of Messina, which was occupied by rebels, it was said that all Europe ought to rise up against him. When the massacres committed by the revolutionary party were spoken of, the hon. Gentleman said, of course, such things must happen at a time of revolution; but if a single man were imprisoned—Baron Poerio, or any one else—the Government was denounced as tyrannical and barbarous, though he was imprisoned for undoubted treason and on due conviction. ("Oh, oh!") Hon. Gentlemen might cry "Oh," but that was the fact. The stories which the hon. Gentleman had recounted against the Papal Government were obsolete, groundless, and absurd, but the hon. Gentleman had dished them up as if they were something new and worthy the attention of the House. He would now proceed to the real subject before the House. When the Foreign Secretary rose to speak, no doubt they would hear again, as they often had heard, of the doctrine of non-intervention. That appeared to be the beginning and the end of the policy of the Government. It was the doctrine with which the Government answered all the attacks made upon it, and with which so far it had professed to carry out all its Italian policy. What was the modern doctrine of non-intervention? It was a doctrine invented by the revolutionary party to facilitate and effect the overthrow of lawful Governments by the violation of the law of nations, and of those laws on which not only all Governments, but human society itself, was founded. The Government of Her Majesty ought not to have accepted and maintained that doctrine, destructive of the public law of Europe, and directed to an end which, for the welfare of our country and of the whole world, Providence will not permit to be accomplished. But did the Italian revolution begin by non-intervention? Certainly not. The hon. Gentleman said that the King of Sardinia did not rely on foreign bayonets; but if it had not been for the support of 300,000 French bayonets he would have been crushed when he put himself at the head of the revolution. It was the intervention of France that revolutionized Italy. There was no rising of the people in Tuscany; it was the landing at Leghorn of Prince Napoleon—whose speech within the last few days has astonished Europe—which gave the command to the revolutionary party, and overturned the Government. It was not the people, but the foreign intervention which did that. The hon. Gentleman said that when the Austrian troops left Bologna, the Papal Legate left with them. There was nothing wonderful in that. There were no troops left to protect life and property; the French troops were in Tuscany, the Revolutionary party was certain to move, and the fact did not by any means prove that the Papal Government was detested by the people. The Government now prevailing there he would venture to say was much more detested by the people than the Papal Government was asserted by hon. Gentlemen to have been. His hon. Friend (Mr. Hennessy) had given various instances of the manner in which the Government had put into practice this hypocritical doctrine of non-intervention, of which they talked so much. The Prime Minister and the Foreign Secretary had, in fact, been supporting the revolution from the very first. What was our fleet doing at Marsala when Garibaldi landed? It could not be to protect the miserable trade in bad sherry which was carried on there. The fact was our Government knew of his being about to land there, and sent the fleet to give him what aid it could. In the same way *The Times*' correspondent wrote the other day that the revolutionary party at Naples were in a great fright lest our fleet should leave Naples, and he added that he feared the consequences if it were taken away. It was there, in fact, to support the revolution and prevent the return of the King. In the blue book it was stated that Victor Emmanuel had thanked the English Government for the sympathy they had shown him throughout, and acknowledged that their moral, or, as he (Sir George Bowyer) would call it, immoral support of his unprovoked aggression, had been of the greatest service. But did noble Lords mean to say that to observe the principle of non-intervention it was sufficient to abstain from sending armies and fleets to levy war? Was the moral influence of a country like England nothing? The moral, or rather the immoral influence of England had been used by Her Majesty's Government in support of the Revolutionary party in Italy, and against the established governments; and that, he asserted, was a violation of their professions of non-intervention. Our right of intervention had been acted upon by Her Majesty's Government, not for its legitimate purpose, the maintenance of the law of nations and of treaties, and the support of lawful authority, but in favour of revolution and piracy, and for the purpose of satisfying old and unjust rancour against the family of the Bourbons of Naples. But in this case material as well as moral support was given by the English fleet, without the presence of which the landing at Marsala could not have been effected, as it has been declared by the population, judge, and authorities of Favignana. As to the King of Sardinia he was not even an Italian. He was a Savoyard, and a bad one, too, for he sold Savoy. And then General Cialdini had the impudence to talk about planting the cross of Savoy upon the walls of Gaeta! Was a King who had sold his own country a fit champion of the nationality of others? Then, what had been his conduct with regard to Naples? Last year an expedition was fitted out at Genoa for the avowed object of attacking Naples, with which State Sardinia was then at peace. That expedition was organized publicly, and might have been stopped by the Sardinian Government, as, according to the law of nations, they were bound to do. The King of Naples asked the meaning of these armaments. The King of Sardinia disavowed and disclaimed them, declaring that Garibaldi was making an illegal use of the flag of Sardinia. What did this declaration mean? It meant that Garibaldi was a pirate. The King of Naples, be it remembered, was the son of a Princess of Savoy, and was, therefore, related to Victor Emmanuel. He was the son of Princess Christina of Savoy, daughter of Victor Emmanuel, King of Sardinia—that gallant King who defended Savoy against the French, which his unworthy successor basely sold to France. Yet, in order to expel this relation from his dominions, the King of Sardinia practised all the arts of bribery and corruption. Neapolitan officers in high command, both in the army and navy, were bought over at the very time when the King was assuring his cousin of his pacific intentions, and was stigmatizing Garibaldi as a pirate. In this detestable manner the expedition succeeded. It was said that when Garibaldi overran Sicily the people were enthusiastic and unanimous in his favour; but, if so, why was no regular Government established? Instead of this, a newspaper correspondent declared that nothing was established but assassination, anarchy, and confusion. The King of Naples was then advised by Her Majesty's Government to throw himself into the arms of the Liberal party.—[Lord JOHN RUSSELL: Not at that time. He was advised to do so before.]—Accordingly, His Majesty sent for Liborio Romano. This man was bribed by Piedmont, and was a traitor. He took his seat at the Council Board, with the intention of betraying his Sovereign. The King was naturally reluctant to expose the beautiful city of Naples to the horrors of war, and therefore accepted the advice given to him that he should leave his capital, knowing well that if he did not do so, and if the city were afterwards destroyed by the Piedmontese, Her Majesty's Government would throw the blame of it, not upon the aggressors, but upon him. When Garibaldi entered Naples with his gang of pirates in red shirts the city was in consternation, as though struck with pestilence. He had this from an eyewitness. Garibaldi proceeded at once to the cathedral. Forcing open the gates, he placed in the sanctuary Gavazzi, who sang an impious *Te Deum*, after every verse of which he called out "Viva Garibaldi!" After this outrage upon the Church of God, the first act of the Government was to bestow a national reward upon the relations of Agesilao Milano, who had attempted to murder the father of the present King of Naples. And they had been told by *The Times*' correspondent that the King of Sardinia had confirmed the decree by which that reward was granted to the family of Milano. The piracy of Garibaldi having thus succeeded by means of treason and corruption, the King of Sardinia declared himself, and gathered the fruits of all these crimes. The King of Sardinia had entered Naples, and accepted the annexation of that kingdom which had been already declared by Garibaldi in Palermo, and implicitly carried into execution at Naples by the delivery of the Neapolitan fleet to the King of Sardinia's Admiral. And the King justified the act by saying that he did it to deliver the country from the anarchy caused by the invasion of Garibaldi. But instead of attacking the forces of Garibaldi he attacked the troops of Naples and of Rome. Again, the King of Sardinia stated that he was justified in entering the States of the Pope because the Pope had foreign troops in his pay. Why, they knew from history that all Sovereigns had had foreign troops in their service; such a *casus belli* against a neighbouring Sovereign had never been heard of. With no cause for war, without a declaration of war, Sardinia marched 70,000 troops into the lower part of Italy and bombarded Ancona. Yet, those who made so much noise about the bombardment of Messina, said nothing about Ancona. Ancona was bombarded by the revolutionary party, and everything done by the revolutionary party hon. Gentlemen opposite thought right; everything done by the lawful Sovereign of the country was wrong and an outrage. The Sardinian troops overran the territory of Naples; and while they held military possession of it, and four provinces were under martial law, the annexation took place. Again, he would refer to the correspondent of *The Times*, because nobody could say he was unfavourable to the cause of Piedmont. The correspondent of *The Times* gave an account of the publication of the vote at Naples — what would be called here the declaration of the poll. He stated that very few people were present and described the whole thing as a failure. It proved that the feeling of the people of Naples was not in favour of the annexation to Sardinia. In fact their feeling was opposed to it. The vote in favour of annexation was obtained by force, fraud, and terror. Was it likely that the people of Naples, who honoured the memory of Charles III. for putting an end to the dominion of a viceroy; or the Sicilians, who were jealous of the dominion even of a viceroy of the neighbouring State, would applaud the notion of being placed under the authority of a viceroy from Turin? The thing was absurd, the annexation was repugnant to the people, and as a proof of it they heard of nothing but anarchy after it. He now came to the last part of this miserable history. The King repaired to Gaeta, and took refuge in that fortress, and there he presented a spectacle unparalleled in the history of the world. At Gaeta they saw that King and his brave younger brothers, and his loyal and valiant uncle, the Count of Trapani, gallantly making a stand in defence of the nationality of their people. The Sardinian General, Cialdini, having no cause of war against them, threw shot and shell upon the heads of the King and his family, and yet hon. Gentlemen applauded and approved of that outrage on international law. Who was King Bomba now? Who had destroyed thousands of people? The King of Sardinia. Was it King Ferdinand who bombarded a part of Messina while in the possession of rebels, and used military means to maintain his lawful authority, and King Francis, who humanely stopped the bombardment of Palermo; or was it not rather the King of Sardinia, who, without any cause of war against the Holy Father, bombarded Ancona, and who then, without any cause of war, bombarded Capua, and ended by bombarding Gaeta, the last refuge of his royal and unfortunate relative and his august family, while he himself enjoyed the pleasures of the usurped capital? The King of Sardinia had destroyed thousands of unoffending people by bombardment. In that fortress they saw a young Queen, accustomed to all the luxury of a splendid Royal Court, doing the work of a sister of charity in the hospitals, hurrying from the ramparts to the hospitals and from the hospitals to the ramparts, encouraging the soldiers, and consoling and assisting the wounded, exposing her life to the fire of the Sardinians and to pestilence; and on one occasion she was called up in the dead of the night from her bed, because a poor soldier desired to see her before he died. That was a spectacle that might move the noble Lord the Foreign Secretary. But no, his feelings were not with the illustrious, pious, and heroic Lady and that young and gallant Prince struggling against a brutal usurpation: no, his sympathies were with violence, revolution, and with the apologist of murder—the pirate Garibaldi. All this was dishonest and wicked in every way; but it was justified because it was done for the cause of Italian unity. But even granting that an Italian unity was desirable, he did not believe in the future prosperity of any unity founded in crime. That unity had been accomplished to a certain extent, but the building had a bad foundation, and must speedily fall. He doubted whether an Italian unity was to be desired. In the greatest times of Italy, in the days of Dante, Petrarch, Michael Angelo, and Galileo—in the days of all that was grand in art, science, and literature, there was a great and glorious, but not a united Italy. When was it ever united? Only when it was ground down by conquest; and that was the case at present. Italy was united, because Piedmont had conquered it; there was now a military tyranny over Italy. But a prosperous unity could only be obtained by just and noble means, certainly not by destroying the traditions of its history and the rights of its princes, and violating the law of nations, not by sacrilege against the see of Peter and the rights of religion and the Church, the violation of the laws of property, the spoliation and persecution of the clergy, and by outrages against the morality and the conscience of the people. Italy, left to the different peoples who inherit it, with its princes in the enjoyment of their rights, might be great and glorious as a Confederation. They talked of Italy as they would talk of Middlesex. But the Italians were not all one people; they were different in origin, different even in language. Of the Piedmontese troops now in Naples, not one in ten could make himself easily understood by its inhabitants. The people of Lombardy were of Germanic origin, as their name indicated. They were descended from an invading tribe. The Piedmontese belonged to Cisalpine Gaul, and were not Italians. To bring all Italy under one Government, all the various nationalities of the country must be crushed, all the magnificent municipal institutions must be destroyed, everything that belonged to Italian history must be obliterated, and all reduced to a dull uniformity under a military despotism. And that was what was now being done. Instead of liberty there was a grinding tyranny; and if the Piedmontese troops were marched out of Naples tomorrow the legitimate Sovereign would be brought back to his capital upon the shoulders of his people. [*A laugh.*] Hon. Gentlemen laughed because they knew nothing of the country; but having resided for years in Naples he was certain of the fact. Italian unity is an idea which has been made an instrument to gratify the ambition of Piedmont and enable the revolutionary party to overturn lawful authority and persecute the Church, for the satisfaction of their rapacity and their destructive passions. He must allude to one other point before he sat down. He wanted to know from the noble Lord what was his policy. Was it an Italian policy, a French policy, or an English policy? A remarkable speech has just been delivered by Prince Napoleon. The noble Lord, no doubt, would say that we were acting in unison with France. But what did Prince Napoleon say? He said, "The Emperor represents modern society—its progressive tendencies"—could any one tell what that phrase meant?—"and the liberal principles of 1789." What were the principles of 1789? Those principles brought a King and a Queen to the scaffold. The Prince went on to say, "Our alliance is not with any particular Ministers, but with the great and liberal English people, by which we defend the great principles of liberty and progress." The Prince talked about liberty and progress a good deal, but why did he not begin at home? He was willing that other nations should enjoy liberty and progress, because by those terms he meant revolution and confusion. The Emperor's policy was revolution at the head of half a million of armed men. He was now endeavouring to stir up revolution in Hungary, in Poland, and he had succeeded in revolutionizing all Italy. Having placed Italy under his feet by holding out the bauble of Italian unity, the Emperor was now seeking to break up the Germanic Confederation by setting up Germanic unity. The game of the Emperor of the French was revolution, and noble Lords opposite were playing into his hands. They all knew what the Emperor went for. He had got Savoy and Nice; and now the English Government were doing all they could to separate Prussia from Germany, and to destroy Austria. What harm had Austria ever done this country? She was our "ancient Ally." But, supposing that the Emperor should succeed in separating Prussia from Austria, then it was clear that France and Russia would divide Europe between them. The present policy of the English Government was to forward that consummation, and he (Sir George Bowyer) denounced it as an un-English policy, although it might be a liberal and an Italian policy. The Emperor of the French desired the frontier of the Rhine, he coveted Antwerp, he wanted dominion in the East, and he had got his foot in Syria; and the English Government were doing all in their power to forward his views. They were paralyzing all our European allies by assisting him, and he would go on steadily in his course until he had gained all his objects, and at last England would be forced to go to war with him. The Emperor did not, probably, want to invade England, but his ambition would lead him to it, for we should go on allowing him to gain his ends, uttering empty protests as in the case of Savoy and Nice, or making unmeaning speeches, until at last he would have all the power of Europe in his hands. It would, then, be too late for this country to attempt to stop him, and he would play his last card and invade this country. He would not, probably, succeed, and scarely a man of his army would be likely to return; but he would be able to inflict infinite ruin and mischief upon us. Any attempt at invasion even would produce something like national bankruptcy, for the Chancellor of the Exchequer could tell them how the national credit was affected by the slightest causes. The policy now adopted was the cause of the necessity for maintaining a large army, for calling upon 200,000 Volunteers, for imposing taxes almost beyond the endurance of the people. It was a false policy—one which placed the country in the hands of a man who, while he talked of friendship, meant mischief; and it was, moreover, a policy founded upon party spirit, adopted for party motives, which was fostering a power that in the end would, if not destroy, at least produce the greatest injury to this country. It was a policy which had destroyed that prestige of honour and justice which used to attend the British flag. That flag now inspires distrust and apprehension in the minds of sovereigns and nations, and encourages none but the revolutionary party in Europe, who are the unprincipled tools of the unbounded ambition of the French Emperor. He called upon the noble Lord to change that policy before it was too late. He called upon the people of this country to compel them to abandon a policy which was fatal to the interests and the honour of England, and destructive of the peace and tranquillity of Europe.

Mr. EDWIN JAMES moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

Viscount PALMERSTON said, he was aware that several hon. Members wished to speak upon this subject, and, therefore, would not object to the adjournment; but he thought the debate should be continued to-morrow as it was very inconvenient to have long intervals, and in that case on Thursday they could go into Committee of Supply, which was even necessary for the public service. He hoped that hon. Members who had given notice of Motions for to-morrow would allow the debate to be resumed then.

THE BOARD OF ADMIRALTY AND SIR BALDWIN WALKER—OBSERVATIONS.

Sir JOHN PAKINGTON: Sir, I understand it to be the intention of the Government to consent to the adjournment of the debate on Italian affairs. Therefore, although I am very sorry at this late hour to intrude on the House, I feel compelled to ask the Government, and especially the noble Lord the Secretary to the Admiralty, to whom I have given notice of my intention, for an explanation on a matter which closely concerns the mode of transacting public business as between this House and the Ministers, and which, from the nature of the circumstances, I regard as very urgent. I have reason to believe that it is not now too late for the Government, if they should see fit, to change the intention announced early in the evening. I allude to the answer I received to a Question which I put at the usual hour—namely, whether or not I was to infer, from the fact that the *Narcissus* frigate had left Spithead, that the Admiralty have permitted Sir Baldwin Walker to leave England without giving evidence before the approaching Committee. I must remind hon. Gentlemen of what has taken place on this subject. I had occasion this day fortnight to explain to the House the reasons which induced me to give up my notice of Motion for a Committee to inquire into the administration of the Admiralty. In doing so I stated publicly that I had a few days before spoken to the noble Lord on the subject, and I expressed my hope that Sir Baldwin Walker would not leave England without giving evidence before the Committee. I confess I thought that public statement in the House of Commons would have been enough to insure that Sir Baldwin Walker would be examined as a witness, and I venture to say it ought to have been enough. Nothing more occurred till Thursday last. On that morning I was told by a friend that I had better make some inquiry, for he understood that Sir Baldwin Walker was to leave England on the following Saturday. I could hardly credit that information: but I immediately wrote a letter to my noble Friend the Secretary to the Admiralty to tell him that in the evening I meant to put a question to him to learn whether that report was true. When the debate came on that same evening on the Motion of the hon. Member for Portsmouth (Sir James Elphinstone), that hon. Member anticipated the question I was about to ask, and made an urgent appeal to my noble Friend on the importance of Sir Baldwin Walker's evidence, if the Committee really was to be granted. I followed the hon. Member for Portsmouth later in the debate, and, pursuing my written notice given in the morning, also addressed an earnest appeal to the noble Lord, stating that Sir Baldwin Walker was, if not the most important witness, certainly the most important with only one exception; and that it was absolutely essential, if you were to have an inquiry into the conduct of the Admiralty, that he should give his testimony. My noble Friend spoke immediately after me, beginning with a statement which I confess very greatly surprised me. He said the noble Duke at the head of the Admiralty had been willing that Sir Baldwin Walker should, if necessary, be detained in this country, but that the noble Lord had applied to the hon. and gallant Admiral who was about to move for the Committee (Admiral Duncombe) whether he thought it necessary that Sir Baldwin Walker should be so detained. But that was not all. The noble Lord said he had applied, not to the hon. and gallant Admiral only, but to "the other members of the Committee." Now, the Committee was not then, and is not now, appointed. What private arrangement may have been going on with regard to it I cannot say; but, perhaps, the noble Lord can tell us what he meant last Thursday evening by stating that he had applied to the hon. and gallant Admiral and "the other Members of the Committee" to ascertain whether they wished that Sir Baldwin Walker should be detained. The noble Lord said that the hon. and gallant Admiral then expressed an opinion that the evidence of Sir Baldwin Walker before the Dockyard Commission would be sufficient for the forthcoming inquiry. Now I cannot, in passing, refrain from avowing my astonishment that the noble Lord or the hon. and gallant Admiral should have allowed themselves to be parties to so improper and irregular a proceeding. We are informed that the hon. and gallant Admiral who moved for the Committee is not even to be its Chairman; but supposing he were to be, I ask what right or what power he could possibly have to speak in the name of a Committee not yet appointed, and to undertake to say what its opinions would be with regard to the propriety of examining any particular witness? Sir, let me here protest against the futile, and—I do not wish to use any strong expression—but the untenable proposition that evidence taken before another Commission, which evidence is not before us, can be sufficient for all the purposes of another and a wholly distinct investigation. Even supposing that evidence to be in our possession, and to be formally referred by this House to this Select Committee, how can the noble Lord or the gallant Admiral say what cross-examination it may suggest to the Committee as indispensable to the due prosecution of their inquiry? So much for the first part of the noble Lord's answer. But he proceeded to say what I will now read to the House. The noble Lord's words were—

> "Even now, if it were the wish of the House of Commons that Sir Baldwin Walker should remain a few days to give evidence before the Committee, the noble Duke would not put himself in opposition to its wishes."

Now, I maintain that that was a pledge on the part both of the noble Lord and of the Admiralty that this important witness should not be sent away. What did the noble Lord mean by saying, "if it were the wish of the House of Commons?" How was he to ascertain the wish of this House? Did he suppose that we were going to move a formal Resolution? What test of the feelings of this House could he desire more conclusive than the fact of one Member after another rising and expressing a strong opinion that the testimony of Sir Baldwin Walker was all-important? It is mentioned in the quarter from which I took that extract that this intimation was received with cheers. Let me ask the noble Lord how many of the Gentlemen who joined in that cheer does he suppose thought that after this pledge given on Thursday night Sir Baldwin Walker would be sent away from England on Saturday morning? These are the facts of the case, with one material addition. The pledge given on Thursday night was contingent on the wish of the House of Commons. On Friday night we had another discussion on this subject; and then my right hon. Friend the Member for Oxfordshire (Mr. Henley), took part in the debate, adding another opinion —and an opinion, I need not say, of no little weight under all the circumstances —to the earnest hope before expressed, that Sir Baldwin Walker would not be allowed to leave England before being examined. Well there was then still ample time left. We know the quickness of telegraphic despatches. And after this increased indication of what was the wish of the House of Commons, unaccompanied by the slightest symptom of an opposite desire, I say the noble Lord had as clear a proof as he could reasonably expect of the feeling of this House, and that the departure of Sir Baldwin Walker is a violation of the pledge given in the words I have quoted. I think it right to lose no time in bringing this matter forward. Here is a Committee of no ordinary interest moved for. There are some two or three men in whose power it is to throw light on the inquiry. One of the most prominent of them is Sir Baldwin Walker. And I am sorry to add that when in the face of all these circumstances we find Sir Baldwin Walker despatched from England on Saturday morning without necessity—for I do not think the noble Lord will pretend to say that the loss of another few days can be of any consequence beyond the mere delay in relieving Sir Henry Keppel at the Cape—it is impossible to resist the suspicion that there must be some motive beyond what is avowed for preventing the examination of this witness. It will be for the House to consider whether it will, under the circumstances, be of any use for this Committee to go on. I do not wish to commit myself to any hasty opinion, but my present impression is that the Committee will be of little or no value without the presence of this officer. This, however, will be a matter for subsequent consideration. For the present I only call on the noble Lord to give an explanation of the circumstances to which I have adverted; and I shall be glad if he can remove the impression that must exist, and the belief I have been obliged to express, that the conduct of the Admiralty, as it now stands before us, has been disrespectful to the House of Commons.

SIR JAMES ELPHINSTONE wished to ask the noble Lord, whether he could tell where Sir Baldwin Walker was? After he had weighed from Spithead on Saturday a strong westerly wind came on to blow; it had kept on blowing very hard ever since, and that day three parts of a gale was blowing from the west-north-west. It was not, therefore, likely that the gallant Admiral had got very far, and it might still be within the bounds of possibility to detain him. He ventured to say that if Sir Baldwin Walker were not forthcoming the inquiry would be a mere mockery of Parliament, and the appointment of the Committee would be perfectly useless. It certainly did appear a most suspicious circumstance that Sir Baldwin Walker should be sent to sea in a gale of wind; as if it were desired by the Government to get him out of the way.

MR. CONINGHAM regarded the occurrence complained of as an illustration of the objections to the system under which the head of an important department like the Admiralty was sitting in the other House of the Legislature. A charge of something like sharp practice had been brought against the noble Duke; but they saw nothing of him, and had no opportunity of forming an opinion with respect to him. He knew nothing of the noble Duke except from the little experience he had had of him when he attended the Select Committee on the National Gallery. The noble Duke's conduct on that occasion was certainly not such as was calculated to gain his (Mr. Coningham's) confidence, inasmuch as the Report which the noble Duke then drew up was, in his opinion, against the evidence.

LORD CLARENCE PAGET: I am sure it will not be necessary for me to defend my noble Friend the Duke of Somerset's conduct as Chairman of the Committee on the National Gallery; but this I can say, that the way in which he has performed his duties at the Admiralty has given satisfaction. With regard to the question put by my hon. Friend the Member for Portsmouth, as to where Sir Baldwin Walker is to be found now, I have no doubt he is boxing about the Channel. I do not think he can have got very far, and I can only repeat that if it be generally desired that the gallant Admiral should attend and give his evidence before the Committee, the Admiralty will not oppose itself for a moment to the wishes of the House. Let me state frankly what occurred. My right hon. Friend the Member for Droitwich was apparently in great doubt with reference to this Committee. Sometimes he said a Committee would be of no service, and then he came down and advocated its appointment. His opinions have changed as to the propriety or non-propriety—

SIR JOHN PAKINGTON: I wish my noble Friend, if he quotes me, would do me the favour to quote me correctly. Just now he has put forward quite inaccurately what I stated.

LORD CLARENCE PAGET: At all events, the right hon. Gentleman expressed an earnest desire the other night that Sir Baldwin Walker should be made to attend and give his evidence. I then stated that he had very important duties to perform; and I may now add that he has to meet Sir Henry Keppel at Ascension, to make arrangements for taking charge of his station, as Sir Henry Keppel has then to proceed to America to relieve another Admiral. It was thought right by the noble Duke at the head of the Admiralty to detain Sir Baldwin Walker until he had prepared the Estimates; that delay, though necessary for the public service, was inconvenient, and it therefore became of great importance that Sir Baldwin Walker should start for his destination as soon as possible. I communicated to the Duke of Somerset the earnest wish of the right hon. Gentleman that Sir Baldwin Walker should remain; but I stated also that the gallant Admiral who was about to move for the Committee had come to me and mentioned that he had consulted several Gentlemen whom he proposed to name as members of the Committee—Gentlemen, give me leave to say, whose ability and fitness the House will recognize if the Committee should come to be named—and that they were of opinion with him that there was no necessity to detain Sir Baldwin Walker from his important duties, as he had already given his evidence fully regarding the branch of the Admiralty with which he was connected. My gallant Friend stated the same thing distinctly to the House in the course of the evening. I, therefore, applied to the noble Viscount at the head of the Government to decide whether, under these circumstances, Sir Baldwin Walker ought to go or remain, adding that I was sure my noble Friend the Duke of Somerset would be ready to consult the wishes of the House. The noble Lord replied that he did not think there had been any conclusive expression of opinion on the part of the House that the gallant Admiral ought to remain. That was the state of the case on Thursday. It is quite true that on Friday evening the right hon. Gentleman the Member for Oxfordshire expressed a desire that Sir Baldwin Walker should remain. It being my duty to make known any observations which may be made in this House to the noble Duke and to the Board of Admiralty, my noble Friend asked in answer whether I thought there had been any general expression of opinion on the part of the House. I could not say that there had been anything beyond the fact that the right hon. Gentleman the Member for Droitwich, who seemed to have taken on himself a very leading part in this matter and one or two other Gentlemen, had made the request; and, on the other hand, that the gallant Admiral, for himself and his friends, had expressed a wish that Sir Baldwin Walker should proceed on the service indicated. The question, therefore remains—Did the House express any opinion on the subject? I can say honestly that I do not think any decided opinion was expressed. But if such be now the wish of the House I beg to say that I will this night acquaint the noble Duke with that wish, and will take measures to stop Sir Baldwin Walker, at whatever inconvenience to the public service.

Mr. HENLEY: It must be apparent to every one that evidence said to have been given before a Commission having reference especially to dockyards cannot properly be relevant to such a very different question as the constitution of the Board of Admiralty; and, therefore, the evidence of Sir Baldwin Walker, having been so restrained, cannot be applicable to the present purpose. Now, the Admiralty does not stand particularly well in public estimation at the present moment; many persons have not been able to reconcile to themselves the assent given to the appointment of this Committee; and I put it to the noble Lord whether the public would not be apt to say that the Admiralty granted this Committee at the same time that they took care the only man who could really give satisfactory evidence should be removed. If my recollection does not fail me, Sir Baldwin Walker was appointed to his late position during the Administration of the late Sir Robert Peel. See, therefore, what immense experience he must have possessed. All the changes of importance in naval construction must have taken place during his reign at the Admiralty. Therefore, it is quite impossible that, without the presence of the gallant Admiral the matter can be fairly inquired into. He is the only person who can carry the stream of information through such a number of years, and through all those interesting changes as to which the public mind is so much excited as almost to have come to the conclusion that some error, or shortcoming, or mistake, has existed somewhere. If the inquiry is to be useful, let us have the means of pursuing it effectually; but if not it would be better to come to a Resolution condemnatory of the Admiralty at once, and call on the Government to provide a substitute. It is right, however, to inquire before we condemn, and we ought not to be deprived of the only witness who is capable of carrying us through the inquiry.

Viscount PALMERSTON: What my noble Friend has stated is perfectly true. On Thursday evening the right hon. Baronet expressed a wish that Sir Baldwin Walker should be detained; but the gallant Admiral by whom the Committee was to be moved for stated in the most distinct manner that there was no necessity to examine Sir Baldwin Walker, as evidence amply sufficient for all purposes had already been given by him; and, on grounds of public importance, he agreed that he should proceed to his station without delay. On that I stated to my noble Friend that I was satisfied the gallant Admiral had better go. On the other hand, as there appears to be a desire on the part of those who are to be members of the Committee that Sir Baldwin Walker should be examined, I am satisfied the noble Duke at the head of the Admiralty will give directions to have him called back as soon as possible. I have only to add that there has been no desire to withdraw this officer from examination; on the contrary, Her Majesty's Government, I am sure, have no wish except to give the fullest information on every point to which the attention of the Committee may be directed. Steps shall immediately be taken to have him brought back.

Question put, and *agreed to;* Debate *adjourned* till *To-morrow.*

PAROCHIAL ASSESSMENTS BILL.

COMMITTEE.

Order for Committee read, and *discharged.*

Sir GEORGE LEWIS moved that the Bill be referred to a Select Committee.

Mr. MOFFATT protested against forcing the Bill in that way out of the House. The Bill, he thought, so extremely faulty in its construction as to be incapable of satisfactory amendment in Committee. At the same time there were many Members he knew who took an interest in it, and wished for its discussion in Committee of the Whole House.

Sir JOHN PAKINGTON said, he for one was of opinion that the Bill was most important, and would effect most important operations. Independently of the question of reform generally, it was a matter that demanded the earnest attention of the House. In every quarter there was a most earnest desire to see the object of the Bill carried out. He hoped, therefore, that the hon. Gentleman would withdraw his objections to the Bill going to a Select Committee.

MR. W. WILLIAMS, Mr. CONINGHAM, and Sir MORTON PETO objected to the Bill in regard both to its application to the Metropolis and to other places.

SIR GEORGE LEWIS said, that full opportunity for discussing the Bill was given on the second reading, and there was no hurry in the matter. When he was asked to refer the Bill to a Select Committee, he consented to do so on the understanding that there should be no discussion on the Motion for going into Committee. There was a question as to the applicability of the Bill to the Metropolis, but, of course, that was a question to be considered in Committee. The provisions of the Bill might not conveniently apply to the Metropolis, and it might be necessary to consider the Metropolis separately.

MR. G. W. HOPE said, there was an objection to the Bill in the borough he represented.

MR. HENLEY said, he thought the Bill ought to be deferred for a time.

MR. HUMBERSTON expressed a similar opinion.

LORD FERMOY put it to the right hon. Gentleman whether it would not be better to withdraw the Bill in its present state. He himself said that as regarded the Metropolis the Bill ought not be applied to the Metropolis. They would have to go before the Committee to protect their interests against a Bill which he did not wish to apply to the Metropolis. There was no encouragement from any part of the country to proceed with this Bill, but the Metropolis would resist it to the utmost.

MR. FOSTER suggested that the Bill should be sent to a Select Committee in the ordinary way, where all the interests of parties might be considered, and a good measure be eventually framed.

SIR JOHN SHELLEY inquired whether it was absolutely necessary for the Metropolis to be represented before the Committee? He did not wish that they should be caught napping.

Motion made, and Question put, "That the Bill be committed to a Select Committee."

The House *divided*:—Ayes 47; Noes 15: Majority 32.

House adjourned at a quarter after One o'clock.

HOUSE OF LORDS,

Tuesday, March 5, 1861.

MINUTES.] PUBLIC BILL. — 2ª Admiralty Court Jurisdiction.

ADMIRALTY COURT JURISDICTION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR in moving the second reading of this Bill said, it was one of very considerable importance to the commercial marine of this country. The Bill was one for enlarging the jurisdiction and improving the procedure of the High Court of Admiralty, which had now become one of the most important tribunals in the country for the determination of civil causes. Within the last three years no less than 1,618 causes had been determined, whilst the value of the claims involved amounted to £1,576,841. The Court was presided over by that most learned and able Judge, Dr. Lushington, and it was with his concurrence that the Bill was introduced. The first great improvement which the Bill proposed was to give the Court of Admiralty jurisdiction over claims for necessaries supplied to any ship elsewhere than in the port to which the ship belongs, unless it be shown to the satisfaction of the Court that at the time of the institution of the cause, any owner, or part owner, of the ship was domiciled in England or Wales. In the next place the Bill removed a restriction which was felt to be most inconvenient, especially in the case of ships trading with America. If a ship sailed from Liverpool to America, and if the cargo were damaged, the consignee had his remedy against the ship; but that was not so in the case of an American ship sailing from New York to Liverpool. There the shipowner had a right to insist on the full freight being paid, the consignee's remedy being an action for damages in the Courts of America. It was, therefore, proposed that henceforward there should be this remedy against foreign shipowners, that where a cargo was damaged the Court of Admiralty should have jurisdiction over any claim by the owner, or consignee, or assignee of any bill of lading of any goods carried into any port of England or Wales in any ship for damage done to the goods by the negligence or misconduct of the owner, master, or crew of the ship. In the next place, the Bill extended the provisions of "The Merchant Shipping Act, 1854," in regard to salvage of life to the case of any British ship wheresoever the service may be rendered, and in the case of foreign vessels where the services have been rendered in British waters. Many of the powers confided to other Courts by the Merchant Shipping Act were now to be conferred upon the Admiralty Court, which is constituted a court of record, and its decrees and orders are to have the effect of judgments at common law; and the Common Law Procedure Acts as regards evidence, inspection, and admission of documents, service and other powers are also extended to this Court. A power of appeal to the Judicial Committee of the Privy Council in interlocutory matters was given; but no appeal from any order or decree of the Court was allowed, except upon questions of law. That clause was introduced on his own judgment, but he was not disposed to insist on its being retained in the Bill. It had been proposed in some quarters to alter the mode of trial in the Court of Admiralty, and to introduce trial by jury; but he must say he was himself entirely opposed to the change. No one had a higher opinion of the institution of trial by jury than he had; but he thought cases of this kind would be more dispassionately and satisfactorily disposed of by the Judge with the assistance of the Elder Brethren of the Trinity House than by a jury.

Moved, That the Bill be now read 2^a.

Lord CRANWORTH agreed with the Lord Chancellor in holding that the introduction of trial by jury into the Admiralty Court would be injudicious. He agreed, also, that there ought to be no appeal to the Judicial Committee of the Privy Council except on matters of law. At present the Judge of the Admiralty Court was assisted by two nautical persons, and the witnesses might be examined *vivâ voce.* The Judicial Committee were also assisted by two other nautical men, but they had no power of examining witnesses, and could not judge of the value of the evidence by their demeanour. He, therefore, did not see any probability of the Appeal Court arriving at a better conclusion than the original tribunal. As the Bill stood, there was a right of appeal on all interlocutory proceedings with the consent of the Judge, and he suggested that an appeal on matters of fact should not be allowed unless the Judge thought fit to authorize it.

Lord CHELMSFORD said, that in the great majority of cases the proceedings in the Admiralty Court were carried on by depositions, and in 99 out of every 100 collision cases the plaintiff was sure to gain. He should like to know the number of appeals in collision cases, and in how many instances the decree of the Admiralty Court had been reversed. The questions involved were often of great importance to the litigant parties; the evidence was generally contradictory, the points were frequently of a technical and professional nature, and he thought that the commercial classes would view with alarm any proposal to abolish appeals on matters of fact altogether.

Lord KINGSDOWN said, he had always held it to be necessary that in all proceedings, in order to secure the fullest and most deliberate investigation, there should be a Court of Appeal, which should, when necessary, review the decision of the Courts below, and settle the law. This was more particularly necessary in regard to the Court of Admiralty. No one could bear stronger testimony to the ability and care displayed by the learned Judge who presided over this Court, but it was impossible altogether to avoid mistakes. Those who supported this Amendment scarcely understood the mode of procedure in the Court. It would, in fact, be utterly impossible to carry out the Bill as it stood now without altering the whole procedure of the Court. There was always great contradiction in the evidence, and when, after considerable difficulty, it had been settled what the facts of the case were, and their bearing had been explained, the Judge retired with the nautical assessors, consulted with them apart, and then returned and gave judgment at once, without stating which particular facts had been found and which had not. It was impossible, with such a procedure to separate facts from law, or to say which were matters of law, of fact, or of seamanship, and to confine the power of appeal to matters of law would be in effect to stop appeals altogether. Unless the Bill was altered, therefore, it would be necessary to alter the procedure of the Court. But the object of any Amendment of the law should be to secure the proper investigation of matters coming before the Court.

After a few words from the Earl of Powis,

The LORD CHANCELLOR said, he wished it to be generally known that the clause taking away the right of appeal was not suggested by the learned Judge of the Court, who would most willingly allow his decisions to be reviewed. The suggestion was his own; but he had become a convert to the opinions which had been expressed in the course of this discussion. He would, therefore, in Committee move that the clause restricting the ground of appeal be struck out, so that things would remain as they are.

Motion *agreed to.*

Bill read 2ª accordingly; and *committed* to a Committee of the whole House on *Tuesday* next.

House adjourned at a quarter past
Six o'clock, to Thursday next,
Half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 5, 1861.

Minutes.] New Member Sworn.—For the County of Cork, Nicholas Philpot Leader, esquire.

Public Bills.—1 Exchequer Bills; Aggravated Assaults Act Amendment; Cruelty to Animals Prevention; New Trials in Criminal Cases; Votes for Disqualified Candidates.

3° Inclosure; Marriages Validity.

THE MANUFACTURE OF HUNGARIAN NOTES.—QUESTION.

Mr. WHITE said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the alleged manufacture of notes in this country, in the name of Hungary, has been brought to the notice of Her Majesty's Government by the Government of Austria, and what steps have been taken thereupon by the order or advice of Her Majesty's Government?

Lord JOHN RUSSELL said, that the fact of the manufacture of notes in this country with the signature of Kossuth and the Royal Crown of Hungary on them was, on the 5th of last month, brought under the notice of Her Majesty's Government by the Ambassador of Austria. The question was immediately referred to the Law Officers of the Crown; and they gave an opinion at some length, that it was not possible—in fact that it was hardly probable—to obtain a conviction, though they considered that the fabrication of those notes was contrary to the laws of this country. According to their advice he (Lord John Russell) wrote to the Ambassador of Austria in London stating that Her Majesty's Government felt unable to take any steps in the matter. The Austrian Ambassador then said that he hoped Her Majesty's Government would consider him justified in taking other steps if he thought proper; and he (Lord J. Russell) replied that he was quite free to do so.

INDUSTRIAL SCHOOLS.

QUESTION.

Mr. HANBURY said, he wished to ask the Secretary of State for the Home Department, When a Bill for amending the Industrial Schools Act is likely to be introduced?

Sir GEORGE LEWIS said, that a Bill had been prepared, but its introduction had been delayed in consequence of the Education Commission not being yet prepared with their Report.

SUBMARINE TELEGRAPHS.

QUESTION.

Mr. LIDDELL said, he was about to ask a question of the noble and gallant Lord the Secretary for the Admiralty, but a word or two of explanation would be necessary to make that question intelligible. Mr. Piggott, a gentleman who had made improvements in telegraphs, obtained the sanction of Her Majesty's Government to lay down an experimental line of telegraphic cable between Alverstoke and Ryde. The Government placed a ship at his disposal; but sent no inspector to see how the experiment was conducted. Mr. Piggott, however, sent a Report to the Admiralty; but, though he had made three applications on the subject to the Board of Admiralty, he had not received any reply. He would, therefore, beg to ask the Secretary to the Admiralty, Why no answer has been given to a Report sent in by Mr. Piggott to the Board of Admiralty of the result of a trial of his Telegraphic Cable laid down between Alverstoke and Ryde on the 20th day of June last?

Mr. CONINGHAM said, he wished before the noble Lord answered the hon. Member for South Northumberland, to put another question to which he might give a reply at the same time. It appeared that a telegraph was to be laid down between Malta and Alexandria, and he was informed that Mr. Gisborne was the Government officer who was to be employed to superintend the operation. After the result of the recent telegraphic experiments, he wished to know whether his information was correct or not?

LORD CLARENCE PAGET said, he would beg to inform the hon. Gentleman (Mr. Coningham) that the Admiralty had nothing to do with the submarine line between Malta and Alexandria. As to the Question of the hon. Member for South Northumberland (Mr. Liddell), he begged to say that in 1860, Mr. Piggott applied for permission to lay down a telegraph wire from Portsmouth Dockyard to the Isle of Wight. The Admiralty objected to its being laid across Portsmouth Harbour, but gave him permission to lay it down between Alverstoke and the Isle of Wight. Mr. Piggott afterwards wrote to the Admiralty to announce that the line had been laid down; but the Admiralty had nothing at all to do with the submarine telegraph, and no answer was deemed necessary.

THE ADMIRALTY.—SIR BALDWIN WALKER.—OBSERVATION.

LORD CLARENCE PAGET: Sir, I may, perhaps, be permitted to take this opportunity of informing the House that the *Avon* was sent out this morning to endeavour to intercept Sir Baldwin Walker.

SIR JOHN PAKINGTON: Sir, after the announcement which the noble Lord has just made, perhaps he will allow me to put to him two questions. First, whether it is true that no telegraph was sent from the Admiralty till half-past eleven o'clock to-day? Secondly, whether the *Avon* is not reckoned one of the slowest ships in Her Majesty's service?

LORD CLARENCE PAGET: Sir, it is quite true that the orders were sent out this morning; but it must be remembered that the *Avon* sailed from Devonport, and that we had news of Sir Baldwin Walker having put out from Yarmouth Roads, where he had taken shelter, yesterday morning. It is quite possible, therefore, that the *Avon* may be able to cut him off.

TRAMWAYS ON STREETS.

QUESTION.

Mr. MASSEY said, he would beg to ask the Secretary of State for the Home Department, Whether he has considered the expediency of proposing to Parliament some measure for enabling municipal bodies, and other local authorities having control of highways, to lay down or to consent to the laying down of tramways on streets and other public thoroughfares?

SIR GEORGE LEWIS said, he had been requested to introduce a clause on the subject into the Highways Bill; but he did not like to mix up the two objects. The subject was one deserving of consideration, but he could not say that he was at present prepared to propose any legislation with respect to these Tramways.

COLONIAL MILITARY EXPENDITURE.

SELECT COMMITTEE MOVED FOR.

MR. ARTHUR MILLS said, that in rising to move for a Select Committee on Colonial Military Expenditure, he need hardly apologize for bringing under the notice of the House a question involving an expenditure of £4,000,000 sterling, nine-tenths of which were raised from the taxation of the people of this country. The usual official objection would probably be raised to the Select Committee for which he was about to ask—namely, that it would involve an interference on the part of Parliament with the proper functions of Government, but he thought he should be able, in a few words, to prove that that objection could not fairly apply to the Motion to which he asked the House to assent. In 1834 a Committee for the same object was granted by the Government of that day. It was presided over by the present Lord Fortescue. On the Report of that Committee action was taken by the Government, to the great advantage of the public; but many changes had taken place since 1834—changes both in the home administration, and in the actual expenditure in the Colonies, which tended to make inquiry still more necessary than it was when granted at that date. From the beginning of the present century up to 1854 the administration of the Colonies and that of the War Department were under one head. In that year, owing to the pressure caused by the Russian war, the two departments were separated; and they had the testimony of men of experience that, under the present system, great inconvenience was caused in the public service from the want of an uniform rule in respect to colonial military expenditure. He did not intend to trouble the House with lengthy quotations, but he would refer to a passage in a letter, written in March, 1859, by Mr.

Hawes, on behalf of the right hon. and gallant Member for Huntingdon (General Peel), then Secretary of State for War, to the Secretary of State for the Colonies. In that letter the Colonial Secretary's attention was called to the extreme inconvenience felt in the War Department by reason of the absence of any fixed and recognized principle on which to decide questions relating to military expenditure in the Colonies; and the desirability of an understanding between the several Colonies and the Imperial Government was pointed out. It was suggested by the right hon. and gallant General that the matter should be submitted to the consideration of a Committee composed of one member from the War Office, one from the Colonial Office, and one from the Treasury. Such a Committee was accordingly appointed. They were all men of ability, but they presented a Report in which they diametrically opposed each other. That seemed to have been made an excuse for doing nothing: but, at all events, no action had been taken on the subject. His object in now proposing the appointment of a Committee was not to embarrass the Government, but to give them a basis for action. The aggregate of our military expenditure for the Colonies was nearly £4,000,000 annually. Of that amount the Colonies contributed about one-tenth. The Committee he proposed would not have to operate on our whole colonial empire. The political garrisons, convict depôts, and the philanthropic settlements in Western Africa, with regard to which the question of apportionment of expenditure did not arise, would be excluded from the inquiry. Whatever opinions might exist as to the value of these dependencies to Great Britain it was evident that they must be retained, if at all, at Imperial cost. They were ten in number, and the cost of our military expenditure in regard to them was about £1,500,000, while there were twenty-seven or twenty-eight colonies and dependencies that absorbed the remaining amount of £2,500,000. The total amount of contributions from Colonial sources towards making up the sum of £4,000,000 was £370,000. The twenty-eight colonial dependencies on which he proposed the Committee should operate contributed £350,000 a year, and of that sum £240,000 was contributed by three colonies — namely, Ceylon, Victoria, and New South Wales. These facts showed the anomaly of the present system, both in regard to their imperial expenditure and the proportions paid by the Colonies. Again, the military defence of the North American Colonies and the West Indies were organized on no settled rule or principle. Vast sums were squandered on fortifications which were often worse than useless, while small garrisons were dotted about on our insular possessions which, in the event of war with any European or other Power, would be simply caught in traps. It was to him quite inconceivable that they should go on keeping fragments of troops in all the small dependencies that they possessed. The colonial power of England rested on her naval superiority alone. The Report of the departmental Committee called attention to the enormous military expenditure at the Cape of Good Hope, amounting to £830,000, side by side with which was an item in the Estimates of £68,000 for the civilization of the Kaffirs. Anything more monstrous than that expenditure of £830,000 he could not imagine, and he was at a loss to understand how Parliament could sanction—if, indeed, it had ever sanctioned—such an enormous outlay. The tendency of such a system was to keep the colony in a state of perpetual minority. The Kaffir wars, again, had cost this country not less than £5,000,000. He brought forward this Motion in no spirit of hostility to the Government; and he, therefore, regretted to hear that it was their intention to oppose it. That opposition, however, rendered it necessary for him to anticipate some of the arguments likely to be used against it. He should probably be told that the matter ought to be left to the Executive Government; and that it was not a question for the House of Commons. That was an argument which had been used for the last twenty-five years, and might be used with equal force for twenty-five years to come. But how could the Government deal with the matter satisfactorily when the average duration of office of each Colonial Minister was little more than eighteen months? Under such circumstances, unless some sound rules were laid down for that department, any statesman who held the seals of the Colonial Office must find great difficulty in giving satisfaction. A long space elapsed before the missives of the Colonial Office could reach the colony, and when the time came for the return of the mail the Colonial Office had a new functionary who might feel disposed to deal with the question at issue on a different principle. The settlement of important questions between the Imperial Government and the Colonies was thus indefinitely delayed, and the seeds were thus sown for future disputes. The severance of the War Department from the Colonial Office had only aggravated the difficulty of the case. He disclaimed any desire to invade the functions of the Executive, but the whole history of the matter showed that it was high time for Parliament to interfere. He might be told that one Committee had already sat, that his Committee would do nothing, and that the Colonies would be coming before it *in formâ pauperis* to get what they could for themselves. But persons who held this opinion of the Colonies must have forgotten their conduct during the Russian war, when the Australian colonies sent home between £70,000 and £80,000 to the Patriotic Fund for the widows and children of those who fell in the Crimea; and when Nova Scotia offered to maintain a militia of 25,000 men to protect her own shores in the event of England requiring the services of her army elsewhere. It could not be said that the expenditure proposed to be inquired into was unimportant, for if £1,000,000 of this £4,000,000 could be saved, it represented 1*d.* in the pound on the income tax, or it would enable the Chancellor of the Exchequer to take his long-deferred action on the paper duty. The student of history could not but notice the contrast between the Colonial policy of England and that of Spain and Holland. He did not mention the colonial policy of the latter countries for any purpose of laudation, but it was worthy of remark that they received from their colonies every year nearly the precise sum that England spent upon hers. But it was not only, or mainly, on economical or financial grounds that an inquiry into our present colonial policy was demanded. The retention of colonies in an inglorious and unlonely subjection was a hopeless enterprise, degrading alike to those who imposed and those who accepted the dominion. Sixty years ago Mr. Fox, in advocating the Quebec Bill, told the House of Commons that the only sure mode of retaining our Colonies was to enable them to govern themselves. This advice had been echoed by the late Sir William Molesworth, Mr. Charles Buller, and some distinguished statesmen who were still Members of that House. But self-government was necessarily followed by self-defence, and the Colonies that were left to govern themselves ought, as a necessary consequence, to defend themselves. It was not necessary to go back to ancient times to show the accuracy of that theory. Our North American colonies, before the declaration of independence, paid the whole cost of their military defence out of their own taxes, and yet provided in addition for the whole expense of their civil government. During the seven years' war they raised 25,000 men at a cost of several millions sterling. The policy of England towards her Colonies ought to be in accordance with this ancient precedent to cherish the feeling of self-reliance, and to revive, if possible, the sound principles of Colonial Government from which we had departed. He submitted his Motion to the consideration of the House, he repeated, in no hostile spirit towards the Government, but because he believed that man was doing a service to his country who was instrumental in diminishing the drain on the resources of the State, and lightening the burden which pressed on the population—a burden in this case involving an expenditure of £4,000,000 sterling—and the withdrawal of 100,000 soldiers from the service of the mother country to the outlying provinces of our empire. But there was a still more powerful argument for investigating and reforming our colonial policy—namely, that by cherishing those principles of self-reliance to which he had adverted, they would be qualifying the Colonies for a glorious future and for eventual independence. He would, therefore, move,

> "That a Select Committee be appointed on Colonial Military Expenditure, to inquire and report whether any, and what, alteration may be advantageously adopted in regard to the Defence of the British Dependencies, and the proportions of cost of such Defence as now defrayed from Imperial and Colonial funds respectively."

MR. MARSH said, he had particular pleasure in seconding the Motion, because the colony of Queensland, with which he was principally connected, had no soldiers and no military defence. It struck him that the Colonies ought not, strictly speaking, to have a military defence. A fleet, with a sufficient number of marines, would, in his opinion, be a much more effectual defence than a garrison of soldiers. The advantage possessed by a fleet was that it could move very rapidly to any point on the coast where its presence might be required. It would be recollected that the

Volunteers of New Zealand were, on a recent occasion, placed in great jeopardy, and would have been cut off by the natives but for the assistance of blue jackets. Even if they had no colonies their commerce would require them to keep up a navy; and, therefore, with that expense the Colonies could not be charged. He hoped that the Committee would be appointed, as the subject was full of details, and they were not to suppose that the Colonies could be dealt with by one single rule—one Procrustean plan. He was glad to hear his hon. Friend pay a tribute to the loyalty of Australia, although he had, he thought, made a mistake in saying that the Australian colonies contributed only £75,000 to the Patriotic Fund, as it was within his own knowledge that New South Wales, by no means the largest of these colonies, had alone subscribed £53,000. The case of the Cape required peculiar attention. In former days the colonists fought the Kafirs in their own way, but of late the Government had prohibited them to engage in any kind of guerilla warfare. It was, therefore, the duty of the Government to provide them with adequate protection.

Mr. CHICHESTER FORTESCUE said, he could assure his hon. Friend that his Motion for a Committee was not viewed as a party attack upon the Government. He concurred in the objects aimed at by the hon. Member's proposition, but he differed from him as to the means of attaining those objects. The desire felt for inquiry by a Select Committee into the matter arose very much, he believed, from what was supposed to be the comparative failure of the inquiry made some time ago by a Departmental Committee appointed by the late Government. The Report of that Committee was not a joint one. There were in effect two Reports, one of which was made by an able gentleman, a member of the War Department, from whom his Colonial Office Colleague was compelled to differ. The document containing that Report was drawn up with very great ability—was full of ideas and valuable observations; but, as far as its practical utility went in enabling the Government to settle the matter on a satisfactory basis, it was comparatively of little benefit. But the failure of the Committee could not be attributed to the Minister under whose auspices it was appointed. The Reports, in fact, did not furnish an answer to the questions submitted to the Committee. General Peel, in his instructions to the Committee, laid down very simple principles as to the colonial military system and the distribution of the charges—principles in which, in the main, his noble Friend now at the head of the Colonial Office concurred—and requested the Committee to consider a scheme for the application of those principles to each colony. In the able paper drawn up by Mr. Godley, the two main recommendations were these—That the defence of the Colonies should be maintained under a system of local control and management, and that there should be a uniform contribution on the part of the mother country. The essence of the Report was—that the defence of the Colonies ought to be carried on by local corps provided by each of those Colonies, and without the assistance of regiments sent from home. There was no doubt that local corps such as the Cape Rifles and the Ceylon Regiments were very useful under certain circumstances, and in peculiar methods of war fare, but he was convinced that there was no surer way of destroying in the Colonies the sense of connection with the mother country than by making up our minds to withdraw from them the presence of British regiments. His hon. Friend who seconded the Motion reminded him of a strong instance which had recently come to the notice of the Government. The other day the colony of Queensland were asked whether they would prefer a regiment of their own or a small detachment of British soldiers. The answer was in the shape of a minute of council, which stated that the local government had the strongest objection to substitute for a small detachment of Her Majesty's troops a local corps raised in the colony. They pointed out that the system of local corps tended to isolation. They asked for a very trifling number of troops. They stated that the presence of a small number of British troops tended to keep up the imperial feeling of attachment to this country, and at the same time constituted a far more efficient force for ordinary purposes, local troops being necessarily inferior to imperial troops, and altogether wanting in that *esprit de corps* which existed among British soldiers, and that such had once proved to be the case in the colony of New South Wales. But the Report to which he had alluded, while maintaining that the defence of our Colonies should be left to local corps, asserted that we should contribute towards the expenses. He could not think that Parliament would ever agree to a proposal of that kind. It would be false economy. We should get an inferior article for our money; the local corps would not be available for the general defence of the empire; they could not be moved from point to point in case of danger, but would always be fixed to one spot. Then the Report recommended that our contribution should be at a uniform rate for every colony. That appeared to him to be the very exaggeration of theory on a practical question, and it was a recommendation which no Secretary of State could possibly carry out. The circumstances of the Colonies varied enormously. They varied in point of age, of wealth, of exposure to danger, of means of defence. The power of peace and war was not vested in the hands of the Colonies. They were liable to be involved in wars which the mother country might engage in for her own purposes; and the greater portion of them were so situated that if not dependent on the Crown of England they must take their allegiance elsewhere and ask for protection from some other Power. Next it had been said that they ought to encourage in the Colonies the principle of self-reliance and self-defence. In that statement he entirely concurred. But the Report in question had strangely underrated the spirit of the British Colonies. It seemed to assume that the spirit of self-reliance was extinct. The truth was, that whenever danger had threatened, a commendable spirit of self-reliance had always been shown by the British Colonies. It was well known how the Volunteers of Australia came forward last year. He could quote, if necessary, resolutions passed by the Legislatures of New South Wales and Victoria expressive of self-reliance. But the colonists had done more. They had shown their spirit by coming forward in large numbers to serve the Crown. There were at that moment in Victoria some 4,000 or 5,000 admirably trained Volunteers. And so in other colonies. The same spirit had been shown in Canada and in Nova Scotia. Not long ago it was proposed that Nova Scotia should contribute certain sums towards its defence. She declined to do so; not, however, for want of loyalty, but on account of the smallness of her revenue, which amounted only to £150,000, one-half of which was spent in paying the guaranteed interest of railways. But a few years ago, when New Brunswick seemed to be in danger from the United States, Nova Scotia voted no less a sum than £100,000 for defensive purposes. She had also enrolled an admirable body of Volunteers. He thought, therefore, that a spirit of self-reliance and self-defence was by no means wanting in our Colonies. It prevailed to a gratifying extent, aad he might add that it had received constant encouragement, both from the Colonial Minister and from the War Department. The hon. Member for Taunton had talked of the enormous sums expended by the mother country in the military defence of her Colonies; but, in taking his figures from the report of Mr. Godley, he had unintentionally deceived the House. The expenditure was nothing like £4,000,000 a year.

MR. ARTHUR MILLS: I referred to the aggregate amount, including the colonial expenditure.

MR. CHICHESTER FORTESCUE contended that the tables in the Report from which the hon. Gentleman had derived his information were constructed upon an erroneous principle. For example, they included all the dependencies of the British Crown, mere military ports like Malta and Gibraltar, as well as Canada and Australia. Nevertheless, the authors of the Report, though by no means inclined to underrate the military expenditure in the Colonies, had not ventured to put it at more than £2,000,000 a year, stating the number of troops at 27,000. But those figures did not represent the present state of things. The tables in the Report were drawn up in a very extravagant year, in a year most favourable for those who wished to complain of the existing colonial system, in a year when the number of troops at the Cape was certainly enormous. At that time a new Kaffir war was considered imminent, but, happily, the evil was averted by the presence of an unusually large military force and by the ability and energy of the governor. The tables also included the cost of the German Legion, and, in fact, every possible item which could be dragged in to swell the grand total. They embraced, among other things, a proportion of the expense of transport, of the departmental expenses at home, and of the cost of the non-effective service. In short, the authors of the Report seemed to have drawn up their statement as if they thought that the troops in the Colonies were of no value whatever to the Empire at large and were never to be seen at home again. He would tell the House what had been done since. The number of troops at the Cape in the year in which the Report was prepared was 10,700, whereas, according to the last Returns, the number of troops at the Cape and in Natal did not exceed 4,300. He agreed with the hon. Gentleman that the Cape ought to contribute more than it did to its military defence. It should, however, be remembered that at the Cape of Good Hope and in New Zealand the colonists were constantly in danger from the aborigines, and that the Home Government and the opinion of this country would not tolerate self-defence by means of internecine war such as that which was carried on between the early settlers and the natives in North America. As to Australia, it was well known that those important colonies did contribute large sums to their defences, and the charge to this country on their account was very small. Sir William Denison had proposed a plan of a joint and equal contribution, but he had never intended to apply the scheme as a uniform system to all the dependencies of the Crown. As to New Zealand the war had interrupted all the arrangements; but before it broke out measures had been taken to throw on New Zealand the whole cost of works, barracks, and fortifications, and to levy a contribution for the troops stationed there at a fixed sum per head. With regard to Canada the intention of Earl Grey had not been to throw the whole charge on the colonial Government, but to reduce it to a very moderate amount, confining it to the garrisoning of the principal cities and ports of the colony; and that was exactly what had been done. With the exception of a few posts there were only the garrisons of Quebec and Kingston, and besides the regiment of Canadian Rifles there was only a single regiment from this country. That was not too much for the great province of Canada. In the colonies, properly speaking, the number of troops at this moment could not be put above 19,000 men. He could not exactly say what deduction that would give from the £2,000,000 stated in the Report two years ago, but certainly it must represent a very large sum. He hoped that statement would lead the House to believe that things were not so bad as they had been represented by his hon. Friend. The colonies were making vigorous efforts, and every opportunity was taken by the present head of the Colonial Office, in conjunction with his colleagues, to reduce the charge of the colonial military system on the mother country. His hon. Friend proposed to deal with the subject by a Committee of the House of Commons. He thought what he had said would show that such a remedy was not needed; that the case was not so bad as had been represented; but whether that were so or not he must say that the remedy proposed was entirely unsuited to the case. It seemed to him that the subject was not a fit one for inquiry by the House of Commons. It was not a question of facts, but of opinions and principles. It was well known there was a difference of opinion between the authors of the Report; that difference was not in respect to the facts of the case. On the facts they were agreed; the difference related to the principles to be applied in dealing with the question. He feared that an inquiry before a Committee, so far from settling the question, would rather tend the other way and interpose obstacles to its settlement. Gentlemen might no doubt come forward and give strong opinions in favour of relieving the British taxpayer on the one hand; and on the other gentlemen from the colonies would express colonial views; but that would not facilitate the settlement of the question. He was glad to hear from the hon. Gentleman who seconded the Motion an assurance that the colonies were ready to assume a greater share of the responsibility of their own protection; and colonial witnesses might be found to give similar evidence; but, after all, these were merely the opinions of private parties; they did not bind the colonies. The question must be treated through the colonial Governments. The only way in which retrenchment in this matter could be carried out was by negotiation carried on by the Imperial Government with each of the colonies in their turn. If the House of Commons took these negotiations out of the hands of the Government they would, he was convinced, cause dissatisfaction in the colonies as well as fail in the end they had in view. They might as well attempt to take negotiations with France out of the hands of the Government and place them in the hands of a Committee as to do so with these negotiations with Canada. There was not, after all, much difference as to the principles on which any improvement in the system should be based. His noble Friend at the head of the Colonial Office was quite ready, for instance, to accept the principle as laid down by the right hon. and gallant Member (General Peel) that all the military charge for internal police should fall on the colonies, at all events as regards communities of English origin, for it could hardly be strictly applied to those heterogeneous mixtures of various races to be found in Trinidad and the Mauritius. But the object General Peel had in view was not carried out by the Departmental Committee. Nor could the task be fulfilled by a Committee of the House of Commons. It must be left to the Government itself, and the noble Duke at the head of the Colonial Office, who was willing and anxious to carry it out. He could answer for his noble Friend that he would lose no opportunity of doing so in each colony as the case arose, consulting not only colonial but Imperial interests, and keeping fully in mind the claims of the British taxpayer.

Mr. BAXTER said, he thought the House was deeply indebted to the hon. Gentleman for having brought this subject before the consideration of the House. He had done so in a very moderate speech, without passing censure on the present or any preceding Government. It seemed to him desirable that they should obtain more full and explicit information on the subject. He had listened with great attention to the speech of the hon. Under Secretary for the Colonies, and he could not but express his regret and surprise that Her Majesty's Government should oppose the Motion. The position taken by the hon. Under Secretary that the Committee would interfere with the province of Her Majesty's Government was not defensible. On Friday last the Government had acceded to a proposition for the appointment of a Select Committee to consider what alterations should be made in the Board of Admiralty and the duties of that department. A Committee had also been appointed to consider a number of matters which were peculiarly within the province of the Poor Law Board and the Exchequer. When, therefore, the hon. Gentleman raised that preliminary objection to the appointment of a Committee, he (Mr. Baxter) thought he had unduly prejudiced the prerogatives of the House of Commons, and he hoped the House would never agree to the doctrine that matters of the kind were to be left entirely to the Government. He really believed that Ministers ought to have accepted with thankfulness the proposal of the hon. Member for Taunton, for they had heard that the departments were not agreed among themselves—that the War Office differed from the Colonial Office; and, in the remarkably able Minute of General Peel, it was stated that Government were labouring under great difficulties and embarrassments; while the document to which their attention had been invited set forth that not a year passes without discussions on the relative liabilities of the Imperial and colonial Governments. The speech of the Under Secretary for the Colonies, indeed, would make it appear as if everything was *couleur de rose,* and no doubt his speech would be read with great pleasure by the colonists; but the House must recollect that they were the representatives of the people of this country, and that they found a Report placed in their hands which stated the military expenditure on account of the colonies for the year 1858 at £3,968,000 while the colonies only contributed the sum of £378,253. His hon. Friend said that the cost had since been greatly reduced; but he wished the hon. Gentleman had condescended a little to particulars. Let them contrast the state of things here with the case of the Dutch colonies, which, after paying all military and naval expenses, contributed a surplus revenue of £2,600,000 ; and the Spanish colonies the estimated surplus revenue was £1,150,000, or a sum very nearly as great on the right side of the ledger as ours was on the wrong. It had been said by the hon, Gentleman that 1858 was an exceptional year, and that the expenditure had been considerably reduced, but even according to his computation we should still be upwards of £3,000,000 out of pocket for the defence of our colonies. The hon. Gentleman had not noticed the fact that Nova Scotia and New Brunswick did not contribute a farthing towards this expenditure, while the Cape of Good Hope only gave the miserable pittance of £34,000. He held that a *primâ facie* case for investigation had been made out; and so far from embarrassing the noble Duke at the head of the colonial Office, if the inquiry were carried out in an impartial manner, it would enable him to enforce his views with those Colonies which did not adequately support their military expenditure. He agreed in the praise which had been bestowed on the people of Australia for their noble efforts, and it was precisely because he was anxious for the extension of the principle which they were acting upon, and because he believed this would only be effected by the voice of the people supporting the Colonial Office, that he was anxious for the appointment of the Committee, the proposal for which had been made in so temperate and conciliatory a manner.

LORD ROBERT CECIL said, he had been much surprised when the hon. Gentleman, the Under Secretary, concluded his speech by stating that he should oppose the Motion, for he had never heard a speech which more conclusively established the necessity for a Committee than that which had been made by the hon. Gentleman. The hon. Gentleman had devoted the greatest part of his remarks to the refutation of a Report made by two officials of the War Office. Committees of that House were intended to settle questions which were in controversy, and where differences arose between Members of the Government—however injudicious it might be to publish them—when they had once been brought to light that House was the place in which they ought to be determined. The hon. Gentleman had told them that there was a great controversy as to the course which should be pursued in Australia. There was the Denison system and the Grey system; and the hon. Gentleman told the House that his own mind—and he presumed the mind of the noble Duke under whom he served—was not quite settled as to which of these was the best. In such a position that House, as it seemed to him, was the only place where the question could be fairly tried. A great mistake had been made in allowing the Report of officials, differing so widely, to be presented; but as that step had been taken, and as great doubts had been consequently awakened, he saw no adequate means of settling them, except by referring the matter to a Select Committee. The hon. Gentleman, he thought, had mistaken the pedigree of the present Motion, which really arose from the wise and judicious State paper issued by the right hon. Gentleman, the Secretary of State for the Home Department, during the absence of the noble Duke in reply to an application for aid from New Zealand, in which he stated with great force the difficulties attending the supply of military force to the colonies and the necessity existing for an authoritative settlement of the doubts which had arisen. The hon. Member for Montrose (Mr. Baxter) had fallen into the error, common to many speakers, of confusing the various colonies subject to the British Crown. Had he looked more closely into the Report he would have seen that many changes were incurred in the defence, not of colonies, but of detached military posts, a distinction which it was necessary to bear in mind very carefully. Of the £3,500,000 of Imperial expenditure for military purposes more than £1,000,000 was absorbed by the Mediterranean settlements, Gibraltar, Malta and the Ionian Islands. Differences of opinion might exist as to the wisdom of maintaining those military posts, but it was quite clear that the large sum expended upon them ought not to be set down to colonial charges. Bermuda, Heligoland, and St. Helena, with numerous others, belonged to the same class, and materially reduced the sums which the hon. Gentleman had spoken of as colonial expenditure. There were likewise colonies which had nothing to fear from attacks externally, unless they proceeded from an European Power, with whom they would not become involved unless we ourselves quarrelled with them in the first instance. For example, if we went to war with France, our possessions in the Pacific would be in danger; and if with America, those in the Caribbean Sea would be imperilled. But as long as we were at peace, they would not be in any danger at all; and it was, therefore, conformable to the first principles of justice that if we made a quarrel we should bear the expense of defending those whose security depended entirely on our foreign policy. The exhaustive division to which he had referred only left two colonies unmentioned—those of New Zealand and the Cape of Good Hope—both of which had powerful native tribes on the frontier, with which they might come into collision, and so require the assistance of English troops. It might be fairly questioned whether it had been wise originally to colonize these territories, and whether, looking back on all the results, we had been repaid for the great cost and anxiety which they had entailed. But, having entered into a pledge with the emigrants whom we had sent out to those colonies, it was impossible with honour to refuse to guarantee their security. Take the Cape as an example. Complaints had been made of the enormous sums lavished on that colony; but it should be remembered that the policy of this country had curtailed its frontiers, promoted the formation of a hostile republic on its borders, and forbidden the Dutchmen to pursue the kind of warfare by which they formerly kept the Kaffirs at bay. Having done that, they were absolutely bound to aid the colony in meeting the dangers to which they had taken so large a share in exposing it. Then there was the case of New Zealand, which required the most careful consideration of a Committee of that House adequately to solve it. It was not merely a military question, but a question whether they ought not to take the affairs of New Zealand more under their own control, if they were to be responsible for all that might happen in the colony. The present war in New Zealand was apparently caused by the pressure put upon the Governor to furnish land for the colonists. That raised the question as to the rights of the natives, and the powers and duties of the authorities in the colony. It was impossible for these delicate questions and minute details to be settled in that House; and, on the other hand, it was not consistent with their usual policy to leave them entirely to the Executive Government. It was, therefore, to be regretted that the hon. Under Secretary for the Colonies opposed the Committee, whose investigations might lead to valuable results in the saving of vast expense, and the prevention of future difficulties.

Sir JOHN TRELAWNY said, he thought it could be hardly satisfactory that so many heads of departments should be without seats in that House. Not only were the Secretary for the Colonies, the head of the War Office, and the First Lord of the Admiralty, all Members of the other House; but there was another department scarcely less important which seemed almost to have been put in commission in the Lords—he meant the Chancellorship of the Exchequer. [*A laugh.*] It could hardly be denied that those who attempted to alter the scheme of the Budget took on themselves the responsibility for the financial affairs of the country; and, therefore, he repeated, that the office of the Chancellor of the Exchequer was in commission in "another place." The present Motion was, strictly speaking, scarcely a proper one, because it would throw on a Committee the responsibility connected with colonial matters, which ought to belong to the Government. On the subject of New Zealand it should not be forgotten that they had duties to discharge in the interest of the natives as well as of the settlers. By the Treaty of Waitangi Her Majesty solemnly promised that the New Zealanders should enjoy all the tribal and other rights which they possessed at the time. The present war in the colony had, however, arisen from the disregard of that stipulation. At that moment there were almost troops enough in the colony to settle a Chinese war, or to put down another Sepoy insurrection. There were already above 3,000 European soldiers there, and he heard that another regiment was under orders to reinforce them. And whence did this war arise? Three or four years ago, when the House was asked to guarantee a New Zealand loan of half a million, he warned them that there might be difficulties respecting questions of dealings with land; and everything had happened as he feared, though in a different island. In the north Island, not far from Taranaki, there was a plot of land which had been obtained from the natives of New Zealand by practices which he would not describe. The land had formerly been held by a tribe which, for purposes of whale fishing, had emigrated thirty-three years ago to Queen Charlotte's Sound; but they had always intended to come back. In fact, the owner of the land made his son Wirimi Kingi, or William King, promise that he would go back. In the meantime, Governor Hodson and the New Zealand Company had severally made purchases, had bought the rights of a few members of the tribe who had stayed behind, and also of another tribe who had seized it and pretended to the right of conquest. The present Governor evidently thought he had got a capital title to the land; but he had really no title at all. ["Question!"] He (Sir John Trelawny) maintained that it was the "question"—involving the rights of the taxpayer and the honour of the British Crown, and that the New Zealanders had a right to be heard; and he hoped that the Imperial Government would not without due inquiry keep up the war when they had no case whatever as against Wirimi Kingi.

Mr. ADDERLEY said, he hoped the Government would withdraw its opposition to the Motion of his hon. Friend. He had been waiting for an opportunity to follow some hon. Member who was opposed to the Motion; but that opportunity he could not find, for the only Gentleman who had yet opposed the Motion was his hon. Friend the Under Secretary of State. He hoped the Government would, therefore, see that the general wish of the House was that the inquiry should take place. The hon. Under Secretary had himself, as the noble Lord

(Lord R. Cecil) had said, given the best reason for the inquiry, for he had admitted that the slight pressure already put upon the Government had induced them to move in the direction proposed, and so far no mischief had arisen. The reason why the pressure had been slight was the unwillingness of the House to discuss any colonial questions, and he would ask whether the opinion of the House had not materially ripened even while its attention had been for a short time arrested by the question within the last hour. Hon. Gentlemen were, no doubt, impatient for the coming debate on the hop duties; but he thought they were beginning to see that, to say nothing of larger considerations, as much might be saved to the revenue by this Committee as the Chancellor of the Exchequer now raised by the hop duties and the paper duties together. Both might be spared to the taxpayer, and a great national advantage gained besides if this inquiry were permitted. He confessed he should be more ready to vote for the repeal of the hop duties if he felt that the Government would look into the enormous sources of waste which inquiry into colonial defence paid for by the British Treasury would open up. The hon. Under Secretary had stated that the amount in question did not exceed two millions and a half a year, but that was an amount not to be disregarded, even by this country. The hon. Gentleman had based his opposition to the Motion upon a departmental Report which came before the House last year as if that had concluded inquiry. If the House had looked into that Report it would be still more eager for an inquiry for some reasons why nine-tenths of the empire should not be called upon to find money or men for their own defence, but that one metropolitan island should have to supply both for all the empire. What were the reasons for such an unprecedented undertaking? The colonies did not ask for it, and did not thank us for it. At this moment the New Zealand colonists accused the Home Government of causing the war in that colony. In the departmental Report which had been referred to it was said that Mr. Godley of the War Office had recommended one plan and Mr. Elliott of the Colonial Office another, but that merely proved there was a difference of opinion, which was a reason for further inquiry. But the Reports of those gentlemen, although differing in detail, agreed in the main principle that it was absurd for England to continue to supply men and money for the defence of the whole of our colonies. Mr. Godley argued for the establishment of one fixed principle in the contribution of aid to the defence of all colonies, as distinguished from military posts, while Mr. Elliott recommended a more elastic system for the different dependencies. In the essence of their Report, however, they were in perfect accord. The Under Secretary of State had said that he thought the withdrawal of Imperial troops would tend to bring about a separation of the colonies from the mother country; but surely it could not be that the connection with any of them was based upon so slight a ground as the presence of a few hundred soldiers sent from England. And would not colonial red coats be British troops just as much, and carry our flag as well? If it were necessary to hold them by troops from England the spirit which formerly bound England to her colonies must have greatly changed. Such was not the relation which formerly existed between the North American colonies and Great Britain when it took ten years of folly on the part of George III. and Lord North to sever the connection. The colonies before that raised their own armies and equipped their own fleets; and they stood not against militias only, but against the armies and navies of France and Spain, and they even added to the dimensions of the empire. That which led to the emancipation of the colonies was not their being left to their own defence. What had broken the link was the commencement of that new system of interference which had now been put forward as one of the safeguards of the connection. What would be our position if inquiry were refused? The hon. Gentleman the Under Secretary asked that the Government might be left alone as they were doing something in the direction proposed, But what had Government done in the last hundred years; and what were they at liberty to do? He also admitted that a handful of troops was a bad defence for a colony, and that it was desirable the colonies should be allowed to make some provision for their own defence, and thus learn the lesson of self-reliance. He acknowledged that we must expect the result of extraneous aid to be generally to weaken the recipient. Thus he believed the subsidizing of colonial churches had paralyzed the action of the Church in the colonies, as any body taught to depend upon another for support was necessarily weakened. Then why should the colonies not provide for their own defence? What reason was there that England was to provide it for them, and Ireland not be also dealt with as the colonies were? It was true that Ireland was represented in that House, but the colonies also had Parliaments of their own by means of which they controlled the Executive Government, and could refuse supplies to the Crown. Again, it was asserted that it was Imperial policy which was primarily the cause of differences between the mother country and foreign nations; but he contended that colonial relations and policy as often lead to wars. During the last ten years they had spent a great deal more in colonial wars—which would not have occurred, he believed, if the colonies had been left to themselves—than had been expended on account of the Crimean war. Did the House know that at this moment five regiments were sent to New Zealand to finish a war for which that House was responsible, inasmuch as by the New Zealand Constitution Bill it had implicated itself in the native policy? With respect to the Cape, the hon. Gentleman admitted that there had been much unnecessary expenditure in that colony, but he (Mr. Adderley) had moved for a Return which when produced would astonish the House. The German Legion had been sent out to the Cape upon the understanding that they were to receive half-pay until they were settled as colonists, and were not, except in cases of emergency, to be placed upon full pay. The Return would show that, from the moment of its landing, the Legion had been kept upon full pay, and that the amount of that pay had never been brought under the notice of the House. This sort of expenditure practically got rid of the control of Parliament and was capable of unlimited abuse. He implored the Government to reconsider their determination, as even this short discussion had enabled the House to mature its judgment upon the point.

VISCOUNT PALMERSTON: The right hon. Gentleman who has just sat down certainly thinks the opinion of this House capable of very rapid formation, if he imagines that it has been matured and brought to perfection in the short period during which this discussion has been carried on. I perfectly agree with my hon. Friend the Under Secretary in the objections he has urged to the Motion. It seems to me that the objects to which the Committee might direct its attention may be classed under two heads. First of all it would have to determine what number of troops should be maintained in each of our foreign colonies and dependencies, and next it would have to determine by whom those troops should be paid. Now, I think, it is not too much to say that the question of what would be a proper garrison from time to time, and from year to year, under the varying and fluctuating circumstances of the empire, and its relations with Foreign Powers—what should be the actual number of troops in each of our dependencies, varying infinitely in their conditions and relations—is one which cannot properly be determined by a Committee of this House, but must be resolved at the discretion of the Executive Government, conversant with all the considerations by which such a decision might be governed. Then, Sir, as to the question of who is to pay these troops. It is not within the competence of a Committee of this House, of the House itself, or of the British Government, to determine what contribution the colonies should make; because we all know that many have independent Legislatures, and that any arrangement for dividing the expense of garrisons could only be effected by negotiations between the British Government and colonial Governments and Legislatures. Such a negotiation could not be carried on by a Committee of the House of Commons, and, therefore, I am bound to say that the tendency of the Motion is rather to transfer to a Committee of this House duties and functions which properly belong to the responsible advisers of the Crown. This is my opinion, and I can anticipate no great political result from a Committee, if the House affirms that one should be appointed. The right hon. Gentleman who has just sat down, in his zeal to induce the Government to consent to the Motion, made use of an argument not very likely to carry conviction to our minds. He said that if the Government would agree to the Committee, he should be greatly tempted to vote for the abolition of the hop duties. If the Government, in its negotiations with these colonial Legislatures, should be provided with no better arguments to produce an impression on them than those which the right hon. Gentleman has urged in his negotiations with the Government, I am afraid that neither the Committee nor the Government would make much progress in that distribution of expense which the right hon. Gentleman is so anxious to effect. But although, undoubtedly, I do not think any good ground has been laid for the Committee, and I cannot anticipate any good results from it, yet, if it appears to be the general wish of the House, as I have collected it to be from the course of this debate, there is no such strong objection to the Motion as to induce the Government to trouble the House to divide upon it. At the same time I repeat that I do not anticipate those advantages from the Committee which the mover expects, because we think that the information necessary for the guidance of the Government is already in our possession; but, nevertheless, as it seems to be the wish of the House that the Motion should be agreed to, I shall not oppose it.

Motion *agreed to.*

Select Committee *appointed,*

"On Colonial Military Expenditure, to inquire and report whether any, and what, alterations may be advantageously adopted in regard to the Defence of the British Dependencies, and the proportions of cost of such Defence as now defrayed from Imperial and Colonial funds respectively."

HOP DUTIES.—RESOLUTION.

MR. DODSON* moved the following Resolution:—

"That the maintenance of any Duties upon Hops is impolitic, and that in any remission of taxation or adjustment of financial burdens, provision should be made for the removal of such Duties."

He said I believe the prevailing idea among persons whose attention has not been specially directed to the Excise duty on hops is that it operates as taxes on articles of consumption ordinarily do; that, in the long run, it is paid by the consumer; that it is the beer drinker alone pays the duty; that beer is not an absolute necessary of life, and that thus a useful and reliable amount is contributed to the revenue of the country by a duty upon a commodity which is in itself a fair and legitimate object of taxation. I must point out that if the case were simply such as is supposed, the tax would still be open to this grave objection—that it is a tax on the raw material of a manufacture, and the amount has to be advanced in the first instance by the producer, then by each dealer in succession through whose hands the commodity passes, till it comes at last to the consumer increased in price, not only by the amount of the duty, but by successive accumulations of interest. Those, however, who have any experience of the working of the hop duty, or have been led to inquire into it, know that its operation is very peculiar and complicated. The fundamental reason is to be found in the exceptional nature of the crop, which is itself full of irregularities and anomalies. Hop growing is the most expensive branch of farming. It costs the hop grower from £22 to £30 an acre for raising the crop, and from 20*s.* to 30*s.* per cwt. for the expenses of picking and bagging. Notwithstanding this enormous expenditure, the result is the most uncertain in the world. I will tell the House what the variation in regard to the growth of hops has been in successive years. In 1849, 42,000 acres produced 145,000 cwt. In 1850, the same number of acres produced 420,000 cwt. In 1851, the number of hundred-weights produced on the same number of acres fell to 236,000; and in 1852 it rose to 447,000 cwt. In 1854, the number of acres under cultivation had increased one-seventh, and the number of hundred-weights produced fell to 86,000. In 1855, the same number of acres produced 728,000 cwt.; and in the succeeding years, from 1856 to December, 1858, the crop on the same acreage fell by 300,000 cwt. In 1859, the acreage having been reduced by fully one-fifth, the crop available was 599,000; and in 1860 the crop, upon the same number of acres, fell to 97,000 cwt. It will be seen from that Return that the hop plant may be taken as the emblem of fickleness, and the symbol of uncertainty. While the supply is so irregular as to baffle all calculation, the demand is strictly limited, because hops are only required for the purpose of making beer. It is not like a manufactured article, in which the producer has the power of apportioning the supply to demand; but all hops which were not required for making beer were a dead loss. Without any over-speculation on the part of the farmers, there is always danger of production out running consumption; but the duty is not upon consumption, but upon production. The grower is called upon to pay duty upon every pound of hops produced; and it may frequently happen that there is an excess of supply over the demand, and then the grower sustains a loss, inasmuch as the duty must come out of the pocket of the grower. The duty, being a duty on quantity, is contrived with such perverse ingenuity as to be heaviest in those years when prices are lowest, and the grower least able to meet the pressure. I will give the House a statement of what that pressure is. In 1855, the duty in the Sussex collection amounted to £14 2*s.* 8*d.* per acre; in 1856, to an average of £11 11*s.* 1*d.*; in 1857 to £6 7*s.* 7*d.*; in 1858 to £12 16*s.* 7*d.*; and in 1859 the duty, on an average, was £14 per acre. The duty on the average of five years was £11 5*s.* per acre. On many lands it amounted to more pounds than the rental did to shillings, and in many cases it exceeded the rent, tithes, land tax, poor rate, church rate, highway rate, and county rate, all put together, three or four times over; and in such years it came not out of the pocket of the consumer but out of the pocket of the grower. Moreover hops are of various qualities, and their qualities are distinguished by very distinct lines of demarcation, lines as wide and definite as those that distinguish different growths of wine; yet the duty is uniform and inflexible. It is 14*s.* per cwt. Some hops average in value nine or ten guineas per cwt., while others are only worth two or three guineas, so that the average duty on some kinds is as high as 75 per cent, while on others it is only about 8 per cent. Looking, then, at the nature of the commodity, the great cost of production, the uncertainty of the crop, the irregular supply, the limited demand, the unequal value of the articles produced, I say that hops are, *á priori*, an unfit object for an Excise duty. The growers have so many natural difficulties and anomalies to contend with, that they cannot bear to be further subjected to artificial ones. The necessary effect of any Excise duty, even the best devised, is to increase the cost of the article on which it is imposed, and to necessitate the employment of a larger amount of capital in that particular stage of manufacture or production at which the Excise duty is levied. Here is a commodity the cost of producing which is naturally very great, and Government selects that and artificially increases the cost. Here is the branch of farming which naturally requires the largest capital to be embarked in it, and Government selects that and artificially increases the capital to be staked. Here is a business that at best can only pay on a cycle of years, Government selects that and artificially extends the cycle on which only it can answer, and renders it almost impossible for it to answer under any circumstances. Here is a branch of farming that is naturally the most speculative, Government selects that and artificially multiplies and aggravates the risks and losses attending it, till it is converted into a perfect lottery in which the blanks are very numerous, and the prizes few and far between. Can it be wondered at, if, under such circumstances, the growers are always in difficulties, whether their crops are good or bad. If the crops are large, prices are low and duties heavy, and the planters are distressed to pay them; if there is a dearth, the grower having been compelled to sell the superabundant crop of the previous year at a sacrifice, in order to pay the duty, found himself deprived of the means of profiting by the turn of the market. And what is the value of this objectionable revenue? Till last year the Excise duty was £1 per cwt., and at that rate it has yielded £300,000 a year on an average of twenty years. I take twenty years, because with so fluctuating a commodity it is necessary to take a long average in order to arrive at an estimate of any value. Last year it was reduced to 14*s.* per cwt., and, judging from past averages, that rate might, on a succession of years, be estimated to produce about £200,000 a year; but, owing to the uncertain nature of the commodity, the Excise would yield £400,000 one year, and perhaps not more than £40,000 the next. There is a saying in hop growing counties that—

> "Till St. James's-day be come and gone,
> There may be hops, or there may be none."

That refers to old St. James's day, which falls in August. It is impossible for the Chancellor of the Exchequer, when settling his Budget in February, to say what he may derive from the hops to be produced in autumn. Last year, in the month of February, the right hon. Gentleman stated several times over that the amount which he estimated to receive from the growing crop in 1860 was £300,000. The result has not at all borne out the estimate. The actual amount was £69,000, and the right hon. Gentleman can calculate upon receiving only a very small portion of that £69,000 within the financial year 1860-61, as he has been obliged, in consequence of the distress of the planters, to postpone payment to the financial year 1861-62. At this moment he is wringing out of the capital of the planters the arrears still due upon the crop of 1859. Why? Because the planters have had good crops for a few successive years, which the duties have converted into a perfect curse. Nobody ever heard of a farmer being ruined by having too good a crop of corn, or of hay, or too many lambs; but the effect of the hop duty is that when the grower has laboured to secure a good crop he is ruined by his very success. In fact, he becomes that standing paradox pithily described by Mr. Bacon in his able pamphlet on this question, "the victim of abundance." I said the Chancellor of the Exchequer was at this moment with difficulty wringing out of the capital of the farmers the arrears of the postponed duty of 1859. I am far from wishing to taunt the right hon. Gentleman with the postponements he has granted. He has only followed the example set him by a long line of predecessors in office. Within the last forty years the collection of the duty has been postponed somewhere about thirty times. The system of long credits and of postponements is unsound, vicious, and disgraceful. It is bad for the Exchequer, bad for the trade, and bad for other taxpayers, who naturally think that the hop-growers are favoured at their expense. Last year the right hon. Gentleman put the tax as he thought upon a sound basis. He proposed to collect it within the financial year in which it was charged, to shorten the credits, and to put a stop to the system of postponements. But in the very first year afterwards he has found it necessary, through the force of circumstances, to break through his own resolutions. There could not be a greater condemnation of the tax than this fact. But these long credits and postponements, evils as they undoubtedly are, have been found necessary as palliatives to the evils necessarily inherent in the tax. The right hon. Gentleman has only added another to the long list of failures to make this a satisfactory tax that have gone before. If the duty is to be collected at an early stage, or as soon as it is charged, the necessary effect must be to intensify all the evils already complained of, and to confine the trade to desperate men who have nothing to lose, or to a few great speculators who can afford to gamble on a gigantic scale. I am at a loss to understand why the right hon. Gentleman clings with so much pertinacity, not to say obstinacy, to this small and unreliable duty, which has not even the merit, which an indirect tax should have, of being paid in the manner least galling to the parties affected by it. The right hon. Gentleman is a fearless, some people call him a reckless, financier. It cannot be that the right hon. Gentleman is afraid of dealing with the hop duties on account of their amount. Last year he did not hesitate to deal with taxes that amounted in the aggregate to millions; but when he came to the small sum that composed the hop duty, he hesitated and doubted, and reduced that one-third. He does not belong to that school of financiers who think it wise to levy a revenue by means of a number of small taxes upon a number of different commodities. Quite the contrary. He made it his boast last year that he had swept off 371 articles from the tariff; but if it be a good policy to abolish small Customs' duties, surely it is much more so to do away with small Excise duties that impose restrictions of so many kinds on internal trade. He will not surely, in this instance, make use of that oracular saying he uttered the other night, that "the abatement of one man's taxation is the increase of another's," for in the case of duties on articles of consumption it by no means follows that remission is necessarily attended by loss to the revenue which must be compensated by increased taxation in some other quarter. Since 1844 a number of Excise duties have been abolished, among others those on glass, bricks, soap, and vinegar, amounting altogether to £2,500,000; and at the same time additional duties have been imposed upon spirits, estimated to yield £2,000,000. But, in the aggregate, although Excise duties have been remitted to a larger amount than the amount of spirit duties added, the result has been, since 1844, that the excise duties, which then yielded £17,500,000, have since produced £22,000,000. This shows that the remission of Excise duties is not necessarily followed by a loss of revenue. Remit the hop duty, and the hop growers themselves being more prosperous, and the tradesmen they deal with, and the labourers they employ, sharing in that prosperity, they will all have more money to spend on tea, on sugar, on malt, on tobacco, and on other dutiable commodities, and the revenue will gain in one direction what it loses in another. But if it be thought a bold experiment to abolish a tax on the chance of an increased revenue to be derived from other duties, at all events the reduction of a tax on the chance of increased revenue from its very reduction was by no means so hazardous. But as far as the consumer is concerned, the abolition of the hop duty would only be a reduction of the duties on beer. For what is the hop duty? It is merely an unwholesome excrescence of the malt duty. It is thought difficult, if not almost impossible, according to the traditions of the Board of Inland Revenue, to tax satisfactorily the manufactured article, beer; and therefore it is taxed through its main ingredient, malt; but the Exchequer, not satisfied with this, goes further, and apparently out of wanton love of taxation—taxation for the sake of taxation—imposes a small duty, with all the expense, restrictions, and unpopularity of a separate Excise, upon a raw material of beer. I believe that if the hop duty were taken off the consumer would get a benefit either in the price or the quality of beer; that consumption would be stimulated, and the increased revenue derived from malt would in a short time, if not in the first year, compensate the Exchequer. I have good grounds for this belief. There used to be three duties on beer, the beer duty proper, the malt, and the hop duties; in 1829 the three together yielded in round numbers £7,000,000. The beer duty proper, which alone amounted to £3,000,000, was swept off in 1830; but since its abolition the two remaining duties have yielded as much as the three did formerly. This is the more remarkable, as since 1855 malt, for purposes of distillation, is allowed to be made duty free, and thus, according to the latest returns, upwards of 600,000 quarters of malt have been withdrawn from the revenue account. When the beer duty was abolished, the number of quarters of malt charged with duty immediately rose from three millions and a half to four millions and a half, and the revenue sprang up from four to five millions. Some small Excise duties, that on chicory for instance, are defended avowedly on the ground that they serve to protect an important Customs' revenue. Is this the case with the hop duty? I will tell the House what has been the Customs' revenue derived from foreign hops charged for home consumption since 1846. The duty has been, in round numbers, 1846, £2,500; 1847, £5,000; 1848, £11; 1849, £7,785; 1850, £12,000; 1851, £225; 1852, £300; 1853, £50,000; 1854, £102,000; 1855, £40,000; 1856, £25,000; 1857, £32,000; 1858, £37,000; 1859, £4,000; 1860, £9,600. This has been certainly under a system of protection, when the Customs' duty was 45*s.* per cwt., rather more than double the amount of the Excise. Still it suffices to show that there can have been no important trade in foreign hops to spring up. In fact, in the year 1854, every opportunity was given for the importation of foreign hops, had there been any great quantity to be derived from abroad. In that year there was a very short crop at home; there was a good crop abroad. The Customs' duty was, in the interest of the consumer, reduced temporarily to a level with the Excise, that is, to £1 per cwt. Hops in England were at a famine price; there was every stimulus to importation; but the Customs' revenue derived from foreign hops amounted only to £100,000; and it is never likely, under any circumstances, to exceed that to any amount. Growers on the Continent or in America will not plant with a view solely of supplying the English market, when that market is usually amply supplied, and more than supplied, by the produce of our own gardens. All that can be expected is that when there is a short crop at home and a large crop abroad, the surplus of foreign countries may come in to supply our wants. If anything can bring about a steady supply from foreign countries, and permanently reduce the price of hops at home, it is the setting the trade completely free. I say of the Excise and Customs combined what I said before of the Excise alone—that the trade in a commodity so precarious and variable is too delicate and too sensitive to bear the additional derangements which any legislative trammels, be they ever so well devised, necessarily entail. Set the home and foreign produce both completely free; that and that alone will steady the trade, so far as the nature of things admits of its being steady; that will, as far as is possible, mitigate the alternations of dearth and excess under which we suffer; the deficiencies of one year and of one country will then be, in some degree, balanced by the superabundance of another; the grower will be relieved and the consumer benefited. There will then be less need and less temptation in scarce years to have recourse to quassia, gentian, broom tops, fern leaves, ground ivy, picric acid, grains of paradise, strychnia, cocculus indicus, &c., which we are told on high chemical authority are used in beer as substitutes for hops. Mr. Phillips, the analyst to the Board of Revenue, states in the fourth Report of the Commissioners of Excise, that beer is extensively adulterated by the use of other ingredients in lieu of hops; but adds that such adulterations are very difficult of detection, and if the chemist detects them, can scarcely ever be proved to the satisfaction of a court of law. I revert to the Excise duty, which is the main point, and I say of it—it is a duty trifling in amount, unreliable in amount, difficult to be collected, intensely unpopular, unequal in its pressure, heaviest at times when the tax-payer is least able to meet its pressure, heavy in its incidence in an inverse ratio to the ability of the individual to bear it, a blundering duty falling where it was never intended to fall; and, moreover, owing to the nature of the commodity on which it is levied, that a duty never can be made to work satisfactorily to the Exchequer, or fairly to the planter. I go further, and say that even if you could put it on ever so satisfactory a basis it would be still an absurdity and a blunder to maintain it; because it is contrary to common sense to keep up the machinery of a separate Excise to tax an article that is already largely and reliably taxed by means of another machinery. Sir, there are objections to be urged against every tax; but I defy any one to show a tax that combines so many elements of a bad tax and atones for them by such slender advantages. I speak strongly against the duty, but not more strongly than I am warranted by high authorities in doing. Speaking of the Excise duty on hops in 1852, the right hon. Baronet the Member for Carlisle said—

> "The cost of collection is great, the amount received is small; and the impost is, I believe, vexatious and onerous to the grower, as it certainly is onerous to the consumer. The interest of the consumer certainly is that the entire tax should be remitted."

With respect to the cost of collection, I will here observe that the hop duty is not collected by the regular staff of the Board of Inland Revenue, but by some 270 officers appointed solely for this particular purpose; so that whatever the cost of collection is, by the remission of the duty the whole expense attending its collection would be saved to the country. Again, in 1852, the hon. Member for Rochdale said—

> "He never thought, after the great doings of Peel, we should ever have a half and half Chancellor of the Exchequer making two bites at a cherry. Here is a most exceptional tax—the only tax you have collected upon the produce of the fields and gardens of the country—worthy no doubt of Persia or of Turkey, but too ridiculous for this England of 1852. It has all the evils that can attach to any tax; it is cumbrous and costly in its collection, it is uncertain in its amount, it bears with most unequal pressure on different parts of the country, it falls with the severest pressure upon the poorest soils and the poorest qualities of hops."

The late Lord Aberdeen, when Prime Minister, said to a deputation that waited upon him to urge the repeal of the duty, in the hearing of the right hon. Gentleman, who was his Chancellor of the Exchequer—

> "That no doubt the course advocated by the repealers was the only rational way of dealing with the matter. It was impossible to deny that there were very great objections to the tax, and that if it did not exist already no one would think of putting it on."

Again, he said—

> "The tax is contrary to common sense."

The right hon. Baronet the Secretary for India said, speaking of the hop duty in the House, in 1852—

> "If there be a sound principle with regard to an excise duty it is this; do not maintain an excise duty unless it brings in a considerable accession of revenue."

When Chancellor of the Exchequer he had attempted to defend the tax, but his praise was of that faint kind which carries condemnation with it. The right hon. Baronet the Home Secretary when he was appealed to listened to the arguments, smiled grimly, but advanced no argument in defence of the duty. I do not ask the right hon. Gentleman to cut off a necessary branch of the revenue. I do not ask him to part with this tax if he cannot spare it; but only that, if he is about to remit taxation or to shift the burdens of the country, he will provide for the extinction of this obnoxious duty. I may be told the time is inopportune because our financial burdens must be great. I say the time is opportune, because if our burdens must be heavy it is the more important that they should be wisely and justly imposed. I know well the ability of the right hon. Gentleman "to make the worse appear the better cause," but I beg the House not to be led away by his refined ingenuity, his brilliant eloquence, or by any special pleading or sophistries; but to judge and decide this case fairly upon its merits.

SIR BROOK BRIDGES, in seconding the Motion said, I appeal to the Chancellor of the Exchequer whether his doors have not been beset, whether his table has not been covered with representations upon the subject of the hop duty; in fact, whether he has not found this tax to be the most tiresome, the most plaguing one, and the most constant bore with which he has to deal. [The CHANCELLOR of the EXCHEQUER: "Hear, hear."] Is it not the galled jade that winces, and do not these facts prove how oppressive and how obnoxious this duty is? It is not the object of the hop growers of the county which I represent to ask for anything unfair to the rest of the community. They may be told they can give up the cultivation of hops if it ceases to be profitable, but a certain portion of the country is suited to the growth of hops, and the hop growers ought not to be told to give up the growth of an article which is beneficial to the community. The hop duty has some of the worst features of a tax. It is variable, inconvenient in its collection, and of its amount it is impossible to form a correct calculation. I was delighted to hear the Chancellor of the Exchequer state the other night that the merits of a tax depended upon the proportion that came into the coffers of the State as compared with the amount paid by the taxpayer. Judged by this test, the hop duty is ill-devised and wasteful. A large army of persons are appointed for its collection who are precisely the same in number whether the crop is large or small. They walk the same number of miles and have the same duties to perform, except in the figures in which their return is made. Last year if one of these persons were asked, "Well, what return have you to-day?" he usually replied, "What is the use of my walking to and fro? There are no hops grown in the country." Thus the Government have to pay the same amount as in the most prosperous years to persons who come back to tell them that no hops are grown. The tax not only does not fill the coffers of the State; it weighs on a very meritorious class of persons. The precarious nature of the crop, and the various enemies by which it is attacked, are well expressed in the old distich—

> "First the flea, next the fly,
> Then the louse, and then I die."

The Chancellor of the Exchequer is to be added to this list of destructives, for he came in at the end of it all, and if the hop growers got over the flea, the fly, and the louse, then the Chancellor of the Exchequer came in and took the little profit they might otherwise realise.

SIR JOHN SHELLEY believed that there had been no subject for many years on which the House had so little information as the hop tax, and its bearing on the cultivator. His hon. Friends had addressed the House as the representatives of districts in which it was extensively grown. The tax under discussion was an exception to the rule, that a tax was paid by the consumer, and his constituents were, therefore, not much interested in the matter. But, as an owner of property in a district were hops were grown, and as an unfortunate grower of hops for a quarter of a century, he begged to corroborate the statement of his hon Friends. Chancellors of the Exchequer used to tell the hop-growers that when they were agreed it would be time enough to ask for this remission. But then, thanks to the course pursued by his right hon. Friend, the hop-growers were now reduced to the state and condition of a "happy family," and they were agreed in saying that they had no fear of the foreigners if their arms were freed from the shackles of this tax. By the Budget of last year, the right hon. Gentleman proposed a tax of 14*s.* upon the foreigner as against 15*s.* paid by the home-grower, on the ground that the extra shilling added to the freight put the home grower on a fair footing with the foreign grower. There were, however, two or three circumstances much in favour of the latter. He had the power of bonding his hops, while the English grower was obliged to pay the duty at two fixed periods, whether his hops were sold or not. If the foreigner did not sell his hops he could take them back. He had also another "pull" over the English grower. He said to the brewer, "My hops are in bond, and you need not pay for them until you put them in your copper." But the home grower was obliged immediately to call upon the purchaser to pay down for his hops. The English growers now said what he thought for a quarter of a century they ought to have said—that they were ready to compete with all the world. It happened that he grew hops in a part of the country that suffered most from this duty. The Weald of Sussex grew a hop that was less good in quality, although larger in quantity, than that of other districts. But at the same time that class of hops was necessary for certain brewers. All their expenses, however, increased with the duty; and, as the duty was payable on a fixed day, every one was obliged to sell to meet the duty, and then down went the market. He had been a hop grower for twenty-five years, and on making up his account he found that he had lost exactly the amount which had gone into the Exchequer, and that if it had not been for the fiscal payment there would have been a profit. Could he be charged, then, with "an ignorant impatience of taxation" when he complained of a tax which was unfair in its incidence in respect to one cultivator and another? Some time ago his right hon. Friend said that the best way to benefit the labouring classes was to employ them. In that case the cultivation of hops must be extremely beneficial to the labouring classes, for in no other part of farming was there so much employment of labour, and it was divided minutely over every portion of the year. It was had been that hop-picking was demoralizing; but, whether that remark might be true in some districts of Kent where there was a large importation of roughs into the hop-gardens during the season of hop-picking, it was not true with regard to the regular agricultural labourer. The first operation after picking was stripping the poles and putting them away. Then came the wood-cutting and stripping off the bark—which latter operation was done by the women and children. These and other employments extended through the winter. With spring came the cultivation of the hop, which was done entirely by spade husbandry—the labourer earning good wages by task-work. Then came the poling and tying—the latter of which was done by women and children; and lastly, the hop-picking, in which the labourers and their families earned enough to buy their clothes, and partly to pay their rent. Therefore, he called on the friends of the agricultural labourers in that House to do what they could to get rid of a tax, absorbing a vast amount of the farmer's capital, which would otherwise be expended on labour in his district. Everybody knew that hop growing was the most precarious cultivation that could be. He had seen one of his hop gardens so much injured by wind in the course of a single night that he had sat down and calculated that it would not be worth his while, with the duty staring him in the face, to pick the hops at all. In all other agricultural products it was the interest of the farmer to get as large a crop as possible; the hop-grower, however, prayed that he might only get half a crop, unless he were selfish, and then, perhaps, he might pray that he might have a full one, and his neighbour none at all. The difficulty of obtaining a drawback of duty was such that hop-growers had been known to make a false affidavit that they had sold their hops to a foreign purchaser, and then to make an arrangement with the captain of the vessel to throw them overboard. All these points were well worthy of consideration, and should lead to a withdrawal of this wretched tax. From a Return respecting the hop duty, it appeared that from the year 1800 to 1858 the duty had either been altered, postponed, or modified twenty or thirty times. He was sorry to find that the right hon. Gentleman the present Chancellor of the Exchequer, with all his talents and ingenuity, moved in the same wretched groove as the bunglars who had gone before him, and that his tinkering was no better than the tinkering which had occurred previously. Still, he believed that his right hon. Friend, if he had his own way, would remit the tax altogether, for it really would not bear any further patching up. In the name, then, of the growers of hops, and of the agricultural labourers in the hop districts, he appealed to his right hon. Friend to agree to the Motion; and, as far as he was concerned, he was prepared to back him up in any necessary retrenchment of the public expenditure.

VISCOUNT PEVENSEY said, having the honour to represent a large hop producing constituency, I cannot confine myself to a silent vote on this occasion. It is not easy to conceive what are the motives which induce the right hon. Gentleman the Chancellor of the Exchequer to resist the Resolution before the House. To admit the utter viciousness of this tax and yet still to maintain it for the sake of revenue, when at the same time so far from being a certain source of revenue, it has only tended to mislead the Chancellor of the Exchequer and to embarrass and disturb his financial calculations, is a principle of action which I for one cannot very well understand. There is one very important point which the House will do well to consider and that is, that whatever estimate the right hon. Gentleman may make as to his future sources of revenue, so long as it or any portion of it is based upon the supposed amount he will receive from this impost, his calculations will be framed upon a most unsound and insecure basis. Nothing is better calculated to show the treacherous character of the tax than the fact that, while the Chancellor of the Exchequer calculated on a duty this year of £300,000, he will not collect £70,000. Whatever may be the deficit with which the right hon. Gentleman will have to grapple, not less than £230,000 will be owing to his reliance on a duty which is as much a lottery to the Exchequer as the prices of the crop are to the producer. At the time the right hon. Gentleman came down to the House to introduce his Budget the hops might be in a most flourishing condition, promising a most abundant yield, and the right hon. Gentleman might feel perfectly secure that he would reap from them a handsome revenue; but hardly might the words have passed from his lips before a blight might fall upon the crop, and all his expectations be ruined for that year. It is manifest, then, that until the right hon. Gentleman can control the wind and the weather any estimate he may frame upon the probable quantity of hops will be a mere fancy estimate, and his calculations nothing more than vague speculations. It has been said that we ought not to demand a reduction of taxation at the present crisis when there will probably be a considerable deficit; but for my part I think that renders it a most opportune moment in which to call the attention of the House to the insecurity and utter unsafeness of this source from which the right hon. Gentleman draws his revenue. What can be more fluctuating than this tax upon hops? Sometimes the duty is as high as £700,000, sometimes as low as £40,000. Is it not obvious, then, to every hon. Member, that it is utterly impossible for any Chancellor of the Exchequer to frame any accurate calculations in which the hop duty is an element? Moreover, in addition to this uncertainty, nothing can exceed the enormous inequality of the pressure of this duty. The amount of Excise duty raised on hops during the last four years was about £2,000,000, and that duty was raised upon from 43,000 to 45,000 acres of land, and the inequality of the pressure arises from the fact that in the different districts the price of hops varied from 40*s.* to £19, and in some seasons up to £40, yet the duty is one uniform amount charged upon all hops alike. I can state an instance of a planter who, on fifty acres, has lost in one year £1,000; but to give a general notion of its extreme pressure in successive years of large crops, heavy duties and low prices, I will add that the average dead loss per acre on Sussex hop-lands has been £18 or £19 during the last four years. It has been said that we are in the same position as the class of persons on whom the malt duty is levied. I totally deny the parity of the two things. The malt duty is one which not only brings in a large amount of revenue, but is perfectly sure as regards its collection, in both which points it is entirely distinct to the hop duty. But the greatest point of difference is this. The duty on malt is a duty imposed upon a manufactured article, whereas the duty on hops is an imposition on the raw material. Of course, the right hon. Gentleman will meet our demands by saying, "Why, Gentlemen, if hop-growing is so very unprofitable, and if it subjects you to such intolerable hardships, do you not give up the plant, and devote your energies to the cultivation of some other plant of a more lucrative character?" That, however, is not a fair argument to employ, and for this reason, that if we are taxed upon fair and equal principles the disadvantageous circumstances under which the hop farmers labour will no longer continue to exist; and what we complain of is that a most unsound and vicious principle of taxation is applied to us which is applied to no other interest in the kingdom. When the right hon. Gentleman told us that we ought not to grow hops it might be retorted upon him that last year he came down to the House, and, in a most eloquent and seductive speech, dwelt in the most impressive terms upon the duty of relieving from taxation those products in the manufacture of which there was a great employment of labour. I will not for a moment endeavour to insinuate that the Chancellor of the Exchequer entertains the slightest feeling of hostility to the agriculturists, but when I find the right hon. Gentleman taxing beyond their energies a class of farmers who, as it has been shown, are peculiarly distinguished for their employment of labour, while he at the same time expressed himself anxious to relieve a class of the manufacturing interest from taxation on the express ground that it would employ a vast amount of labour, I must say that if the right hon. Gentleman does not intend to act with hostility to the agricultural interest, he appears to be guilty of the greatest inconsistency, while at the same time he is guilty of great injustice to labour itself. As the Resolution before the House deals with the Customs' duties as well as the Excise, I will not refrain from remarking that it is difficult to understand on what ground the Government desires the retention of the latter. The import duty of 20*s.* is neither a protection to the home producer, nor a large nor reliable source of revenue to the Chancellor of the Exchequer; the variable state of the home crop produced corresponding vacillation in the import duties on foreign produce. Within the last three years the imported hops once rose to 16,000 cwt., then sank the next year to about 1,800 cwt. One year the Customs' duties produced £36,000, the following year a little over £3,000. I need not remind the House that the Customs' duty was then at 45*s.*, which the right hon. Gentleman has since reduced to 20*s.* I would also remark that the amount paid by Government as drawback on exported hops within the last four years has exceeded by £4,000 the whole amount derived from the Customs' duties in that period. The right hon. Gentleman may tell us that as a favour he has imposed a differential duty of 1*s.* upon the growers of foreign hops, but when we know, as we do, that the English hop growers are always obliged from the necessities of the case, to pour their hops into the market whatever may be the price, while the foreign hop growers can hold back, it is obvious that that which the right hon. Gentleman would term a protection is nothing more than a preventative against the extinction of hop cultivation in this country, and is not accepted by the home producer as an equivalent for the privilege of bonding now given to the foreigner, by means of which system he can choose his own opportunity for an advantageous sale, while the English grower is forced into the market in order to meet the home duty, whatever may be the prices, and however ruinously low they may be. Altogether this is a tax so unfair and so utterly indefensible upon the grounds of justice and equality, while at the same its results are so uncertain as to render it almost valueless as a reliable source of revenue, that I am not without hopes that the Chancellor of the Exchequer may for once listen to the just demands of the hop planters.

MR. BRIGHT: I think that, whatever difference of opinion may be shown, Sir, when you invite us into the lobbies, there is none as to the manner in which this question has been brought forward by the hon. Gentleman near me, or in which it has been discussed by the hon. Gentlemen who have followed him. It is to me very gratifying to hear good speeches from agricultural Members. I find that when they have a good case they talk nearly as well as hon. Gentlemen who are connected with other branches of industry. I do not know that I have heard to-night a single sentence, or a single argument with which I should be disposed to find fault. The case is a good one; and the Chancellor of the Exchequer will have a difficulty in saying anything against it. It has been said by the hon. Gentleman who introduced the subject, quoting from an hon. Friend of mine not here, that the hop duty has more bad qualities than any other tax could possibly possess. I fear there are many taxes which might have somewhat the same character imputed to them. We are all agreed, however, that this tax is a bad one; and the question is, not whether it shall be a permanent source of revenue, because the House must feel that it never can be permanent. But the question submitted to us by the hon. Gentleman is something in the nature of a pledge, for he asks us by Resolution to declare that the maintenance of the duties on hops is impolitic, and that in the remission of taxation or the adjustment of financial burdens provision should be made for the removal of such duties. I conclude that what he wants is this:—That the very first £200,000 or £300,000 or £400,000, or whatever amount is necessary for this abolition—the very first sum which the Chancellor of the Exchequer can by any possibility spare—he is to devote to the abolition of the hop duty. I do not blame those who have that kind of interest in the question which my hon. Friend the Member for Westminster (Sir John Shelley) has, or of other Members who represent constituencies who are deeply interested in it. I do not complain of the course which they have taken, because we know that when we are to get anything from the Chancellor of the Exchequer we are not to be mealy-mouthed in our mode of expressing our opinion. But I will ask the House this:—Whether it is disposed to pass this Resolution and to make this pledge? I am as much against this tax as anybody here. I believe it is as bad a tax as it has been described. I believe there does not live the man so stupid who as Chancellor of the Exchequer would attempt for the first time to propose a tax so odious and absurd as this. But, notwithstanding all this, and believing as I do that but a very short time will elapse before it is abolished, yet I am not prepared, in the position in which we stand, to give a pledge that the first money which the Chancellor of the Exchequer can spare shall be devoted to the repeal of this duty. My hon. Friend the Member for Westminster admitted that it is only just now that the hop growers have become a happy family. For many years the hon. Member for Rochdale, who has been quoted, and myself were beset by men in the lobby who wanted something done with regard to the hop duty. There was then a protecting duty on foreign hops, and that always seems to blind the eyes of every man connected with it. Last year it blinded the eyes of the paper makers. Years before it blinded the eyes of the hop growers. As long as the protecting duty remained, the hop growers of Kent had not the same interest as the hop grower of Sussex. The growers never came before the House until now with the authority of a united interest, and nothing was done. Since last year the scales have dropped from their eyes, and now they see it in the light in which we, as Free-traders, have seen it for many years, and they come and ask the House that this tax should be abolished. But I must tell my hon. Friend that it is not common for persons who have just found out that a tax is bad, and who have just agreed to ask for its repeal, to obtain that repeal on the first asking. That is a sort of courtship which I can assure my hon. Friend is not very common with Chancellors of the Exchequer. As this is the first year the hop growers have asked in this plain and resolute voice, though I should be glad if they had it, yet they would be much better off than their neighbours if they had it this year, and they should be very well satisfied if they get it next year or the year after. The question cannot stand debates like this tonight. The reading of this debate tomorrow must necessarily convince everybody out of doors who is not already convinced, and in another Session they will in all probability come with a force which the Chancellor of the Exchequer of that day will not be able to resist. The difficulty in my way is the pledge. What is our position in this question of taxes? For anything I know it may be true that hon. Friends near me and hon. Gentlemen opposite have made it all right with the House of Lords. They may have ascertained that if the question should be taken up by the Chancellor of the Exchequer and a Bill introduced repealing the hop duty the House of Lords will agree, in point of fact, with the opinion of this House, and consent that the amount of taxation shall be repealed. But we are not certain of that. We know that there is a question on which the House of Lords have not agreed with this House, and I undertake to say on behalf of the House of Commons that, however humbled we may have been by what took place last Session, we are not yet come to that point of supplication when we shall consent to send to the other House a Bill for the repeal of any other tax until the House has sent up another Bill for the abolition of the Excise duty on paper. I might compare the paper duty with this duty, but that is not my object, because I do not want to show that any tax upon its own grounds is worse than this tax. But I may tell the hop growers that if they have the exciseman for a few weeks in fine weather in autumn, the papermaker has the exciseman fifty-two weeks in the year, and that he is just as great a nuisance to the papermaker as he can be to the hop grower; and, further, that the papermaker has applied to have his duty abolished for many years, and that last year he was treated in a manner in which no manufacturer in this country has heretofore been treated by Parliament. I think, therefore, that he has a right to come here first, and that the House of Commons cannot pass by his case for the purpose of considering any other case, however grievous it may be. I will not refer to the burdens on the press, or to the injuries done to education by the existence of the Excise duty on paper. I do not pretend to make it appear that those injuries are worse than the injuries from the tax on hops. I will place them, if you like, precisely on the same ground. But I durst appeal to hon. Gentlemen who are most in favour of the abolition of the duty on hops, and I think I may say, under the circumstances of the paper trade, and under the circumstances of this House of Commons, it is fitting that the Chancellor of the Exchequer and his colleagues should discuss the question of last year, and the incidence and burden of the Excise on paper before they take into consideration this grievous tax, which has been brought under our notice to-night. It is not necessary that I should enlarge on that point. Of the serious damage which has been done to this House of Parliament by the transaction of last year

I know not that anything which the Chancellor of the Exchequer, or the Government, or the House itself can do can set up the character of the House and place us exactly in the position in which we were last year. But this I do say, that they will do what now is in their power to do if they take the first opportunity of reasserting the right which they embodied in a Resolution last year, and of again passing a Bill for the abolition of the Excise duty on paper. And when that is once done, and the Bill has passed both Houses of Parliament, then I think I shall not have the smallest objection to vote for the strongest Resolution, and for the most instantaneous action on the part of the House of Commons on behalf of the abolition of this duty. But I should say for myself that I was base as a Member of the House of Commons, and that the House was unworthy of its history, and would be unworthy of the slightest confidence on the part of the people of England, if it did not on the first opportunity assert its ancient right, and teach those who for a moment have forgotten it that here, and here alone, rests the power to tax the people of England, and to determine what shall be raised from the people to satisfy the exigencies of the Crown for the service of the year.

Viscount HOLMESDALE :—Sir, As representing a district which has been alluded to in the course of this debate, and which is, in no slight degree, interested in this question, I must ask leave to trespass shortly on the time of the House while referring to a few observations that have been made. The hon. Baronet, the Member for Westminster, in speaking of the district in which he resides, observed that while he could, for his part, declare that the immorality spoken of in connection with the hop-picking did not exist, he could not answer for Kent where a large number of strangers are annually collected for the hop-picking. Well, I have made inquiries with respect to this alleged immorality from the employers and from various other parties, who, if it had existed, would certainly have been aware of it, and I am justified from their answer in stating it to be a fiction. The alleged immorality does not exist. As regards what fell from the hon. Member for Birmingham, while I must decline to follow him over the whole of the ground he has traversed, I must say that his argument seemed to me to amount simply to this : because the papermakers cannot get their duty remitted, the hop growers shall not. Why, Sir, this is the old argument, if I may use the expression, of the dog in the manger. The hon. Member did not attempt to show that the duty upon paper is more onerous or unjust than that levied on hops ; he did not attempt to prove that the small sum produced by the hop duty is so imperatively required by the country that it cannot be spared. Let us look at the difference between the two duties. The paper duty produces nearly £1,500,000 a year. The hop duty, in one year it is true, produced £728,123 ; but fifteen years ago, it fell to £62,253. In the five years from 1855 to 1859 it produced on an average over £300,000 per annum. And, last year, it fell to little over £69,000. How can this duty, variable as I have shown it to be, be placed in the same category with a tax which produces so large and certain a revenue as the paper duty ? It must be remembered, too, that this hop duty is a tax on the raw material. The papermaker can regulate his produce according to the estimated demand—the hop planter never. The hop-planter cannot predict what the yield of a given acreage may be. Why, in two nights the better part of his crop may be blasted. But it is not in the years of deficient crops that the planter is most to be pitied. A large crop means a large duty. This large duty forces the planters simultaneously into the market ; they must sell, at whatever price, to pay the duty ; and the result is, the factors, who are well aware of this, will not give the price for hops they would otherwise command. Last year, certainly, the Chancellor of the Exchequer slightly reduced the Excise duties. But, in so doing, he substituted one large payment for two small ones ; so that the interference with the trade is not mitigated, but rather increased. Besides, formerly—when there was still an instalment of the tax due—the Chancellor of the Exchequer could calculate with certainty on what he had to come in from the tax. Now, unless the Chancellor of the Exchequer is Zadkiel, or one of those persons who can see into futurity, I cannot see how he can count on any certain amount from the hop duty. Last year the right hon. Gentleman took credit for £300,000 from this source, while the actual produce was only £69,000. He might again take £300,000 for next year ; but who should say that it might not be lower even than £69,000 ? The proof that it presses on the planter is to be found in the number of times he has been compelled to come to the Chancellor of the Exchequer to ask for a postponement of the period of payment. I am not defending the postponement system. I believe that had that system never been allowed to exist, it would have been better in the end for all parties; but I maintain that the frequency of the demand for postponement shows how oppressively the tax weighs upon the planters. I have received a communication which demonstrates the unfair nature of this tax. It states that in a part of the country there were 135 tenants, occupying 18,500 acres, of which 1,477 acres were under hops. The average duty paid was £19,420 per annum. The gross rental of the whole of those estates was £15,146. After deducting 10 per cent for cottage and other expenses, the net rental coming to the landlord was £13,632 per annum. So that while the duty was upwards of £19,000 per annum, the landlord's rent was only £13,632 per annum. In other words, the hop duty came to 20*s.* 6*d.* per acre—the rental to only 14*s.* 2*d.* Can there be a stronger proof of the enormous sum thus wrung from those whom I have the honour to represent? Well, now, the hop planters (united for the first time) come to the House to ask merely for free trade to enable them to compete with the foreigner. It is true the Chancellor of the Exchequer has granted a countervailing duty of 1*s.* per cwt.; but does he imagine that to be sufficient? Does he imagine that this paltry shilling will countervail the enormous advantage the foreigner enjoys in bonding his hops? Free trade is all we seek. There sit in this House many Gentlemen who, in times past, have been engaged in forcing free trade on the producer for the consumer's benefit. Now that the case is reversed will they be deaf to our prayer? We make it no secret that this is a producer's question; but I trust that they—I trust that this House—will not in common justice (small as a community though we be) deny us our plain, simple request for free trade.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am bound to say, in common fairness, that the case against the hop duty has been stated to-night, both by my hon. Friends behind me and the noble Lords and hon. Gentlemen opposite, with very great ability; and it is impossible that greater justice could have been done to the case in their hands. In what I have to say I shall make certain reserves and qualifications; but, speaking with perfect openness and sincerity, I shall not disguise that upon various points I subscribe in a great degree to what they have advanced. What I shall urge upon the House, and what I shall beg the House to bear in mind in coming to a decision is that what we are called on to debate to-night is not the merits of the hop duty or the policy of continuing it as a tax. I shall ask no one to-night to give an opinion on the merits of the hop duty; but, without raising that question, I shall endeavour to state conclusive grounds against adopting this Motion. So far as the hop duty is concerned I fairly admit that it is open to these charges. It is unequal in its produce as a fiscal resource; it is unequal in its pressure upon different classes of hops in a degree which, although it may be easy to find parallel and even stronger cases in commodities of various kinds, may yet, with regard to a domestic commodity, be fairly called peculiar. It tends to aggravate distress in a year of low prices, and in a trade where reverses are already constant and severe; and, I may also add that it is open to objection as being levied on an article of raw produce. These are objections which may fairly be sustained in their degree; but there are two objections taken against it which are not sustainable. It has been said that this is a costly duty as regards collection. On the contrary, the money derived from the hop duties, so far as collection is concerned, is among the cheapest which come into the Exchequer. The noble Lord who spoke last, with great ability, spoke of the trade being destroyed by Excise restrictions. But let us give the hop duty its due. There are no restrictions which in any degree interfere appreciably with production, and as the hop duty is distinguished unfavourably as being levied on an article in a state of inception and not when it is brought to market, so, on the other hand, it is favourably distinguished from other duties—the malt duty, for instance, or the paper duty, more than the malt duty or the duty on spirits, more even than the duty on paper—as not interfering with the operations of the producer. My hon. Friend who made this Motion spoke of the fickleness of the plant, but I say to those who support him, do not be led away by the supposition that you will put an end to distress in the hop districts by the abolition of the duty. My hon Friend, the Member for Westminster (Sir John Shelley) stated very fairly that he himself having been a hop-planter for twenty-five years, had undergone considerable losses; but as an exhibition of a general rule his statement was incomplete, because he will not contradict me when I say that there is an important element in this case which is rarely brought into view in debate, and which has not yet been mentioned—I mean the interest of the landlord in promoting hop cultivation, not on account of the special rent that he gets for his grounds, but on account of the ready market which is thereby offered him for his underwood. That is an element without which we cannot understand the amount of inducement there has been to promote this hop cultivation. I will not enter into the question with regard to the morality or immorality arising from the concourse of people collected by the hop-picking, but I will look at it simply as a trading question; and, looking at it as a trading question the real truth is that this cultivation is unhappily distinguished from every other agricultural product by the extraordinary reverses which it offers to those who pursue the trade. In one year a man's crop is not worth picking; in the next year he may have £100 per acre, clear of all expenses, in his pocket. In point of fact hop cultivation is a lottery. I do not attempt to disguise anything connected with it. The duty acts as a deduction from the prizes and an aggravation of the blanks. But when there is a year of distress it would be a gross delusion for the hop-planters to suppose that the main cause is the operation of the duty. I cannot accept the amount of the duty as being that at which the hon. Member for Sussex (Mr. Dodson) placed it. He spoke of it as being £200,000; and in order to reduce it so low, he went back to a time for striking his averages when the average crop was much less than it is now. He also omitted to take the Customs' duties on foreign hops into account. Stating the facts as fairly as I can, I should say that the average amount of the duty would be from £300,000 to £350,000; but I fully admit that it is uncertain, though not so uncertain as you would suppose if you look only to the extraordinary variations of the British crop, because when there is a low crop here a considerable amount of revenue is derived from the Customs' duties. But while I admit that it is an uncertain element of the revenue, I do not think we should on that account do well to part with it; because, in the case of a country like this, uncertainties upon minor elements of the revenue are really very small in their effect on the general results, except under peculiar circumstances. The hon. Member for Sussex was, I thought, much too sanguine in his anticipations of the public and general results which were to follow from abolition. He compared this case with the repeal of the duty on soap, bricks, glass, and other articles. So far as regards the general public I know of no duty in the repeal of which the general public has so little interest as this. It is precisely one of those small amounts, difficult to trace in their incidence, the repeal of which, no doubt, ultimately comes round to the public benefit, yet let not the House deceive itself; this is not like the case where we have been able by the removal of an impost comparatively small to give greater freedom to trade, to open new and extensive sources of employment, and almost immediately to bring back to the revenue, through the means of relieved enterprise and augmented wages, all we had lost. This, speaking candidly, is a producer's question; it is to him that you would be making a present of the duty, and you must consider when you enter on the question of its remission. My hon. Friend behind me says I have proved myself a fearless or a reckless financier; but at the same time I am not so reckless or so fearless as to be content to accept the Resolution he has proposed; and that on principles which I am convinced, notwithstanding the able statements we have heard to-night, will carry with them the assent of this House. There is one other incidental point I would deal with before referring to these principles. It is this:—There is a certain connection—what amount of connection I do not now say—but there is a certain amount of connection between the abolition of the hop duty and the augmentation of the malt duty. And many gentlemen who have done me the honour to visit me on the subject of the hop duty have alluded to that connection, and the facility of substituting an increase of malt duty for the hop duty within the four walls of my room; but by some strange accident that topic is always forgotten by Gentlemen connected with hops who forget nothing else when they come to debate the question in this House. I have never heard them suggest that easy and obvious method of supplying the gap. How that has happened I do not know. The case of hops has been referred to, and compassion has been excited by stating that in certain cases £10 or £15 an acre is actually levied in the shape of hop duty where the rent has been only 10*s.* But what if I were to adduce the case of barley? I might certainly raise some compassion for the barley growers; for I apprehend not £10 or £15, but a sum nearer £40, £50, or £60 is levied on the crop for the year when used for distillation.

The noble Lord who has just sat down said they asked for free trade and nothing less. My hon. Friend the Member for Birmingham must have really felt his heart leap within him when he heard a declaration of free trade from such a quarter. [Mr. BRIGHT: "Hear, hear!"] But a very important question arises here—as to what constitutes free trade. We are now happily all agreed on being Free-traders, but there is a very serious controversy remaining unsettled. The original free traders always held that the essence of free trade consisted in the abolition of preference and protection, but there is another school of politicians who give a farther development to the principle of free trade, and say that you have no free trade in any article which is subject to a tax. With them free trade is the abolition of all indirect taxes, and in that sense the noble Lord demands from this House that we should give him in hops the very small boon of free trade which he wants. I must confess I have been very glad to see within proper measure the abolition of indirect taxes which were not protective, where it could be done with due reference to the public interests and proper regard to the balance of revenue and expenditure; but if the noble Lord will go on to insist on that free trade which means relief from all taxation, I must reluctantly part company with him and leave him to perform the ulterior stages of that consummation of free trade without my having the honour to accompany him. I think I may pass in a very few words the references of my hon. Friend the Member for Westminster (Sir John Shelley) to some minor points of the case. He dwelt on the hardship to the home grower arising from the foreigner being allowed to bond his hops, and asserted that the difference of 1*s.* in the duty did not countervail that advantage which the foreigner possessed. We need not enter into that question now, for the 1*s.* is entirely prospective. At present the duty is 6*s.* per cwt., that amount of protection still remains on British hops. I am bound, however, to believe that the importer of hops from abroad would be very glad to abandon his privilege of bonding for the sake of that 1*s.* The question is one of much broader scope than my hon. Friend has described. I must object to the Motion of my hon. Friend on the ground that it is an abstract Resolution relating to the matter of finance; and I cannot but feel that this is a most serious matter. I will not go into the question whether upon any occasion, under any circumstances, the House of Commons has been justified in passing such a Resolution, because there is in existence a Resolution of this House of this character with reference to the paper duty of which of course as a Resolution of this House as well as on account of my right hon. Friend, its author, I desire to speak with due respect. But these two things I must observe—first, I think the fate of that Resolution up to the present time ought to be a warning to every prudent man how he adds more Resolutions to that class. And, then, let my hon. Friend consider what he is about to do. It is very well for him to bring the House of Commons into the assertion of an abstract Resolution, and perhaps there are hon. Gentlemen in the House who, after hearing the statements made against the hop duties this evening, would be disposed to say, "Well there is no great harm in recording an opinion against the hop duty;" but does he think nobody else will follow his example? There are other duties the repeal of which will be demanded in this House. The hon. Member for Dudley (Mr. Sheridan), for example, armed with high authorities, will demand from the Government the repeal of the fire insurance duty. He will come down with his abstract Resolutions, and invite us to resolve that the maintenance of the duty is impolitic, and in any remission of taxation or adjustment of financial burdens provision should be made for the removal of such duties. Do not, in point of fact, suppose that this is a question of one Resolution; it is a question, not of one, but of a string of Resolutions that will be pressed upon you, every one of which will be supported and authorized by that which had gone before. I ask whether the result of that process—having got four or five Resolutions condemning particular sources of revenue—pressed by heavy estimates, perhaps a bad harvest, and the temper of the country disposed to extravagance rather than retrenchment, with so many solemn pledges given by the House, and all standing unredeemed—I ask whether such a result will conduce to the credit and authority of Parliament? Let me tell my hon. Friend that nothing can tend more to lower the House of Commons in the view of the public, and to weaken its authority—I will say, even in its relation with the other branches of the Legislature—than the practice of being induced, on statements of hardship, in a great degree common to all taxes, to commit itself to expressions of opinions worthless in themselves, dangerous because they give rise to hopes which probably cannot be fulfilled, and certainly of a character that lead to contrasts, comparisons, and criticisms unfavourable to the character of the House in the estimation of the country. I have spoken of the paper duty Resolution, but I confess it appears to me that the paper duty Resolution, as it stands—though I entirely hold all the opinions I previously expressed — time having only confirmed them—the Resolution on the paper duty as it stands ought to be a warning to us to induce us to hold our hands and consider how we commit ourselves to such rash proceedings. Let me appeal to hon. Gentlemen on the opposite side of the House. These proceedings I may characterize strictly as innovations. I do not think it has been the practice of the House of Commons in former times to endeavour to meet a cry out of doors, or the momentary wishes and even permanent interests of any class of the community by drawing these long bills on the future, and promising at some future time, unknown and indefinite, to redeem them. I must add that as it is in the nature of a very questionable example, to be imitated in a form more questionable, so my hon. Friend has improved on the paper duty by the form of language he uses. The paper duty Resolution merely said—and it was the mildest form in which it was possible to make trial of the principle—it merely said that it was undesirable that that duty should continue permanently to form part of the financial arrangements of the country. But my hon. Friend has the boldness to make a much enlarged demand upon us. What he claims is, that, in some manner or other this duty shall be got rid of at the very first moment when any change whatever takes place in our fiscal arrangement. If his Resolution is passed it would not be lawful to remit the duty upon the smallest article, however urgent might be the demand for its remission, but this Resolution would stand in the way, and we must pay the hop grower a fine of £300,000, or £400,000 before we could deal with it or address ourselves to the performances of our duty. Now, it is the invariable duty of the gentleman who for the time being holds the office I have the honour to hold, when the House is thus solicited at an early period of the Session to give pledges respecting particular duties, to remind it of its position on this subject. In the course of a few weeks the financial year will be at a close; a year critical in a financial point of view both on account of the extensive changes introduced into the law of the condition of trade, and, likewise, of the peculiarly disastrous character of the last harvest. Without dwelling upon these points, I put it to the House whether it is our duty to consider the claims of the people to relief from taxation separately one from the other, according as those claims may be pressed with greater eagerness or skill by the advocates of a particular interest; or whether we ought not rather to wait until the time comes when we may know, as a whole, the financial condition of the country, until we see what is to be our expenditure, what are our means, and if there be an opportunity of remission, deciding upon the various claims on the Exchequer after a careful comparison of their merits? Now such a comparison is entirely avoided by my hon. Friend. He has not entered into a question of the claims to remission which would compete with the claim of the hop duty upon an occasion of this kind. He has forgotten that we are leaving the duties on tea and sugar at a war rate; that we are still maintaining the paper duty, which this House passed a Bill to repeal, and that the income tax is now, in a time of peace, at 10*d.* in the pound. I might multiply these instances, but will only refer to a recent vote of the House of Commons, by which it appeared that the case of some of the payers of this income tax was thought especially deserving its consideration. Now, I do not want to obtain an advantage over my hon. Friend, unless it be such as from the form of his Motion I can justly have. I do not ask the House of Commons to affirm that the hop duty is a perfect duty or ought to be permanently maintained; nay more, I do not ask the House to say that there are other more serious and urgent claims to which it is our duty first to give heed. I only entreat the House not to prejudice the great questions which may come before us when the Estimates for the next year are fully prepared, and when we have obtained a just view of our probable Revenue. That is the time when my hon. Friend will have the opportunity of making a proposal if he pleases; but he must see that the nature—the essential and invariable nature—of a Motion like this if carried now, is to give to a particular claim an unfair and surreptitious advantage over other claims perhaps as well entitled to consideration. Why is this particular case to have exceptional consideration? Why is not some one to point out the enormous advantages of a reduction in the duty on tea? I ask my hon. Friend to be contented with equality of dealing, which he will have if he remains in the same predicament as the representatives of other interests, and if he asks the House at the proper time, when it knows the means and resources at its command, to decide upon this, after a searching comparison with other claims. These are the grounds upon which I feel strongly persuaded that the House will not accede to the request of my hon. Friend. I have endeavoured to state those grounds without in any degree concealing or attempting to weaken admissions which fairness demands from me as to the nature of this particular tax. But the Government would be guilty of the grossest breach of duty if they yielded to every popular demand of this kind. In the present instance the demand is backed by a stout phalanx, who have had civil war among themselves, the first thing they do on making peace being to proclaim war with somebody else. The Government, however, would fail in their duty if, from any fear of such power they were to refrain from entreating the House to hold this question over until the proper time arrives for deciding upon it in connection with the annual financial projects which only a few weeks must of necessity bring before us. Above all the House should avoid the inconsiderate repetition of Resolutions of this description with regard to the abstract merits of taxes, which are either in themselves valueless, or are worse than valueless, nay, are dangerous from the expectations they excite, and which constitute an entire departure from former practice; for those who preceded us never stooped to popular favour by promising to remit taxes, the abolition of which would involve the national finances in total uncertainty and confusion.

LORD HARRY VANE said, the right hon. Gentleman had based his opposition to the Motion mainly on the ground of the Resolution being an abstract Resolution. He would admit that there might be objections to an abstract Resolution, but he noticed that those who carried their measures through Parliament generally succeeded by means of such Resolutions. Inasmuch as the injurious operation of this tax had not been denied, and as the Chancellor of the Exchequer had admitted nearly all the arguments urged against it, he thought his hon. Friend perfectly justified in proceeding with the Motion, because when the Budget was brought forward there would be very little chance of obtaining relief. If ever the movement for repealing the hop duty was to be successful its supporters should persevere now. It was acknowledged that hardly any Revenue would be derived from the tax this year, and there was also an absolute certainty that next year would be a bad hop year. A remission of the duty would, therefore, make but little difference to the Exchequer for these two years. The Motion only stated that if remission could be granted, then that this tax should be taken into consideration; and as he believed that such a remission would be productive of advantage to the Revenue, by increasing the quantity of malt consumed, he should certainly support the Resolution.

MR. BALL said, he would not long detain the House, but being connected with agriculture, and as the question before the House was an agricultural question, he thought he would be excused for saying a few words upon it. It had been admitted on all sides throughout the debate that the arguments advanced in favour of the remission of the tax in question were conclusive, and, although the right hon. Gentleman the Chancellor of the Exchequer had endeavoured to weaken those arguments by the introduction of extraneous matter, he had signally failed. If the supporters of the Motion were to listen to the captivating appeal of the Chancellor of the Exchequer, and postpone the Motion until the Budget was before them, they would be told that they were then too late—that the financial scheme of the Government had been all prepared, and that the adoption of a Resolution like the present would entirely destroy all their calculations and arrangements. He therefore thought now was the right time for raising that discussion. The right hon. Gentleman had argued that the hop duty did not materially affect the general public; but surely it could not be denied that that tax ultimately fell upon the consumer, who had to pay it in the shape of an increased price for his beer. He had endeavoured last Session, but without success, to convince the right hon. Gentleman of the impolicy of the course he had pursued upon the malt question, and had pointed out the consequences that would ensue. Of course he did not then expect he should be able to influence the Chancellor of the Exchequer by his arguments, but every one of the consequences he had foretold had come to pass. The hon. Member for Birmingham, introducing a matter totally irrelevant to the question before the House, had asked how they could think of remitting the hop duty while the tax upon paper was retained? There was this important difference between the two cases—that the hop growers were now unanimous in demanding the repeal of this impost, whereas, when the abolition of the paper duty was proposed, the great body of the manufacturers came forward to declare that the measure would not only diminish the public Revenue, but would seriously injure their trade. Therefore the two cases were not at all analogous. He trusted the Chancellor of the Exchequer would permit the Resolution to pass, and that the House would agree to the Motion before it.

Mr. DISRAELI:—Sir, I hope the House will well consider the step they are asked to take before they give a vote on the Motion of the hon. Gentleman. I am not one of those who are at all insensible to the claims of the class of producers whose case is now before us to the attentive consideration of Parliament. It has been my lot on several occasions to have their case placed before me with great ability and great fullness of detail, and I can truly say that on no occasion have I heard it put forward more clearly or more efficiently than it has been to-night—especially by my noble Friend the Member for Kent (Lord Holmesdale), to whom I have listened with great satisfaction, and who, I trust, will hereafter take an active part in our debates. But my hon. Friend the Member for Cambridgeshire (Mr. Ball) will pardon me for saying that he does not establish a case for the remission of a tax when he proves that it is a grievance. Whether a tax is a grievance or not is a secondary consideration. We must first look at the state of the Revenue. There is, indeed, no tax which is not a grievance, which is not a burden upon industry, or an obstacle to enterprise; and if the attributes of an impost are to be discussed in this House only with reference to those consequences, a triumphant case may be made for the repeal or remission of every duty that now exists in our tariff. But the primary consideration, which ought not to be absent from our thought at the present moment is the condition of our financial resources. The hon. Member for Cambridgeshire, and several speakers who preceded him, appeared to assume throughout their arguments that the Chancellor of the Exchequer is in possession of an impending surplus, and they are, therefore, putting in their claim for their share of that surplus. But they quite forget that at this moment there is actually a great deficiency, supplied only by annual and temporary taxation. Under these circumstances we are not to consider what may be the effects of a particular tax which presses on the interests of our constituents, so much as what is the general condition of the national finances, and whether the Chancellor of the Exchequer, when he places his account before us, will be able to carry on the affairs of the country without calling on us to renew that which is always described as, and which we would fain believe is, a temporary resource in the form of a large amount of taxation. We must, therefore, dismiss from our minds the pleasing dream which lies at the basis of all the arguments that have been addressed to us—namely, that the Chancellor of the Exchequer, when he comes before us with his financial statement, will be in the happy position of a Minister who has a surplus to apportion to the relief of the industry and trade of the country. We know that the case will be very different. I do not want now to enter, as my hon. Friend (Mr. Ball) briefly entered, into the principles which guided our commercial and financial legislation of last year, or to dwell on the consequences it has produced. We shall soon be in possession of an authentic account. That those consequences have been important, and perhaps serious, no one doubts; but let us have from authority a statement on which we can rely of the results of that legislation, which was received by many with great distrust. We must remember that we have unfortunately experienced the ill effects of a bad harvest. We were told that if we embraced those principles of free trade which my noble Friend appears to have embraced in so complete a manner to-night, the disastrous effects of a bad harvest would no longer be felt. I will not now discuss whether those representations were just or exaggerated, but I think that, whether Free-traders or not, we shall all agree that a bad harvest is to a country, and especially to this country, a great evil. Well, we have encountered that evil. We have had to encounter the effect of commercial and financial experiments, together with that bad harvest, in the face of an increased and increasing expenditure. I give every credit to the Government for the reduced Estimates which they have offered to the House ; I have no doubt that, small as the reduction is, they would not have placed those Estimates on the table without having a conscientious conviction that they were justified in taking that course. But at this critical period it is open to every Member of this House to form his own opinion of what may be the conjuncture of public events, and what may possibly occur in the affairs of the world, and I have no hesitation in saying that, in my opinion, the period is now so critical that he would be a very rash leader of his countrymen who would allow them to indulge in a hope that there will be any great diminution of expenditure, and consequently any considerable reduction of taxation. The fact is that every man knows that the period is so extremely critical that we should husband and increase our resources, and not only have we that general feeling, but it seems also that the future is obscure, and that it is a period on which no one can speak with authority to guide us. Is this an occasion, with an impending financial statement—is this the occasion to come forward and to further embarrass the Minister entrusted with the management of the finance, under circumstances which must ensure him many difficulties that he will have to encounter ? I do not think, then, we should be justified in supporting the Motion of the hon. Gentleman. He and his friends may justify the Motion by the Resolution which the House adopted in the case of the paper duties, but there is no similarity between the two cases. It is the office of the House of Commons—their most legitimate office—if they entertain a strong opinion as to a particular tax, and also believe that the Government of the day has probably a surplus at its disposal—it is the duty and highest privilege of the House of Commons preliminarily to express an opinion upon that tax, which they believe to be a permanent grievance. That was the case with the paper duties. They had often been discussed, and when the House came to the Resolution, it was accepted in a greatly modified form by the Government of the day, who announced that the Resolution could not in the least degree affect their conduct, and the House accepted it in that spirit. Is that the present position of the hon. Member for Sussex ? That was a Resolution about the paper duties, which did not at all touch an impending Budget, even if the Minister of the day had not stated that the Government would not consider it in that respect. This is a Resolution which affects an impending Budget, and it is impossible for the Chancellor of the Exchequer, if the Resolution be carried, to avoid remodelling his Budget ; or, at least, it must naturally interfere with the financial arrangements he intends to propose. Is that a fair or a politic course ? I am aware of all that can be said against the hop duties, and I may say when I had the opportunity I proved my feeling by giving all the relief in my power to the growers ; but I cannot subscribe to the doctrine that it is a tax which, as a grievance, takes the highest rank of all circumstances which can annoy or injure Her Majesty's subjects. I think there are many other matters we must consider before any taxation is remitted ; and nothing can be more unwise in the position in which the country is now placed, than that we should enter upon a partial and fanciful scheme for the remission of taxation at a time when we ought, on the contrary, to prepare our minds for larger and severer toils—for really comprehending our position, and bringing to bear upon it all the resources of the country, and especially that which is the most important of all national resources—that spirit in a community that makes it ready to bear great burdens when it feels that they are required for the safety and welfare of the country.

Mr. DODSON, in reply, said he did not seek to interfere with the impending Budget. The hon. Member for Birmingham had admitted that the hop duty was an odious tax, but said that he was pledged first to the repeal of the paper duties. But was the House prepared to say that not a farthing of taxation should be remitted until there was such a surplus of revenue as would enable a million and a quarter to be dispensed with? When the hon. Member referred to a Resolution of that House touching the paper duties as precluding him from supporting the present Motion, he ought to bear in mind that in 1853 Mr. Frewen moved a Resolution that "The Excise duty upon hops is impolitic and should be removed." On that occasion the hon. Member for Birmingham said the Chancellor of the Exchequer ought to be obliged to the then hon. Member for East Sussex for introducing the Resolution before the Budget was brought in, in order that he might see whether the duty was popular or not. And he (Mr. Dodson) claimed the vote of a Colleague of the Chancellor of the Exchequer to-night, because on that former occasion he voted for Mr. Frewen's Resolution. In the division list he found voting against the hop duty the name of the right hon. Milner Gibson. The Chancellor of the Exchequer had that night greatly gratified the hop growers. He admitted three-fourths of the arguments adduced in favour of the repeal of the hop duties; and he passed over in silence the other fourth. The Chancellor of the Exchequer was not correct in another point, for the acreage of the hop growth was quite as large twenty years ago as it was now. The right hon. Gentleman had objected to an abstract Resolution, but that was a stock argument upon such occasions, and one that he hoped the House would not listen to. If an independent Member moved a Resolution before the Budget he was told it was too soon; if he moved it after the Budget he was told it was too late; and the Resolution was objected to as an abstract proposition. An independent Member could hardly be expected to introduce a Bill for the remission of taxation; and it was only by a Resolution that the opinion of the House upon the merits of a particular tax could be obtained. He hoped the House would not be led astray by the arguments of the Chancellor of the Exchequer and the right hon. Gentleman opposite, but would give its assent to the Resolution he had proposed.

Motion made, and Question put,

"That the maintenance of any Duties upon Hops is impolitic, and that in any remission of taxation or adjustment of financial burdens provision should be made for the removal of such Duties."

The House *divided*:—Ayes 110; Noes 202: Majority 92.

NAVY—(PROMOTION AND RETIREMENT.)

SELECT COMMITTEE MOVED FOR.

SIR JAMES ELPHINSTONE rose to move, "The Appointment of a Select Committee to consider the present System of Promotion and Retirement in the Royal Navy, and the present pay and position of the several classes of Naval Officers, and to report what changes therein are desirable, with a view to the increased efficiency of the Naval Service." It was a lamentable fact that there was no one class of officers in Her Majesty's Navy that had not just and serious ground of complaint. He should not occupy the House by going into details on the subject, but he would run over the principal grounds of complaint on the part of the various classes of officers, that the House might perceive he did not move for a Committee on insufficient reasons. He would begin with the captains. Their complaint was, first, that their pay, both full and half-pay, was insufficient, and that the regulations under which they received the command money, granted by order of the Admiralty, had, instead of making their condition better, rendered it considerably worse than before. That command money was granted to enable the captains of men-of-war to entertain those persons whom, from the position they occupied, it was the duty of these officers periodically to entertain. But previously the pay of the officers had been so reduced that that very allowance made them worse off than they were before, for the obligation to entertain was imposed upon them, which before had not been required. By the scheme 49 captains would receive from £36 10*s*. to £133 6*s*. 8*d*., but there were only two captains who would receive the larger addition to their pay; 45 would be entitled to £6 1*s*. 8*d*. a year, or 4*d*. a day additional; and he should like to know what portion of a gentleman's dinner 4*d*. a day would represent? Nineteen captains would receive sums varying from £18 7*s*. 6*d*. to £85 3*s*. 4*d*. Commanders would receive 2*s*. 6*d*. per day as command money, and out of that they would have at times to entertain persons of the rank of ambassadors. The way that lieutenants in command had been treated was worthy of the Admiralty. They were to receive 2*s*. a day command money; but their ordinary pay was first reduced from 11*s*. to 10*s*. The only two captains entitled to the highest rate of pay of £766 10*s*. were Captain Elliot and Captain Fanshawe. Between 40 and 50, or nearly one-half the entire number, would receive the lowest rate of £456 5*s.* 6*d.*, instead of the old pay of £700. This command money, for which the Admiralty took so much credit, was in reality a loss to many officers. He had prepared a comparison between the English, French, American, and Prussian navies. With regard to the lowest grade, it was 140 per cent in favour of the American over the English in the full pay, and of 227 per cent in the half-pay. In the French navy it was 46 per cent in the full pay—there was no half-pay in the French navy; and in the Prussian navy it was 22 per cent. Commanders in the American navy were 117 per cent better in the highest grade in the full pay, and 157 per cent in the half-pay, the Prussian 42 per cent. The American lieutenants in command had an advantage of 143 per cent, and the Prussian 47 per cent. The difference between the American lieutenants and the highest of our lieutenants was 134 per cent in favour of the American in the full pay, and 95 per cent in the half-pay; and in the lowest, the comparison was 71 per cent on the full pay, and 242 per cent on the half-pay in favour of the American. It must also be borne in mind that in the English Navy officers were subject to income tax, and that they were, likewise, obliged to incur expense in keeping their ship in creditable order. The *Royal Albert* had just been paid off, and the half-year's bill of her commander for paint required beyond the Admiralty supply was £67. An officer had also to furnish his mess with cabin furniture; and the comparative cost of living in this country was 30 per cent in excess of the others which he had mentioned. A Prussian officer who went to France on business for his Government was allowed 14*s.* a day, while if he came to England he received £1 1*s.* Another grievance experienced by officers was that in calculating their time for flag rank their commander's services were wholly ignored, though a great many of them had served within a few months or weeks of the requisite time. Moreover, when men reached that stage, the Admiralty were very shy of employing them. An old and valued friend of his, Admiral Trotter, an eminent officer in every respect, who had been on the Niger Expedition and rendered good service, as a commander he was senior officer of the southern division of the African station, and had eleven pennants under his orders, as a post-captain he was the commodore on the Cape station, and only wanted three months of his time when a near relation of the First Lord was sent out in the packet, surprised him lying in Simon's Bay, and sent him home, he actually attained his flag before he reached England; of course he never got another chance of employment, and he died a Yellow Admiral after all. Thus a man might serve twenty years as a commander, might in that capacity command squadrons, and be engaged on surveying or other service of the highest importance, and yet not be allowed to count a day of it towards his flag, while another, commanding a flagship, though he never went outside Plymouth Breakwater, might serve his whole time. Those were the leading grievances of the post-captains on the active list. The captains on the reserved list, from their liability to be called out in case of emergency, came also under the head of active officers. A deliberate bargain was entered into with those gentlemen in 1852; their services were justly extolled in the public papers, some of them having fought in every action during the great war; every advantage was promised to them, their commissions were made out in precisely the same terms, and they had every reason to believe that they stood on the same footing as regarded progressive advancement with other officers in the service; but when the time came for promoting them to the 14*s.* list, they were told that the proposal had been drawn up for the purpose of bearing a different construction from that which was evident on the face of it. They were thus deceived and cheated out of their just rights, and they were entitled to say so, for they took the advice of an eminent counsel—Mr. Lush—who told them that he could not possibly interfere between them and the Admiralty, but that were the transaction simply one between A and B the agreement would be binding before God and man. The commanders complained that the command money was of the same delusive nature as he had already shown it to be; they claimed to reduce their list by those who were ineffective, and they also claimed to have their mate's time counted on their retirement. Many of the commanders who obtained their promotion during the late war, when mates were serving as acting lieutenants on account of the scarcity of officers, and as such came home commanding brigs; but, although a mate's rank was equal to that of a lieutenant in the army, not a single hour of the time passed in such capacity would count, except under a recent order, and to a very limited extent. Another grievance was that while officers borne on the books of Coastguard ships would receive their time, or a portion of it, those who had hitherto served in them would be mulcted of at least two-thirds of that time. The year before last the principle had been affirmed that every day of a man's time ought to count in the civil service. But in the navy a different principle was applied, when it came to be made up, the Admiralty cut off every portion of time that they could. If a man had served two years eleven months and twenty-nine days, they would cut off the eleven months twenty-nine days, and only give him credit for two years. Again, the half-pay was deficient, and they called on the Admiralty to give them a graduated half-pay, rising every year, or at least every two years, according to their service. It was known to every hon. Gentleman who represented a dockyard town that many officers who had faithfully and gallantly spent the best part of their lives in their country's service were actually half-starving, and had not the means of educating their families, or of appearing in that society to which their education and professional position entitled them. Within the last twenty years everything, with the exception of some articles of clothing, had risen in price by some 20 or 30 per cent, while the pay of those officers was not increasing, but on the contrary, the Admiralty was now proposing to cut off part of the pay of captains. The senior lieutenants, who did the duty of commanders in ships, ought to have additional pay. The adjutant of a regiment received an addition of 3*s.* 6*d.* a day, with, he believed, an allowance for a horse; while the additional allowance to a senior lieutenant, doing duty as a commander, was only 1*s.*, out of which he had to find paint, brooms, and other articles, which were not supplied in sufficient qnantity. The cost to a post-captain of commissioning a ship was at the rate of £500 a year; and a commander could not commission a large sloop of war without sinking £1,000 of his own money. What added to this hardship was the fact that when the ships came home the mess traps were sold for whatever they might fetch, which sometimes was little or nothing. That occurred in the case of the *Royal Albert* a few weeks ago. The Admiralty ought to supply officers as well as captains with mess traps, such as linen and plate; and he did not believe the Admiralty would be losers by so doing, in fact, he believed he could state that the supply of those articles left a profit on the transaction. Then the instructors in gunnery did not receive sufficient. They had only 1*s.* a day in addition to their ordinary pay; while the three captains of the Royal Artillery who instructed the military received 9*s.* 6*d.* Officers were now required to "pass in steam," and were obliged to go to the college at Portsmouth to qualify themselves. They contended that they ought to be allowed full-pay while there for that purpose. And here he would say a word or two on the state of the college itself. The public rooms were excellent; there was a good library; and the studies were in perfect order, but the sleeping rooms were dog holes. They were wretched lofts, partitioned off by screens; the beds were anything but what they should be; and the accommodation generally was very indifferent indeed—the place is cold, damp, and uncomfortable, nothing like that which was enjoyed by the pensioners at Greenwich. An officer coming to the college from a warm climate was pretty certain to have cold or rheumatism before he left. There was also a grievance connected with leave to which he wished to direct the attention of the House. An officer in the army was entitled to a certain portion of time every year on full pay. He had likewise the advantage of a passage home in a Government vessel from the Mediterranean if such an opportunity off; but if an officer in the Navy came home after four years commission, he with the greatest difficulty got four weeks' leave; and if he fell ill he was obliged to produce a certificate to that effect. Even in the case of a death in his family, he could not at any other time get leave for more than a fortnight or so. The effect of that regulation was detrimental to the service, especially in the case of junior officers. Again, officers on Coastguard and contract vessels ought to be allowed full pay whenever they were serving. Every Gentleman who had commanded a ship must know the value of the first lieutenant; he was not only the captain's principal officer, but his friend and adviser. He was the man who carried on the duty of the ship; he was the man on whom the captain must depend in all cases of emergency. First lieutenants were very often sent out to dry nurse young gentlemen who could not be trusted by themselves. To that class of officers Sir Baldwin Walker belonged. This most valuable class ought to be entitled to brevet rank and increased pay; but such men were too often left to languish in the grade of lieutenants to the end of their lives. That was a just cause of complaint, and it was not unnatural that they should desire a choice of retirement at an early age when the Admiralty did not intend to promote them, and at a period of life when they might turn their attention to some other means of employment. He thought that was one of the most important points to which the attention of the Admiralty and the House ought to be directed. Those officers desired a fixed rate of half-pay after a certain number of years' service, and that rate ought, in justice, to be a sufficient one. They also complain that they have no servant allowed them as is the custom in the army, and he would remark that the employment of ships' boys as servants is in many respects most objectionable. In the next place, he hoped the lieutenants would be allowed to count their service as mates. It was considered that the title of mate was an anomalous one—that mates might be very easily and justly called second lieutenants, or receive some more dignified title than that which they at present enjoyed. They also considered that they ought to be better paid, and he could assure the House that there was not a more valuable class of officers in the ship than the mates, and at this moment the navy was very short of them from keeping the list full of old lieutenants who ought to be paid off at a better rate of payment than now. The mess things ought to be supplied to this class of officers as well as to the others; and if that were done the great loss of mess things that now took place would be prevented. If the property of the midshipmen's messes, for example, were Government property, it would be put under regulation, and not destroyed, as at present. When a ship was paid off the system now was to break the whole of the midshipmen's mess things rather than let them fall into the hands of the Israelites. The midshipmen of the navy were appointed at too early an age, and this was a source of great evil. It led idle boys to go to sea to escape from school. So soon as their mothers could not manage them they were voted the property of the navy and put on board ship, when the confinement and want of exercise stunted their growth, and the service was ultimately put to great cost in giving them a very imperfect education. No young gentleman should be admitted into the navy till he was able to judge for himself. He could speak on that point, for he went to sea himself to get quit of school. It was absurd to hear young Lords of the Admiralty saying that these gentlemen had adopted the profession from choice, and that they must be kept to their bargain. They were unable to judge for themselves when they went to sea. The next class of officers he would refer to was the warrant officers. He had presented a petition to the Admiralty from the warrant officers, which the noble Lord thought contained some things that were reasonable. He (Sir James Elphinstone) thought the petition was very reasonable. The hope of getting warrants ought to be held out as a prize to the men before the mast; but, instead of that, there was a difficulty in finding men to take the place of warrant officers, because by doing so they forfeited their pensions and their back time, besides being involved in an expensive outfit and exposed to the risk of being dismissed the service without trial. The petition of the warrant officers contained a long list of grievances which he thought ought to be forthwith redressed. Thus they justly complained of the allowance to their widows. Those of men who had been five years in the service only received £25 a year; those of ten years, £30; those of twenty years, £35. These pensions were done away with in 1850, and restored in 1860, and the widows of warrant officers dying in the interval received no pension at all. This was accounted for by the Treasury on the ground that an increase had been made in the salaries of the officers, to enable them to assure their lives, but no office would assure them if they were going to many different foreign parts. Amongst other grievances under which these men laboured, he might add that the coastguard service was closed against them. They asked that these things might be altered, that they might have a presentation to Greenwich College School for one of their sons, and that they should not be liable to dismissal without, in the first place, trial by court-martial. He had now given the particular grievances affecting the different grades of the service, but there were general grieveances that were common to every grade of the service. It was a general complaint that retirement fell far short of the requirements of the service. That caused injustice in many respects. By the non-application of the compulsory retirement to all ranks, it failed to secure a steady flow of promotion throughout the service. Only 6 captains had been promoted to flag rank since the 1st of January, 1859. Then, by maintaining the 3 senior lists far above the requirements of the service, employment was placed beyond the reach of the many. There were only 19 flag officers employed out of 99; 127 captains, out of 347; 209 commanders, out of 438. Perhaps he should be told by the noble Lord that his proposals would entail a large expenditure upon the country; but if it were so the country would be more efficiently served. When his noble Friend undertook the duties of the Chancellor of the Exchequer, he went beyond what was required of him as Secretary to the Admiralty. It was the duty of the Admiralty to say what was required for an efficient fleet, how they were to get a class of contented and trustworthy officers and men, and not to consider the cost. He believed that when they got the Augean stable of the Admiralty cleaned out, and had a proper administration of the affairs of the navy, with officers and men well paid and provided for, they would be able to effect reductions in other departments of the navy that few were now able to calculate. In conclusion, he would only add that if the House granted him the Committee, he would pledge himself to prove every word that he had uttered.

Motion made, and Question proposed,

"That a Select Committee be appointed to consider the present system of Promotion and Retirement in the Royal Navy, and the present pay and position of the several classes of Naval Officers, and to report what changes therein are desirable, with a view to the increased inefficiency of the Naval Service."

MR. BAILLIE COCHRANE said, he did not rise to address the House at any length at so late a period in the evening, but in seconding the Motion he wished to say a word with regard to the reserved captains. When that body was established in 1851, the bargain was that they were to be placed in the same position as though they were actively engaged, with the one exception, namely, that they were only to be called on in cases of emergency; but in 1856 they were placed, by an Order in Council, in the position of retired officers. They had not, therefore, the position which they had a right to expect. That was a point which he felt ought to be strongly pressed on Her Majesty's Government. It was most important that, where the navy was underpaid, where every officer was underpaid, as compared with the French and Russian navies, the engagements entered into with them should be fulfilled. The whole expense of carrying the engagements with those officers out would be only £3,000 a year, and were they for that sum to break their engagements with those captains?

SIR HENRY STRACEY said, not only the members of the navy, but the country generally, must be thankful to the hon. Member for having brought the question before the House in the lucid and temperate manner in which he had done. It had been remarked on a former occasion by the right hon. Member for Portsmouth that the navy was remarkable for discontent—that, in fact, it was always grumbling. He did not mean to say there was no good reason for that observation. He had always understood from all naval men with whom he had had communication that dissatisfaction was generally felt in the navy, and only the day previous a gallant officer, who was by no means undistinguished, said that dissatisfaction was felt from the quarter-deck to the forecastle, and extended even to the galley. The causes of discontent might be classed under the heads of pay, promotion, and retirement. There was a deficiency under the first and last heads, and want of a well-regulated system with regard to the second. The English navy was the greatest and most gallant navy in the world, but it was the worst paid. A lieutenant in the French navy, on active service, received 19*s.* 6*d.* a day, including command money; a lieutenant in the English navy only 12*s.* a day, or 62 per cent less than the French lieutenant. A commander in the French navy in command, received 25*s.* 5*d.* a day; an English commander only 19*s.*, or 34 per cent less than the French commander. An American captain received £875 a year; an English captain £766 10*s.*, or more than £100 less. Was there, in that, no cause for discontent? In the French navy officers were never put on half-pay until they were sixty years old, and then they retired on a handsome allowance. Our officers dreaded half-pay with its miserable emolument, insufficient to enable them to live as befitted their rank. The half-pay of an American captain was £612, that of an English captain £264 12*s.* 6*d.*, or less than half. Look, then, at the inequalities in the scale of pay of different ranks in the British service. A post captain of forty years' service received 10*s.* 6*d.* a day, but the surgeon acting in the ship under his command, although he had not served half the time, received 18*s.* a day. The first lieutenant of a 50 gunship when on full pay received 11*s.* per day, while the half-pay of the surgeon of the same ship would be 13*s.* 6*d.* per day. That scale of payment was fixed fifty years ago; and as the expense of living had since then greatly increased, the allowances to officers ought to be proportionately augmented. The Committee was likely to put an end to such inequalities as these, which gave great dissatisfaction and made officers dread a shore life. Again, captains on the reserved list had been led to expect increase of rank concurrently with increased pay, and with subsequent advantages, such as Greenwich Hospital, &c. When these officers complained to the Admiralty, they found there was no redress, "as there was no responsibility." As an instance of an officer who had been hardly dealt with under that regulation, he would refer to the case of Captain Spencer Smythe, who had served as gallantly as any officer in the navy, and one to whom they actually owed the victory of Navarino. That officer was now on the reserved list, receiving the miserable pittance of 6*d.* a day above the senior commander. That gallant officer had been first lieutenant of the *Dartmouth* at Navarino. Before the action he gave Sir Edward Codrington a plan of the Ottoman fleet, and from that plan the allied squadron took up the position in which the battle was fought. Being one of the number selected for promotion, Captain Smythe was named commander of the *Philomel, vice* Viscount Ingestre, but before the commission reached Malta Captain Keith had been promoted, and the commission intended for Captain Smythe was returned to the Admiralty, and the half-pay blank, intended for another officer, was filled up with his name. Sir Edward Codrington said that the mistake of the Admiralty would be rectified. Sir Edward spoke of him in the most flattering terms at Malta for the plan he had furnished, and the Lord High Admiral noted him for promotion, but the frequent changes in the Admiralty frustrated all these hopes. Had that officer's original commission been acted on he would have received those emoluments to which his merits so signally entitled him. Many others were in similar position. The fact was that these gentlemen had been led astray. The brevet system was abandoned, and in lieu of it, and as a reward for past services, a certain number were appointed to the reserved list of captains. But they were never told they were to be deprived of rank and pay, or Greenwich out-pensions, or retiring allowances, as a proof it was not so intended. Three Greenwich out-pensions were granted to them; but they were afterwards told they were not entitled by being on the reserved list. Still more recently they were told that a recent regulation made by the Admiralty they were precluded from receiving these out-pensions. Many of these officers were only sixty years of age, while some were only fifty, and was it to be supposed that men who felt themselves as efficient as younger officers would, for 6*d.* a day, give up all prospect of promotion and the rank to which they were entitled by seniority. The retired captains had memoralized the Admiralty ever since 1838, but they also felt that where there was no responsibility there was no redress. He believed that the noble Lord (Lord Clarence Paget) had formerly advocated the claims of the captains on the retired list; but since he had been in office he had been silent on the subject. The only means by which the natural discontent of these officers could be removed was by paying them on a reasonably liberal scale, and not after a rate inferior to that of all the other great naval Powers. Let the pay given by the greatest maritime Power in Europe be a pay, not to make officers discontented, but to make them satisfied to be in the service. Let promotion also be properly exercised according to a well-regulated system, and not according to family connection or political favouritism; and when he mentioned political favouritism he alluded not merely to the present Board of Admiralty, but to all Boards of Admiralty. With regard to retirement, that, upon taking place after a certain age, should be accompanied by a liberal and adequate allowance, which would enable officers to live like gentlemen. He believed that, if the proposed Committee were granted, a zealous and contented navy would be the result.

SIR FRANCIS BARING said, that he would not be tempted to enter upon irrelevant topics. There would be ample opportunity before the Committee recently appointed to examine the subject of patronage, and he hoped that those hon. Members who had been so liberal in their assertions and accusations would go before that Committee, and show how far their accusations were true. In reference to the reserved captains harsh language had been used, and the House had been told that those parties had been cheated. Now, the House would recollect that that list was intended to meet the case of officers who had not the slightest chance of promotion, and if subsequently other officers had been introduced into it, that was never in contemplation at the early period of its formation. It was said that the contract had been broken. He wrote the contract, for the Minute was his, and the Order in Council was correctly formed upon the Minute. Something had been said about an after-thought, but he never had the slightest doubt about the construction of the Minute, and he wrote to some gentlemen, who had applied to him to be a witness in respect to their cases, stating that it was never intended to give them what they claimed, and the Admiralty came to the same decision on a perusal of the papers, and not upon his opinion at all. With regard to the Admirals on the reserved list, it was well known that great evils existed, which were corrected by the arrangement now so much complained of. The benefit to the public was, that now there were really active Admirals on the list. The Admirals who were placed on the retired list were not in the slightest degree injured, for, though they were nominally on the active list before, they were never employed, and before the alteration the list was in such a state that when he had to make his first appointment he had great difficulty in selecting an officer to take charge of the West India Station, and was obliged to send out an Admiral above seventy years after all. He believed that it would be found that from the alteration as great a benefit had accrued to the country with as little injury to individuals as had ever resulted from any arrangement made by the Admiralty. The noble Lord the Secretary to the Admiralty had been told to look to the interest of the navy alone. Now, he did not think that those who were responsible for the naval service had only and exclusively to look to the interest of the navy. They had also to consider to a certain extent the duties of the Chancellor of the Exchequer, and how far the country could bear the expense to be imposed. When the House was told that the families of officers were in distress, and that the price of provisions was high, it should be borne in mind that there were other parties whose families were in great distress in consequence of the high price of provisions, and if they gave to the one they took from the other. They must consider the taxpayers as well as the officers of the navy. His own impression was that the manner in which these cases were agitated in the House of Commons by no means tended to the benefit or discipline of the service.

ADMIRAL WALCOTT observed, that a complaint is not uncommonly made that naval officers were given to a habit of complaining of this grievance; therefore, he was of opinion that it would be highly advantageous that an inquiry should be instituted with the justice or groundlessness of that feeling upon their part. He thanked the hon. Member for Portsmouth for the explicit manner in which he had brought the subject before the attention of the House, but as a Committee had been agreed to for an inquiry into the administration of the navy in all its departments, he could have wished that the subject now proposed had been merged in that inquiry, and the time of the House not occupied in its consideration on the present occasion. Convince both officers and seamen that they are not only your refuge in the hour of danger, but an object of your solicitude and care in time of peace, and you will have abundance of gallant fellows to man your ships. He must now challenge "the observation made by the hon. Baronet (Sir Francis Baring) that Admirals placed on the reserved list had no cause for complaint, they not having been employed entitling them to a place on the active list"—he considered, in many instances, their treatment had been most cruel and unjust; he boldly would say that his own was a case in point, and that there were others who had been equally unfairly dealt with, but as he was not empowered to name any officer, he would throw himself upon the indulgence of the House whilst he replied to the challenge thrown out by the hon. Baronet. In the year 1823, when in command of a frigate on the Ionian station, in consequence of the barbarities perpetrated and injuries to commerce inflicted by piratical vessels and crews on the coast of Cuba, he had proceeded with orders from the naval Commander-in-Chief on that station to use all efforts for their extirpation, and in the execution of this service neither to set a value on his own life, his officers, or crew—he would not describe the barbarities to which he had adverted, the atrocities so committed in part partaking of indelicacy—under Providence he successfully fulfilled his orders; his superior officers viewed his conduct with approbation, and recommended him for admission as a Companion into the Order of the Bath; his health was so shattered in carrying out the orders with which he had been entrusted that he was necessitated to resign his ship by invaliding and return to England, and the recommendation for this distinction to his Sovereign up to this hour had never been carried out; every consecutive First Lord of the Admiralty, with the exception of the late King, Lord Ellenborough, and Admiral Sir George Cockburn, had rejected his fair appeals—although made in the first instance in the year 1827, and followed up by a minute of the Board of Admiralty in 1846. The reason assigned being that the number of companions were limited and that the number was complete. From the year 1823 to that of 1852 (when he was placed on the list of Reserved Admirals), he challenged a search into the Records of the Admiralty for abundant proof that no officer ever more persistently, zealously, and earnestly entreated for active employment in any description of command, and service, and upon any station. Repulse met him, and disappointment weighed heavily upon his heart, but his spirit remained unbroken—his official and personal applications to the right hon. Baronet, the Member for Portsmouth, were in vain, and he refused him employment; the same fate had awaited him upon the part of his successors at the Board, and he stood denied from the opportunity of earning for himself a distinguished name in his profession from the year 1823 up to the present hour. The late ex-First Lord of the Admiralty with a cold-hearted indifference partaking of contempt, in regard to the service he had performed, declined to carry out the recommendation of the Board of Admiralty of 1846, with a poor excuse upon the plea he was ineligible for the Companionship of the Bath, his service not having been gazetted—at the period he performed that service it had not been the custom to gazette letters in time of peace; afterwards this became rescinded, and agreeably to the Statutes of the Order when first instituted in the year 1815 up to 1847, he having the decoration of a medal was entitled to the Order. In 1847 the statutes were amended making a gazette compulsory; but it was all to no purpose that he impressed this upon the late ex-First Lord of the Admiralty. After the insinuations made by the right hon. Baronet, the Member for Portsmouth, he asked the House if he had not made out a just cause and ground for complaint. He would only say in conclusion that it was a wise and just policy to treat officers with strict honour and justice, as it would ensure the devotion of their best energies to the service of their country.

Sir FRANCIS BARING explained, that he had not the intention of applying to the gallant officer one word that referred to any charge against him. All he said was that it was only the officers who had not served their time who were a whit the worse for the new arrangement.

Sir MICHAEL SEYMOUR said, he should have been glad if the Motion could have been avoided. But the dissatisfaction which prevailed among various classes of officers rendered it necessary that the subject should be thoroughly investigated. The scheme of retirement adopted last year by the Admiralty was of such diminutive proportions that but little advantage had been derived from it, though he owned that it had led to the promotion of some very able and deserving officers. A Royal Commission some years back pronounced the officers of the navy more inefficient than those of any other service, and he feared there was still too much truth in the statement. In several recent instances a disposition had been manifested by officers to retire from active service, and an unfortunate degree of apathy and indifference pervaded the body of naval officers. It would be necessary, also, for the Committee to inquire what constituted "sea-service," as it was sometimes interpreted in a manner that did great injustice to deserving officers. He acknowledged the desire which the right hon. Baronet the Member for Portsmouth had manifested when in office to treat naval officers with due consideration, but believed that the prospective advantages which officers on the retired list were led to expect had not been conferred on them. He should cordially support the Motion for a Committee.

Sir JOHN PAKINGTON: Before I

touch upon the subject of the Motion before the House, I must be allowed to express the deep regret with which I have heard the gallant Admiral, the Member for Christchurch (Admiral Walcott), led away for the moment by the warmth of his feelings, impute to me that while I held office [Admiral WALCOTT: Not at all] I treated him with neglect and contempt. [Admiral WALCOTT: So you did.] I can assure the gallant Admiral that I was never led for a single moment to regard his services and professional character with any feelings but those of sincere respect. The gallant Admiral, I am sorry to say, takes great offence with me, and this evening he has told the House very candidly the reason—namely, that I did not recommend him for the honour of a Companionship of the Bath. [Admiral WALCOTT: Not that you did not recommend, but that you did not follow out the recommendation.] The statement of the gallant Admiral is one which we should not expect to hear publicly made, and I am sure the House will feel that in justice to myself I ought to give some explanation. The gallant Admiral added, that not only did I refuse, but that I made the refusal with unkindness, and without a conciliatory word. All I can say is that if the gallant Admiral, when the warmth of his feelings has subsided, will only refer to the letters which I wrote, I am sure he will feel that I did convey the refusal, which I was sorry to be obliged to make, in the kindest and most conciliatory language which I could use. And the simple reason which occasioned the refusal was this—that his case did not come within the rules of the Order. I, therefore, had no option in the matter, and had no power to recommend. [Admiral WALCOTT: I think I have shown that it did come within the Order.] Having made this explanation I will turn for a few moments to the Motion of the hon. Member for Portsmouth. I feel some regret that the discussion should have turned so much on the particular case of the reserved captains. The right hon. Baronet, the Member for Portsmouth (Sir Francis Baring), told us that when he was First Lord he drew up the minute and originated the Order in Council referring to the reserved captains, and, that being the case, he knew better than any one what was the object of it. At the same time, I think a matter of this kind must be decided, not by the intention of the Minister, but by the wording of the Order itself. I have given some attention to the wording of that Order, and that being the case, it is only fair to repeat what I stated last year, that I think it sufficiently ambiguous to enable the Admiralty to shelter themselves under it; but that a strict and fair construction of it is in favour of the claim of those officers, and I am sorry the present Board do not seem disposed to take a generous view of their case. The Motion is very much the same in substance as one which I made last year. The hon. Member moves for a Committee; I moved for a Commission. I retain the opinion that some inquiry ought to be granted. I think it is a great evil, and I am sure my noble Friend, the Secretary to the Admiralty, will not deny that it is a great evil that officers of the British Navy should be discontented. I know not how far the noble Lord, the Secretary of the Admiralty thinks, as he once said, that naval officers always are discontented, and always are grumbling. I do not think that one of their characteristics, and I deem it a great national evil that any officer of the service should have any just cause of complaint. At the present moment we are particularly called upon to have regard to their claims, as the condition of the navy, in respect to discipline, is not what it ought to be. I shall probably revert on a future occasion to that subject; but of this I am satisfied—that, before we can hope to have the discipline of the navy in a satisfactory state, we must take care that the officers are justly dealt with, and that they have good grounds to be content with their position. There are two reasons why inquiry is more called for now even than when I moved for a Commission last year. The present Board of Admiralty have taken into their consideration much that was said last year with regard to the unsatisfactory pay of the navy, and especially the pay of the captains. I stated last year some painful cases which had come under my own observation, where captains had been compelled to refuse command of ships through being unable to afford to accept them. The Board of Admiralty have since drawn up a new scale of pay, and unfortunately the result is that it gives a small boon to some classes, while it leaves other classes worse off than they were. I think that is an additional ground for inquiry. The other reason is of the same nature. The present Board have adopted a new system of promotions and retirements, and that has failed likewise to give satisfaction to the service. I am sure the Board of

Admiralty can have no wish to have these feelings of dissatisfaction existing, and we cannot have a stronger proof that the condition of the navy is not what it ought to be than when an officer in the position of the hon. and gallant Member for Devonport (Sir Michael Seymour), fresh from active service, comes forward to support the statement of the hon. Member for Portsmouth, and to pledge his important opinion in favour of inquiry. I hope the Government will take these facts into their serious consideration. All that is asked is to extend to the navy the same description of inquiry which has twice been given within the last few years to the army. If the causes of dissatisfaction on the part of naval officers are groundless, the Admiralty will be fortified with arguments for resisting future Motions which they do not now possess. If, on the other hand, the naval officers can establish the justice of their demands the national feeling will surely require that those demands should be conceded.

LORD CLARENCE PAGET:—I can quite understand and appreciate the hon. and gallant Member for Portsmouth, and the hon. and gallant Member for Devonport advocating the claims of every class in the navy. I can quite understand the sympathy of other hon. Members when they hear appeals on behalf of the noble and gallant service. But that a Minister who has known the difficulties under which the Admiralty labour with the very limited means at their disposal—who knows that if these things are taken into consideration in the way he is encouraging the House to take them into their consideration, the Marines and the Army cannot be left out—who is perfectly aware that it is impossible to give that higher pay which I, as a naval man, must feel they ought to receive—who has had an opportunity, when First Lord of the Admiralty, to have rectified what was wrong—when such a man comes down day after day to foment discontent in the navy—[*Cries of* "No, no!"]—I say discontent in every class in the service, from the officers to the ships' crews—it is a lamentable fact indeed. The present Board of Admiralty has been constantly occupied in endeavouring to improve the pay of every class in the navy. What have we done? I do not blame my hon. Friend, because he has not studied what has been done. But when he talks of giving command money to captains, and, in truth, reducing their pay instead of increasing it, if he had read carefully the papers on the table he could not have fallen into that mistake. Officers in command of line-of-battle ships will receive an average of about £100 more pay than they do at present; officers in command of large frigates will receive an average of £70 a year; while commanders and lieutenants will receive command pay, the former of 2*s.* 6*d.* a day, the latter 2*s.* I shall not ask the right hon. Baronet opposite (Sir John Pakington) to look at the papers, because I fear his object is to show that we are endeavouring to damage the navy rather than doing what we can to improve the position of its officers.

SIR JOHN PAKINGTON: Sir, I emphatically deny that I am actuated by any such motives as those which the noble Lord has imputed to me. The noble Lord is not entitled to impute motives to any hon. Gentleman who may choose to address the House upon a subject of great public importance. I appeal to you, Sir, whether the imputation of motives is not disorderly?

LORD CLARENCE PAGET: It is not my intention to impute to the right hon. Baronet that he knowingly does injustice to the present Board of Admiralty, but I say that the necessary effect of his continual harangues about the wrongs of the navy, is to foment discontent in every rank of the service. Let me put a practical question to the House. The hon. and gallant Member for Portsmouth in his able speech touched upon the case of every class of officer in the navy. Here, then, you are asked to deal with between 5,000 and 6,000 commissioned officers, exclusive of warrant officers. Considering the view which the hon. and gallant Member takes of the pay of officers of the navy, he will, I think, admit that an average of £10 a year to each officer would be but a paltry addition to their pay; yet that addition would at once amount to an increase of £50,000 or £60,000 a year in our Estimates. Is the House prepared to sanction so considerable an addition to the Estimates for the navy? Last year we increased the retired pay of almost all classes in the navy; we gave increased pay to masters, paymasters, and engineers; we gave pensions to the widows of warrant officers amounting in all to a permanent increase in the Voves of upwards of £40,000 a year; and we endeavoured in various other ways to benefit the service.

I am willing to admit that we have not done all I could wish, but that is because the Admiralty, with all its desire to improve the position of every branch of the service, has been obliged on the ground of expense to stay its hand. The present Motion may be divided into two parts. One has reference to the question of promotion. The hon. and gallant Member for Portsmouth will have an opportunity of bringing the subject of promotion before a Committee which, I hope, will be nominated in a few days. It is unnecessary, therefore, to dwell upon that point on the present occasion, further than to invite the hon. Baronet to defer that portion of his Motion to the consideration of the proposed Committee on the Administration of the Navy. The other part of the Motion deals with the position of the several classes of officers in the navy. I want the House to consider, if we are to appoint a Committee to hear pathetic stories about the wrongs of individuals—wrongs which, no doubt, exist in the navy as in other services—and to listen to the tale of every unfortunate officer in the navy, what will be the result. The result will inevitably be that the Committee will make a report recommending a cnsiderable increase of pay throughout the navy. Is the House prepared for that? As a naval officer I could not be expected to offer much opposition to it; but I must say, occupying the position which I do, that I would hesitate before urging such a recommendation upon the House. I have been told that I should not consider myself as the Chancellor of the Exchequer of the Navy; but what would the House say to me if I did not look to the general interests of the country, instead of simply endeavouring to improve the position of my brother officers, without reference to the pockets of the taxpayers. Day by day I am obliged to decline the memorials and appeals of officers for increase of pay. Some remarks were made by an hon. Gentleman opposite with respect to political influence. I challenge the hon. Gentleman to name a case in which an officer has been promoted through political influence since the Duke of Somerset became First Lord of the Admiralty.

Sir HENRY STRACEY: I did not apply that remark exclusively to the present Board of Admiralty. I referred to all preceding Boards quite as much as to the present.

Lord CLARENCE PAGET: I accept the retraction of the hon. Gentleman.

Sir HENRY STRACEY: No, I retract nothing; I merely explain.

Lord CLARENCE PAGET: I am glad, at all events, that the hon. Gentleman did not apply his observation particularly to the present Board of Admiralty, because I know that political influence has really nothing to do with promotion in the navy. The hour is so late that I shall not discuss all the complaints which were made by the hon. and gallant Member for Portsmouth. I shall simply say that in what we have done during the last two years, in the addition we have made to the pay of several classes of officers, and in our proposal to give command pay to commanders and lieutenants, we have given an earnest of our desire to improve the position of every branch of the service. Of course, as may be supposed, I feel a deep interest in the welfare of naval officers; but I must confess that I think many of the complaints we hear are unreasonable. If you appoint a Committee to examine into those complaints great demands will be made upon you. The appointment of a Committee will be an intimation to every officer to bring forward his claims, and the result will be the presentation of a report which it will be impossible to carry into effect. The recommendations of the Committee will be rejected, and you will break the hearts of many officers. Such are the reasons which induce me to entreat the House not to agree to the Motion now before us.

Lord JOHN MANNERS said, that the very excited speech which the House had just heard from his noble Friend rendered it necessary that some remarks should be made upon it. He had listened with the greatest surprise to the declaration made by his noble Friend of his views on the subject of Ministerial or rather ex-Ministerial responsibility. According to that declaration it would seem that any hon. Gentleman who had ever been in office was bound in all time coming to hold his tongue whenever any question was brought before the House affecting the particular department with which he had been connected. Remembering what the conduct and language of his noble Friend had been before he entered upon office, he could only hope that his noble Friend would not act in his own case upon the principles which he had laid down to-night. When his noble Friend was out of office there was no man more outspoken or more severe in his comments upon the management of the Admiralty, and he trusted the House was not to understand that if ever his noble Friend should chance to be out of office his tongue was to be hermetically sealed. His noble Friend had asked the House whether it was prepared to sanction an increased expenditure of £50,000 or £60,000 a year upon the navy? He thought that if the House appointed a Committee of Inquiry, and if that Committee found that injustice was to be done to the officers of the navy, the House would not hesitate to rectify that injustice, even though it were to cost £50,000 or £60,000 a-year. The noble Lord had himself acknowledged that the officers of the navy were underpaid, and that their position was in many respects undeserved.

Lord CLARENCE PAGET: I said nothing about their position. I simply expressed the opinion that they were underpaid.

Lord JOHN MANNERS said, he would accept the language of his noble Friend that the officers of the navy were underpaid. When the Secretary of the Admiralty made a statement of that kind he had no right to resist inquiry. His noble Friend might, without inconsistency, have risen in his place, and declaring upon his responsibility as a naval officer, and as the organ of the Admiralty in that House, that the officers of the navy were not underpaid, and that their claims were not well founded, have called upon the House to reject the Motion of the hon. and gallant Member for Portsmouth; but since he had chosen, as a naval officer and as a responsible member of the Government, to admit all that had been said in favour of that Motion, he had no right to throw any obstacle in the way of its adoption.

Viscount PALMERSTON: Sir, the noble Lord has totally misrepresented the argument of my noble Friend. What my noble Friend said was, that he was sorry to see a distinguished Member of this House, like the right hon. Baronet opposite, who had occupied the responsible situation of First Lord of the Admiralty—not having, when in office, carried into operation the opinions he now proclaims—waiting till he was out of office in order to express them strongly, and knowing, as he must do, that unless those opinions were shared by those who have the power to carry them out, he was running the risk of creating dissatisfaction in the service, which it was desirable to avoid. My noble Friend stated that in his opinion the officers of the navy were underpaid. I should be disposed to generalize that assertion, and I should not be going too far if I were to say that all the services of the country were underpaid. I am convinced that if you were to measure simply the rewards alloted in this country to public servants by the services performed and the merits of the officers, you might go through the army and navy, and the civil service, and you would find that all had claims to an increase of pay. You might appoint a Committee and go through all the establishments of the country to see whether each officer and each clerk received as much as the generosity of the country would be disposed to allow him if the funds would permit it; the result would be a great increase in the expenditure of the country in every department. This Motion is confined to the navy, but you could not confine the principle to that service only. You must extend it to the army, and if you extend it to the army you must in justice extend it to the civil service. I would, therefore, warn the House against going blindfold into an inquiry of which they cannot foresee the consequences.

Sir JAMES ELPHINSTONE said, he wished to correct a misapprehension of his noble Friend the Secretary for the Admiralty. What he (Sir James Elphinstone) said was that it was the duty of the Admiralty to come to the House and tell them what was required to render the navy efficient, and that it was the duty of the Chancellor of the Exchequer to find the money that was necessary. He would only further remark that the pay of a tide-waiter was just the same as that of a commander of the navy.

Question put.

The House *divided*:—Ayes 102; Noes 97: Majority 5.

House adjourned at half-after One o'clock.

HOUSE OF COMMONS,

Wednesday, March 6, 1861.

SUPERANNUATION (OFFICERS OF PRISONS) BILL.

SECOND READING.

Order for Second Reading read.

Mr. MONCKTON MILNES, in moving the second reading of this Bill said, it would be advisable that he should state to the House the present position of officers of prisons with regard to pensions and superannuations. By the 5 & 6 *Vict.*, *c.* 30, power was given, in case governors, chaplains, or other officers of gaols became unable from confirmed sickness, age, or infirmity to discharge their duties, to grant them such superannuation allowances as the case might seem to require, according to the scale prescribed, by the 4 & 5 *Wm.* IV., *c.* 24. Since the date of that measure the question of superannuation had been dealt with by an Act establishing with regard to the holders of all civil appointments a scale which, though not in any degree excessive in its allowances, fulfilled every requirement of public justice. The object of the present Bill was to assimilate the superannuations of the prison officers to that provided by the recent Act, which was more advantageous than the scale on which they at present retired. The Superannuation Act had been framed by Parliament after long and deliberate consideration, and it could scarcely be deemed advisable to prevent those officers whose case was dealt with by his Bill from coming under the operation of the Act, unless some special reason could be shown for their exclusion. That they did not deserve to be the objects of an unjust exception he thought it hardly necessary to show at any length. There was no body of men whom it was more the interest of the country to reward for the due performance of their duties, to whom more responsible functions were intrusted, or to whom contentment of mind was more essential in the discharge of their avocations than the officers of prisons, and he believed at the present moment there was no body of men who better deserved encouragement. The time had long gone by when prison officials offered a fit theme for the novelist and satirist, when gaolers such as Jonathan Wild existed, and when the state of our prisons was such as to excite detestation and horror. A higher moral tone has found its way into the conduct of those establishments. It was no longer thought necessary to commit the criminal to the care of men of violent temper and poor education; but in the governors of our prisons it was required that judgment and discretion should be added to experience, and that they should be men to whom the task of reforming, as far as possible, the more flagrant vices in the inmates could be intrusted. To men in whom such a combination of qualities was requisite, it was surely a palpable injustice to award an inferior class of retiring allowances. But if this were the case with governors, in how much higher degree must these requirements extend to the chaplains, who, to the zeal of the missionary, without any of the excitements of foreign travel, were required to combine the earnestness of the devotee with the insight of a philosopher, that they might administer the divine consolation of their profession without, at the same time, becoming in any degree the dupe of unreal repentence, or seeming piety. Of such a class had been the chaplain of the prison at Preston, who, after thirty-seven years of unrecognized labour, died in the discharge of his duty because, though long past the age when public servants of any other class would have retired, his circumstances did not permit him to do so without the acknowledgment that the present state of the law rendered it impossible to confer. The medical officers, likewise, in the discharge of their uninteresting and monotonous duties had to contend with the difficulty of maintaining the discipline of the prison and of allowing, at the same time, for the moral and physical depression which naturally attended incarceration. On what principle, then, could it be said that these gentlemen should be continued on a footing different from that of other civil servants of the Crown? The only difference between them consisted in the fact that their pensions would be payable, not out of the Consolidated Fund, but from local taxation. It might be said that the measure ought to have been brought forward by the Government, and not by an independent Member. But in 1859 a memorial had been signed by every prison officer in England and Wales, and by the visiting justices of forty-two prisons, in favour of the objects of this Bill; and yet the Government had not thought it right in the interval to take any action in the matter. They might have considered, not improperly, that, as the burden was to be imposed on local taxation, it would be more advisable that the measure should emanate from the unpaid magistracy, who were to be dispensers of the bounty. To one hon. Gentleman whose name was on the back of the Bill an apology was due, as he had reason to believe that he still adhered to the opinion that Her Majesty's Government should have been the persons to propose the measure; and had he entertained any hope that they would do so he should have been glad to leave the matter in their hands. With the exception of a single clause making provision for officers whose pensions were discontinued, there was no reason to believe that by the operation of the Bill a single additional shilling would be added to local taxation, while it would relieve the magistrates from the very invidious and uncomfortable task of weighing the merits of individual officers in each particular case. He confined his observations now to the principle of the Bill, but he should be ready to meet any objections that might be taken to it in Committee. He had received some letters in which the age of sixty was objected to, and suggestions were made that a more distant limitation as to age should be adopted. He could only say that this question had been thoroughly scrutinized by the House, and he could not believe that the austere virtue of the Chancellor of the Exchequer would suffer him to continue a limit which he believed to be improper; he intended, therefore, to propose in Committee that the officers of local prisons throughout the country should be placed on the same footing, with regard to superannuation, as the officers of the Government prisons at Packhurst and Pentonville. It was a good and sound principle to take as much as they could out of the mature life of a man for the public service of the country; but they did not want him to remain in it after he was utterly exhausted. He could not imagine any principle more injurious to the public service than that they should imitate the seceding States of America, where they used up their slaves and continued them at work till they died. According to the present system officers of prisons were not allowed to retire till they proved their incapacity by reason of continued sickness, age, or infirmity. There was a period—often a very long one—when a man began to feel that he was discharging his duty feebly, and yet he was unwilling to own to himself, and others were unwilling to tell him, that he ought to retire. In illustration of the working of the present system, he would refer to one or two facts connected with the prison of which he was a visiting justice. Five superannuations had been granted within a short period in the West Riding of Yorkshire; two of those were only of a few months' standing; in the other cases, however, one had been granted at sixty-six years of age, and the recipient died at sixty-seven; another at thirty-three years of age, and the man to whom it was granted died at thirty-four; and the other was granted to a man aged fifty-four, who died at fifty-eight. The average number of officers in the prison with which he was best acquainted was ninety-seven; and within the last ten years twenty of these had died, only two of them living till they were sixty. Indeed it had been calculated that exactly double the number of prison officials died in proportion to those who were under their charge. He trusted hon. Members would believe that he had not undertaken this matter in any captious or dogmatic vein, but merely from a desire that these officers should be fairly remunerated, and their retiring allowances placed on a sound footing. The House would remember that in the present state of public opinion most sacred duties connected not only with the correction but with the reformation of criminals had been entrusted to these gentlemen. It was now something like fifteen years since he had assisted in the passing of measures which had resulted in diminishing the crime of this country in proportion to the increase of population beyond the expectations of the most sanguine, and he was only asking the House to do justice to those persons who were to administer this improved system, and who ought not to have added to their other troubles and anxieties the discomfort of anxious and discontented minds.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HENLEY said, that when this Bill was first introduced he certainly looked on it with great distrust, and that distrust had not been removed by the speech of the hon. Gentleman in moving the second reading. He quite agreed with that hon. Member in everything he had said in praise of the officers in their various grades now employed in the prisons of this country—nothing he had said would more than do justice to that valuable class of officers; but this Bill rested on two assumptions:—First, that there was a complete analogy between persons employed in county and borough gaols and the civil servants of the Crown—that was the first assumption upon which the whole argument of the necessity for putting those parties on an improved footing was based. The next assumption was that for want of such an arrangement it was necessary to keep such officers in their places when they had passed the vigour of their life, and had become inefficient and unfitted to perform their duties. In the civil service the ordinary rule was that persons entered at an early age, their salaries were gradually raised, and their whole lives were passed in the particular office which they entered. But that was not at all the case with the officers of country prisons, many of the most meritorious servants in which had been in the army or navy, and were in receipt of pensions derived from those branches of the service. As a general rule these officials had arrived at middle age before they took office in the country gaols. If magistrates were compelled to allow them retiring pensions at sixty, which age they would often reach after ten years' service, the rule would probably exclude such persons altogether from such appointments. As to the class of persons who now held the office of turnkeys, he would ask whether any cases could be pointed out where such persons were unfit for their office, being retained or remaining on account of a sufficient power to grant pensions, and whether the blue book would furnish them with any instances of that kind? The hon. Member for Pomfret had directed attention to the case of the doctors. Why, the doctors were usually gentlemen who were in practice in the towns where the prisons were situated, and in return for a fixed salary, they agreed to attend to the medical necessities of the prisoners; but he could not understand why such persons were to have pensions any more than the medical officers of a union. The hon. Member said that these officials should be brought under these provisions because they had been passing new superannuation laws; but the salaries of turnkeys were not arranged acccording to a uniform rule, but were adjusted on the consideration whether they were to have retiring allowances or not. But the House was now asked, by *ex post facto* legislation, to throw perhaps hundreds of turnkeys upon the county rates for retiring allowances. He believed there had been no serious or general complaints to the Home Office respecting the manner in which magistrates had exercised the powers of the existing law. This was a very large question, and one which he thought should be left in the hands of the Executive Government. He would not then enter in the details of the Bill; if any analogous measure were to be looked to he was inclined to think it should be to the police; but, so far as his own experience had gone — and he had lived through several generations of gaolers, some of whom had died in harness—he saw no necessity for the changes proposed by this Bill, and he should, therefore, oppose its second reading.

SIR GEORGE LEWIS said, that the Bill involved two principles — one, the increase of the scale of pensions which might be given to county prison officers; the other the assimilation of the existing system of superannuation in respect of those officers to that applicable to members of the Civil Service. But it must not be supposed that no provision of the kind suggested by his hon. Friend at present existed. By the 30th section of the 5 & 6 *Vict.*, c. 98, it was lawful for persons having the control of the finances of county prisons to grant an annuity by way of superannuation allowance to any officer of either sex who should, "from confirmed sickness, age, or infirmity," become incapable of executing his or her duty. The scale of pension in such cases was not to exceed that laid down in the General Superannuation Act, 4 & 5 *Wm.* IV., c. 24, the Superannuation Act in force generally before the more recent Act, which made an alteration in the scale allowed to civil servants. The two scales did not differ materially, though the latter was somewhat more favourable to the members of the civil service. He could not see that any case had been made for a change in respect of the officers in county gaols. Certainly the reports of the Prison Inspectors made no complaint on that head. At present the magistrates had a discretion; but the Bill of his hon. Friend would make it compulsory on them to give pensions exactly equal to the scale in the Act relating to the civil service. He did not think that such a change was called for, or that it was desirable to give magistrates the right of bestowing a pension on any officer above the age of sixty without a medical certificate. The case of the police force had been referred to by the right hon. Member for Oxfordshire (Mr. Henley); but in that case there were stoppages in the pay on account of the superannuation afterwards allowed. Besides it was necessary to grant more favourable terms of retirement to policemen, by reason of the nature of the duty in which they were engaged. He thought that if the House once adopted the principle that the system of superannuating local officers ought to be assimilated to that which had been established in the Civil Service they would embark in a course attended with great danger. The right hon. Gentleman (Mr. Henley) said that the case was one for the Executive Government; but he thought it was one rather for the magistrates and other gentlemen engaged in local affairs, and until they expressed their desire for a change he should not be disposed to support such a system as that advocated by his hon. Friend the Mover of the Bill.

MR. KENDALL was of opinion that the Bill required alteration; but he thought, at the same time, that it ought to get a second reading.

MR. JOHN TOLLEMACHE thought that a measure of this kind should have the Government support to sustain it. On that ground he had declined to have his name put on the back of the Bill, though his hon. Friend had done him the honour of placing his name on it. He thought it was a Bill that should emanate from the Government, and that it was a just Bill, which would work fairly in regard to the public interests and the officers of gaols; and if the age at which these officers were entitled to retire on pensions were altered from sixty to sixty-five he should support it.

SIR BALDWIN LEIGHTON thought that the persons who made the appointments should be those who granted the pensions; and he drew attention to the fact that in various cases the appointment of gaoler to county gaols had been made, not by the magistrates, but by the high sheriff. In fact the high sheriff had the power of nominating any person to the office of gaoler, although it was true he in most cases left that duty in the hands of the magistrates. The position of officers of gaols had been very much improved lately, and he thought if the magistrates had erred at all they had erred on the side of giving too much instead of too little. He must say he did not see any necessity for this Bill, the second reading of which he should oppose.

SIR STAFFORD NORTHCOTE said, that if the Bill went to a Committee it would require much amendment before it could pass. The only real objection that he had heard with reference to it was that by it the door would be open for the admission of a new principle, because if the Superannuation Act were extended to prison officials it must, in justice, be extended to all the officers who were paid out of the County Funds. But what was the fact? Why, that the principle had been already laid down, and it was quite competent for the House to say that it would extend it to the officers of gaols without going any further. He thought it was most desirable that these officers should know to what pensions they were entitled. He should, therefore, subject to Amendment in Committee, support the second reading of the Bill.

MR. AUGUSTUS SMITH hoped that no further powers would be given in regard to county expenditure until some system of a better organization than existed at present was established, by which the county ratepayers would have a voice in the matter.

MR. HUMBERSTON thought he should be able to induce the House to adopt an Amendment in Committee, which would make the Bill permissive and not compulsory.

MR. MITFORD observed, that good and efficient officers were obtained under the present system; but he feared that the Bill would have an injurious effect in this respect, and, therefore, would oppose the second reading.

MR. AYRTON should vote against the second reading. The right hon. Baronet (Sir George Lewis) seemed to think this was a question which solely affected the gentlemen who, as county magistrates, were engaged in superintending prisons and granting these compensations. That, however, would only be true if they paid these superannuations out of their own pockets; but the measure seemed rather intended to relieve some tender-hearted gentlemen by taxing the community for the benefit of a class. He could not conceive the least necessity for this Bill.

MR. CHARLES PACKE had never heard of any objection to the present working of the law. In every case where application was made for superannuation, and where it was allowed by law, the magistrates were extremely liberal in awarding a retiring allowance. He thought, too, that the Bill was a most unwarrantable interference with the existing rights of the local authorities. He considered that there ought to be a very strong case indeed made out before they were induced to alter the present law. He did not think such a case had been made out, and he should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Sir GEORGE LEWIS said, that he had no wish to avail himself of the last Motion in order to make a second speech, but he thought the House should know what was the present state of the law with regard to retiring allowances. The words of the Act were, "confirmed sickness, age, or infirmity." He took it that those words could not mean confirmed age, but that the object was to exclude temporary sickness; and that any person who, from age, infirmity, or confirmed sickness, should be unable to perform his duties, would be entitled to receive a pension.

Mr. Alderman SIDNEY opposed the Bill upon the ground that it would have a tendency to make public servants independent of the magistrates, and would encourage improvident habits. If a person appointed to a public office chose to live up to his income, he ought not in his old age be allowed to fall back upon the public funds for a means of support.

Mr. MONCKTON MILNES, in reply, said he had no desire to press the measure forward against the wish of the House. If the Bill went into Committee he would be ready to adopt any Amendment that might be suggested by Gentlemen of experience. He would have no objection to make the Bill permissive if it was the wish of the House.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 61; Noes 140: Majority 79.

Words *added*. Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for six months.

CHURCH RATES ABOLITION BILL.—[Sir John Trelawny.]—COMMITTEE.

Order for Committee read.

Sir JOHN TRELAWNY, in moving that the House should go into Committee, said he wished to notice two points. There was a general idea that Wesleyans, as a body, were opposed to abolition, that idea having arisen from the evidence of Mr. Bunting and Mr. Erwin before the Committee of the House of Lords. If any reliance were to be placed upon weight of authority, he asked the House to consider the resolution he held in his hand, signed by no less than 15,000 Wesleyans, of whom 7,000 were ministers and office bearers, who expressed a deep conviction that the extinction of church rates was necessary to the existence of good-will between the members of the Church and other religious bodies. The other point he wished to explain was with regard to collections in churches. It had been suggested that such collections were contrary to the prerogative of the Crown, and were not legal. From the 9 *Geo.* IV., c. 42, it might be inferred that collections in churches for various purposes were not legal, inasmuch as those collections which were legal were mentioned in the Act. He was told that an illegal act was committed by members of a Committee of Convocation some years ago when they came to a resolution that these collections should be encouraged. He had been also told that sufficient money might be obtained to supply a substitute for church rates by means of church collections alone, which might for this purpose be legalized. As the case stood clergymen were constantly asked to preach for particular purposes or allow others to preach for purposes such as were in the opinion of incumbents, of doubtful advantage or of doubtful legality. On this ground it was understood that Queen's letters had been some years since discontinued. He merely threw this out as a hint to hon. Members opposite. If they could suggest some mode in which the expense of church fabric and Divine service could be met without a compulsory rate he should be willing to give his attention to it. In conclusion, he moved that the House go into Committee.

Lord FERMOY seconded the Motion.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. HARDY said, he was not going to address the House on the subject of church rates generally; but in consequence of what had fallen from the hon. Baronet on the other side he wished to make a few remarks. He wished in the first place to explain that the mixed Methodists of whom his hon. Friend had spoken was a totally different body from that of the Old Wesleyans; and the Conference to which he had alluded was the Conference on church rates, and not a Conference of Wesleyans. With respect to the Old Wesleyan body, their Conference had not declared one way or the other. The evidence of Mr. Osborne and Mr. Bunting was that from their knowledge of the body, the members were in favour of maintaining the system of church rates; and from communications he had himself received from one of the most eminent members, he believed this to be the true state of the case. There was a Bill before Parliament in which the Dissenters claimed the use of churchyards, not only for the purposes of burial, but also for the purpose of performing there religious services. It seemed strange that they should claim such a right, and at the same time refuse to pay towards the expenses of maintaining the churches.

Mr. NEWDEGATE:—Mr. Speaker, the hon. Baronet the Member for Tavistock knows perfectly well that the terms in which I have been obliged to give notice of my Amendment are dictated by the forms of the House: for my Amendment involves the creation of a charge in substitution for church rates in certain cases, which the forms of the House prevent my moving in Committee on the Bill. I have, therefore, no alternative but to move that the Committee on the Bill be deferred for the purpose of enabling me to bring forward my Amendment. My proposition may be considered as that of a substitute for church rates; I wish also to explain to the House that, in the course which I am now taking, I am actuated by no want of respect to the hon. Baronet the Member for Tavistock, or for the decision of the House in favour of this Bill for the Abolition of church rates. This subject has been long—too long—in the hands of private Members; and, as a private Member, I comply with the custom of this House, which experience proves to be that, whether from consideration for its own dignity or from the fact that the proposal of no private Member can so command the ready assent of this great assembly as at once to obtain their approval; the habit of the House is that the House will not, when an important Bill is in the hands of private Members, or when an important Amendment to any such Bill is also in the hands of a private Member, at once accept either; but expects, that either or both should be several times submitted for consideration; and at such intervals as will admit of the attendance of a full majority of the House, not only to vote, but to hear and take part in discussion upon the question. In deference, therefore, to that which has become the habit and practice of the House, and of which I think no private Member has any right to complain, I again submit the proposal which I have twice before introduced to the notice of the House. I have always, and shall always, oppose the abolition of church rates, without the provision of a substitute; but the voice of the House has declared itself in favour of those who propose that measure of abolition. If the truth were known however, and the majority of those who vote with the hon. Baronet the Member for Tavistock did not feel themselves bound by party obligations, I believe the greater portion of them would be found not to desire the total and unconditional abolition of church rates. In deference to the opinion of the House, I therefore accept the proposal of the hon. Baronet, that church rates shall be abolished; and I myself wish that the personal character of church rates should be removed. I also concur with the hon. Baronet in thinking that the rate, when collected, should be expended strictly for Church necessaries, and that the levy should be made by a purely civil process, in accordance with the purposes for which the rate was made; for I deny that the rate is given for merely ecclesiastical purposes: I mean "ecclesiastical" in the narrow sense of the term. The purpose of church rates is to maintain the fabric, services, and appurtenances of the Church for the benefit of the whole of the inhabitants of the parish. And I refuse, though opposed on this subject by some of the Dissenters of the present day, to give up the right of future Dissenters to the use of the church and churchyard for baptisms, marriages, and burials. I claim for every inhabitant of every parish which has hitherto paid church rates the right to the means of maintaining the parish church for all the purposes for which by law they have a right to use it. At the same time I wish to show the utmost deference, the most true and complete liberality towards the religious scruples of my Dissenting fellow countrymen; and I beg the House to consider this—that, short of the total and unconditional abolition of church rates, the scheme which I am about to propose to them involves the widest concessions ever proposed to the House. I propose to give the means of personal exemption from all charge for the maintenance of the fabric and services of the Church to the entire body of occupiers in this country. I go further, and say that, in many populous districts where church rate has not been levied for a series of years, and where prescription has practically invalidated the liability of property to church rate—I speak of those districts where no church rate has been levied for seven years -that there the property shall be held exempt by prescription, on the same principle that I hold that property in districts where church rates have been always levied should still be deemed liable by prescription. Now, let not the House undervalue the claims or rights which arise out of prescription. Common law is based on prescription—the best of all titles is usage; and I claim that title in favour of the inhabitants of 80 per cent of the parishes of this country —that they shall not be deprived, without an equivalent, of rights, privileges, and property which they have ever enjoyed, and of which, by constant use, they prove their value. I wish to bring this subject to a practical common sense issue, such as is worthy the intellect and reason of this House. I deprecate the length of time that this matter has been in agitation. I say that the true issue, the real question, has been lost sight of. We hear the hon. Member for Birmingham (Mr. Bright), whom I see resuming his place, talking as if this was merely a question of supremacy. I think that this is placing the question on a false issue. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) says—

> "That he will do nothing to remedy the avowedly imperfect state of the law of church rates—that he will do nothing towards providing a substitute—that he will do nothing in consideration for the conscientious feelings of the moderate Dissenters until this House has rescinded its decision in favour of the total abolition of church rates."

I say that that is a collateral and irrelevant issue. What I hope the Legislature —the majority in this House, and the majority in the House of Lords—will consider is whether they cannot find some means by which, without robbing 80 per cent of the parishes of this country, and the great majority of the inhabitants of this country, of a property and privilege which they locally enjoy and really value, they cannot relieve every conscientious Dissenter from reasonable occasion for the scruples by which I know they are conscientiously actuated. Now, there is no exaggeration to which conscientious scruples may not be carried. I can conceive a man so prejudiced as to say, "Don't take your time from the parish clock, it is wound up by the clerk, and its time is taken from the rector's watch, therefore it must be wrong;" or, "don't trust the parish map, it is kept in the vestry with the surplice, therefore it is not to be trusted." There is no exaggeration, I repeat, to which conscientious scruples may not be carried; but notwithstanding that, I know there are really conscientious, and honest, though I think mistaken, persons whose religious scruples have such power that they can be overcome by nothing save the power of truth; and the more you oppose those scruples the more likely are you to induce a temper that will render it more and more difficult on the part of those who entertain these views to become practically accessible to the dictates of reason and charity.

I think, therefore, it is desirable, if out of the numerous proposals which have been made we can select one that will satisfy those religious scruples which are entertained by a considerable portion of Her Majesty's subjects; and I believe that the scheme I now propose would have that effect.

What I propose is this:—That no parish shall be deprived of its property, or the right of controlling that property to which it has always been entitled, or of the right of applying to its own Church the proceeds of that property. For church rates are property. To take away that property, if it has been enjoyed within the last seven years, I should consider to be downright spoliation; and to that I, for one, will never consent. At the same time I think that the form of the charge might be so changed that the unhappy opportunities for discord connected with the present processes of assessment and levy may be removed, and that the money when collected might be placed at the disposal of the parishes which are entitled to it without their having to pass through a phase of action to obtain it, which exposes them to the attempts of those who may think agitation a duty; but who, I must say, in these religious questions, are really disturbers of the public peace.

Well, Sir, it appears to me that it is beside the question to consider whether there is in this present House a majority of fifteen in favour of the total abolition of church rates, or a majority of fifteen in favour of maintaining church rate. The real practical matter which concerns the welfare of this country is the balanced state of opinion on this subject in the country and in this House. This has existed too long; and there is great danger of our seeing public opinion diverted to some wrong issue; I wish in the interest of peace, in the interest of religion, that this House would do me the great honour of allowing me to submit to them the details of the scheme which I have long considered for this purpose.

I have said that, wherever church rates have been levied within the last seven years, I would consent to their abolition there as well as elsewhere; but wherever they have been so levied, I would propose to substitute for them a fixed charge of twopence in the pound; which, after a careful examination, I find to have been the average of the church rate, where it has been levied, throughout England and Wales, during the last nine years; and I would give every occupier the power of deducting that amount from his rent, so that he should be exempt in accordance with his religious scruples, if he entertain any, by private arrangement with his landlord, and not by being publicly ticketed, or obliged to ticket himself, as a person who objects to the Church.

Why, Sir, it often happens that the occasion of objection to church rate is an objection to the clergyman personally. It may be that the rector is offensive, and because the parishioners dislike the rector, they oppose the church rate. I have known many instances of that kind of objection to church rates; but I have also known much more justifiable objections. I have heard of cases where the church rate has been applied to matters connected with religious services, in a manner which the majority of the parishioners thought was alien to the doctrines of the Church of England, to which they are attached, and they therefore refused church rates. Now, do not tell me that these men are to be ticketed as men who are adverse to the Church of England. They only object to an abuse which has arisen in their own particular parish, and in their own particular church. These persons have objected to these malpractices in the only manner they can effectually. Upon this score, then, I object to their being ticketed as Nonconformists or adverse to the Church; their objection proves that they are sound members of the Church. No man ought, on account of such feelings as these, to be marked and misinterpreted as an opponent of the Church or of church rates. We have abundant evidence that, if people are opposed to church rates, they will adopt means to let their opposition be known, but I do not want to see all opponents of church rates ticketed alike. For, if a man is once ticketed as an opponent of the Church the greatest tyranny is exercised towards him if he should again wish to avail himself of her services, to which I maintain he has the right of full and free access, an access as full and as free as any of her regular communicants.

I have said that I hope the House will consider the subject, not with a view to the false issue of supremacy, or the collateral issue of rescinding of its own Resolution, but with a view to the settlement of the question; such a settlement as will be likely to ensure future peace, consistently with the preservation of the rights of the great majority of the parishes in this country.

What is this question of supremacy? I can scarcely believe that the hon. Member for Birmingham means to establish the supremacy of Nonconformity; because, according to the old rule, that "a house divided against itself must fall," that supremacy must fall. For what is Nonconformity as distinguished from Protestantism? Nonconformity means variance. Do you mean to establish the supremacy of variance in religious matters? Why, you know that such a supremacy as that could not be long maintained: you know that it must fall. But I will tell you what will arise out of it. You will establish a rival church to the Church of England, which is embarrassed by none of the external differences of opinion in its external action which impede the action of the various sects of Dissenters. You may, by this process of ticketing Dissenters, instead of simply allowing a deduction of church rates from rent in satisfaction of these conscientious objections, establish the Church of Rome; then the hon. Member for Birmingham would be right, and we should have a real struggle for supremacy, and a most fatal struggle too, between two rival established churches; thus would you be sowing the seeds of future strife on a matter upon which religious strife has torn this country in past ages to the enormous detriment and continued suffering of its population. The recurrence of that fatal strife would be the probable result of your system of ticketing Nonconformity. I object, therefore, to all personal exemption on the ground of religious scruples. I would go further still; I would give a personal exemption, if they like to have it, to a class, though not to individual objectors. I would give the means of exemption to the whole body of occupiers; and I think I can show that I should be doing no injustice to the owners of property; for this deduction would be carried out upon the same principle as the deductions of property tax, which the occupier is entitled to make from his rent; and all the same rules with respect to the liabilities of the parties, which are the fruit of experience in the case of the property tax, would be applicable to this charge. What injury, then, do I inflict upon the owners of property? I assert, upon the authority of the late Sir Robert Peel, given in the year 1834, that the church rate is a tax upon property. I assert it also, upon the authority of Mr. Coode, the most experienced person on rating matters, perhaps, now living, that church rates and all other rates are a charge upon property. I assert the fact, upon the precedent established by the Irish Poor Law where one-half the charge is made leviable directly upon property; but, as I see the hon. Baronet the Member for Tavistock is inclined to dispute this point, perhaps the House will forgive me if I read a short extract from the Report of the Poor Law Commissioners on local taxation, presented to both Houses of Parliament in 1843. They are speaking of all rates; and they say—

> "Many inconveniences and anomalies arise from the fact that the legal character of the poors' rate, and of all the local rates, except the sewer's rate, is not made accordant with its real and essential character. These rates are essentially taxes on the rent of the landlord; not taxes upon the occupier's profits; no legal declarations, no limitations of legal remedies to the person and goods of the occupier, however much they may disguise the aspect of the tax, or make its burden operate unequally on rent, can make it fall permanently on anything but rent. If the same rates were all avowedly laid upon the landlord, but made leviable upon any goods found upon the rated property, the occupier being enabled to deduct his rate from his rent, the amount of net rent which would then be paid to the landlord would doubtless be the same as now; but there would be no disguise of the real incidence of the burden. This result would be not only valuable for the sake of the abstract fairness of giving protection to those whose interests are really involved, but would be equally desirable for the sake of those classes who, though not interested as tax payers, are otherwise deeply interested in the proper administration of the laws; for perhaps the greatest abuses which ever prevailed in the administration of the poor laws arose from this fact, that the tax fell, and that it was found out by the occupiers that it did fall upon the landlord, while the administration, expenditure, and appropriation of the tax was given exclusively to the occupiers, who did not really bear the burden. The attempt to give the tax the appearance of an occupier's tax involves, besides, many other practical inconveniences."

Now, I do not think that a stronger opinion than that could be given.

> "Another inconvenience"—they go on to say, "results from this. In order to catch the occupier, it is necessary to make the remedies very much more stringent than would be necessary if it were made clear to the occupier that what he paid in rate, he would deduct in the rent. Committal of poor occupiers to gaol for non-payment of rates would certainly be unnecessary, if the rate were made in law what it is in reality, a landlord's tax, and an avowed, instead of a disguised deduction from rent."

That is my opinion also; and I find it supported by the opinion of the right hon. Gentleman, the Chancellor of the Exchequer. In short, I do not understand how any man who is conversant with the management of property can dispute it; because, as Mr. Coode says, in his evidence before the House of Lords—

> "The intending occupier would be insane who agreed to a rent without ascertaining to what rates and taxes the property upon which he is about to enter, is subject, and which he would have to meet."

I will not go further into this subject, but I would touch upon one point which arises out of the extract I have just read. It would be highly improper to give the occupiers, who would be exempt under my plan, an unlimited power of taxing the property of the landlords under whom they hold. That would be most improper and unfair. I propose, therefore, to fix the rate of the charge at 2*d*. in the pound as a church charge in lieu and substitution of church rate. I know it will be said that, where churches have been lately built, or are in good repair, the parish would not need so much as 2*d*. in the pound for the annual expenses. Well, I have contemplated and provided for that. I propose that, after this charge of 2*d*. in the pound has been collected with the county rate, it shall be paid through the county or borough treasurers, to the clerk of the peace, and be by him transferred to the Governors of Queen Anne's Bounty. Why do I select the Governors of Queen Anne's Bounty? Because, I speak here, not in the interests of the clergy only; not in the the interests of the communicants of the Church of England only; but I appear here claiming, that the majority of the inhabitants in the majority of the parishes of the country shall not be deprived of property, to which they are entitled, without compensation; and I select this body, the Governors of Queen Anne's Bounty, because it is not exclusively a clerical body. That body, it is true, includes the Bishops, but with them are associated the Lords-Lieutenant of all the English and Welsh counties; with them are associated the mayors of every town; and with them are associated also Her Majesty's counsel, learned in the law. Ever since the reign of Queen Anne, this body has honourably administered the funds committed to its charge by the Crown, with the consent of Parliament; and during the whole course of my public life, I have never heard a single imputation cast upon the fairness of the administration of that body. I would, therefore, make that body, possessed as it is of wide information with respect to the parishes of this country, the depository of this fund; and I would give to the clergyman and churchwardens of every parish—treating every ecclesiastical district, which is regularly organised as a parish, freely and independently invested with parochial rights — the right to claim the whole amount levied within the year from the property of that parish out of the depository, which I would create in the hands of the Governors of Queen Anne's Bounty. What will be effect of this? If the contributions from the property of any parish under the charge I would thus create, amount to more than would be required for the annual expenditure, it should then be the duty of the Governors of Queen Anne's Bounty to act as treasurers for the surplus, so that it may safely accumulate to the credit of the parish; unless it be required to meet some extraordinary demand for repairs of the Church, or some such purpose, it would soon accumulate, until the sum is sufficient to produce, as an endowment, an income equivalent to the annual charge upon the parish—sooner or later, in most cases, this would probably be the result; and I would then make it the duty of the Governors of Queen Anne's Bounty to create an endowment; and the endowment once created the charge should lapse, and the property in the parish be thenceforth free. That is the nature of the provision which I would make in lieu of church rates for more than 80 per cent of the parishes in this country.

I will not now go into figures in order to show that twopence in the pound is really the average of church rates, because it has been admitted by the right hon. Gentleman the Home Secretary, and accepted by the Chancellor of the Exchequer; and I know from information which I have obtained, and which is open to others in common with myself, that that is the true average of the church rate for England and Wales during the last seven years.

But I shall be told that by this scheme I am doing a serious injury to the Church of England in the large towns where no church rate has been levied within seven years. Now that is the very last thing that I should wish to do. Yet, I shall be told "You are consenting to renounce the liability of these parishes to repair their churches." Well, it is quite true that I do so; but why do I consent? Because there is no power to enforce that liability. I am prepared to recognise the facts as they stand. The Church of England is established in those large towns, but the Church has failed to fulfil her functions there. She levied church rates long after she ceased to afford corresponding benefit to the inhabitants, long after the increase of population in these large towns had rendered it impossible for one-fourth of the population to enter her sacred edifices and join in her services; and I say that that was an abuse of which the inhabitants had a right to complain, because in that case the rate was levied without any corresponding benefit — a benefit which the Church was bound to provide, but which she failed to supply. I would not, however, leave these Churches destitute. In the case of those parishes, as in the case of all others, I would incorporate the clergyman with the churchwardens for the purpose of receiving benefactions and voluntary contributions for the maintenance of the fabric of the Church, and for conducting her services. And here, Sir, I beg to say that I go fully with the advocates of the voluntary principle: nay, I go beyond them in this: by incorporation I would recognise the fact that the Church is the established national Church belonging to each parish, and I would give to the incorporated clergyman and churchwardens the means of permanently holding property for this purpose; so that if the benevolence of Churchmen shall incite them hereafter to provide sufficient means for the use and sustentation of those Churches, the Churchmen in these parishes may not be wanting in the means of permanently appropriating those funds with a view to a permanent provision for these sacred objects. Such is the provision that I would make for the churches in populous districts —a provision in accordance with the voluntary system, but going beyond it in making necessary provision for the future.

Now, entertaining as I do the deepest respect for the Nonconformist body, many of whom, wisely, are not unfriendly to the Church of England as the great protectress of their religious freedom—yet the Nonconformists must acknowledge that they have proved that they are incapable of providing for the religious necessities of the people. That I think cannot be denied. I have acknowledged that the Church has failed adequately to provide for the religious necessities of the populous districts; but it is not less notorious that the Dissenting and other bodies have also failed. We have it in evidence that there is a mass of spiritual destitution growing up in England which neither the exertions of the Church, by the voluntary exertions of her members for her enlargement, estitimated by the hon. Baronet the Member for Finsbury (Sir Morton Peto), the other night at £400,000 a year, since the commencement of the present century, expended in new churches alone, nor the exertions of the Dissenting bodies have been able to reduce or overtake. Well, Sir, I say this, that it would be an act of double injustice if you despoil the parishes which hold church rates and value them for their use; for by abolishing church rates without compensation you would cut off the voluntary contributions which parishes, having churches and church rates, extend to relieve the destitution of those populous parishes where no church rates exist. That would be the inevitable result. For if the hon. Baronet the Member for Finsbury is right, and if the sum devoted by the voluntary contributions of Churchmen to the erection of new churches since the commencement of the century has been £400,000 a year, and you deprive the Church of £300,000 a year, which is the amount of church rates, I do not say that you will cripple the means of extending the ministrations of the Church through her fabrics in arithmetical proportion, for then you would leave only £100,000 a year instead of £400,000 of voluntary contributions devoted to the erection of new churches; but I do say that it is reasonable to suppose that you would diminish the amount by one-half, and to that extent you would perpetuate the spiritual destitution and irreligion in the mass of the population.

I thank the House for the kindness with which they have heard me explain this proposal. It is simply this. I would charge property in those parishes where church rates have been levied within the last seven years with a charge of *2d.* in the pound. If the House in Committee may think proper to decide upon that sum, I would have that sum levied and collected with the county rate, and it should be paid through the county and borough treasurers to the clerk of the peace, who should thereupon transfer it to the Governors of Queen Anne's Bounty. I would incorporate the clergyman and churchwardens of every parish, giving them the right, wherever this charge exists, to draw the amount from the hands of the Governors of Queen Anne's Bounty to the extent of the charge upon the property of the parish for which they act; but I would give the Governors of Queen Anne's Bounty the power of knowing whether the whole of the charge was required within the current year for the purposes of the church rate. And if it were not required I would ensure that the surplus should accumulate to the credit of the parish, so that it might be available for any extraordinary demand; and if it is not required for any extraordinary demand that it should be available as a fund for the creation of an endowment; upon the creation of which the charge itself should lapse.

I hold that I do no Dissenting owners any injustice. All I say to them is this—I refuse to place you in possession of the gross proceeds of the property of which you hold the net rental, but of which the gross proceeds never were yours. I refuse to allow you by virtue of your peculiar religious opinions to rob the majority of the parish for all time to come of that share of the property in the parish which they have ever held. I do you no injustice by enabling your tenant to deduct from his rent the amount of this charge upon him; for you may adjust that by private arrangement, and if it be necessary, as it may be, under some forms of lease, I would introduce a provision for enabling landlords and tenants to accommodate their arrangements to the altered state of circumstances which I would create.

Thus, Sir, would be preserved to the majority of the parishes of the country, a property which they have ever enjoyed,—I mean to the inhabitants of the parishes generally, and not exclusively Churchmen; for so far am I from desiring that in vestry the inhabitants should not have the power of controlling the application of those funds to their own church, that I would make the expenditure of the funds that would be received from the Governors of Queen Anne's Bounty—subject in all cases to the opinion of the vestry, under due ecclesiastical supervision, and thus secure that each parish church should be so organised as to meet the feelings and wishes of the majority of the parishioners. Perhaps, in closing this subject for the present, I may be allowed to read to the House the Resolutions I shall move in the event of my being permitted to introduce the subject to a Committee. They would be to the effect, that, accepting the whole Bill of the hon. Baronet, the Member for Tavistock, as it stands, so far as the total abolition of church rates is concerned.

That in the opinion of this House it is expedient—

"That in lieu of church rates, thenceforth to be abolished, an annual payment, to be called the church charge, be fixed at the rate of 2*d.* in the pound, on the annual value of every description of property, now by law rateable to the church rate, be levied, and be chargeable upon the owners of all kinds of property in every parish throughout England and Wales, in which a church rate has been levied at any time within seven years before the passing of this Act.

"That the church charge be payable into a common fund, to be administered by the Governors of Queen Anne's Bounty and (subject to the expense of administration) be applicable within the several parishes contributing thereto, according to the amount contributed by each parish to the purposes to which church rates are now by law applicable.

"That the church charge of any parish be at any time redeemable by the establishment from any sources of a permanent fund, yielding a perpetual annual income equal in amount to the church charge for the same parish.

"That the incumbent and churchwardens of every parish be constituted a body corporate, for receiving and applying gifts and contributions in aid of, or for, or towards, the redemption of the church charge of the parish."

Therefore, the ultimate effect of my proposition is that, wherever church rates are now levied in lieu of them, a charge shall be established in a form in which it may be commuted, or may be redeemed, in the same manner as the tithe rent charge or land tax can be commuted or redeemed; thus any owner of property being a Dissenter may at his option commute or redeem the charge on his property, or he may wait until the surplus of the charge has accumulated to the credit of the parish to such an amount, that his property would cease to be chargeable; or if any benevolent individual furnished the money which would be necessary for an endowment, that would also put an end to the charge upon his property. I believe, Sir, that this scheme, if it were elaborated by the wisdom of the House, would be a means of future peace. It is certainly the widest proposal for meeting the religious scruples of those, who contend for total abolition of church rates that has ever yet been submitted to Parliament, short of the unconditional abolition of church rate.

I make this proposal in the spirit of conciliation, of peace, and of good will to my Dissenting fellow-countrymen, and I trust that by this proposition, if the House shall think proper to adopt it, we may remove a source of discord which has produced very evil effects; for I appeal to the representatives of the Dissenters opposite whether it is not the fact, that this controversy is alienating our Dissenting Protestant fellow-countrymen from the Protestant members of the Church of England, and I know that it is driving the Church of England back upon the exclusive bigotry of the Church of Rome. As an earnest and sincere Protestant, therefore, I pray you, do not allow this occasion of strife to continue in future years unremedied, as you value the religious freedom, which we all enjoy. I beg to move—

"That this House will, To-morrow, resolve itself into a Committee, to consider the propriety of establishing, in lieu of Church Rates, thenceforth to be abolished, a charge upon all hereditaments in respect of the occupancy of which Church Rates have been paid within the last seven years, such charge to be levied with the County Rate at an uniform rate of poundage, the occupier being in all cases entitled to deduct from his rent the amount of the charge levied on his occupation."

Mr. SELWYN seconded the Amendment.

Motion made, and Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. ALCOCK said, that as this seemed to be the time for conciliation, he would put it to his hon. Friend (Sir John Trelawny) whether he could not add a clause to his Bill to provide for the voluntary formation of a fund, as he (Mr. Alcock) proposed in the Bill on this subject of which he had the care? Although they might agree to abolish church rates at once and for ever, he still thought it possible to give an opportunity of creating a permanent fund by which the churches might hereafter be kept in repair without the necessity of calling for any annual voluntary contribution. It might be asked what was the use of enabling men to do what they might already do if they chose; but his object would be to free parishes from all possible liability to church rates;

and, as the law stood at present, the establishment of voluntary rent charges would not prevent the levy of a church rate.

MR. EDWARD BALL said, that so far from thinking that the Amendment of the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate) would allay strife, in his opinion it would only increase it; nor could he expect for a moment to carry such a proposition in a House of Commons which had repeatedly expressed its conviction that church rates ought to be abolished.

MR. NEWDEGATE said, that he specially accepted all those parishes in which resolutions were passed in favour of the total abolition of church rates.

Mr. EDWARD BALL said, he did not wish to misrepresent the hon. Gentleman, who entertained very strong and conscientious feelings in regard to the question; but at the same time he must give other persons credit for entertaining equally strong objections to church rates. He also thought that the Amendment would tend to make more bitter the strife between Dissenters and Churchmen, because it would take away all the power from the parishes which they now possessed, and make it absolutely incumbent upon such as had paid church rates within seven years to continue them. He had always voted for the abolition of these rates from the time he became a Member of the House, because he considered he was pledged to do so; but he conceived that the House, while allowing Dissenters to be exempted from the payment of church rates, had no right to go further and refuse to allow those who were in their favour the privilege of taxing themselves. It was unfair to ask the Dissenter to pay church rates; but the Dissenter became an oppressor when he said the Churchman should not pay them. He knew that not only a very large body of the people belonging to the Church, but almost all the clergy, considered them almost absolutely essential to it; and he for one was not disposed to look with jealousy and distrust upon that highly respectable body. Was it not the testimony of all fair men that the clergy of the Church of England were, as a class, among the most godly portion of the Christian community? Was there not a most remarkable difference between the clergy fifty or sixty years ago and the clergy of the present time—were they not honourably distinguished for their performance of Christian duties? Did they not come forward as the zealous promoters of parish schools; and did they not by their mode of life afford a bright example of moral conduct, while at the same time many of them by their lives illustrated the great principles and doctrines of the Christian religion? Was he, then, to view this question only as a Dissenter, and not as a Christian? Was he to view it in that light simply which would please Dissenters, when he thought it incumbent upon them to listen to any fair compromise of this important question? He might give offence by these observations; but when he saw societies instituted the avowed object of which was enmity to the Church, and remembered that the greatest of Christian precepts was charity, he could no longer stand up in that House as a Dissenter alone, but must avow his opinion that the time had arrived when they were bound to consider how they could best reconcile the different conflicting sentiments and interests of all parties. All were agreed that the church rates had constituted a tax from a very distant period, when the Church administered the whole religious instruction of the people. At that time, therefore, the Church was entitled to receive the whole amount collected in the shape of church rates; but in 1801 it was ascertained that the Dissenters were 18 per cent of the whole body of those who went to places of worship; and in 1851, in consequence of their efforts in instructing the people in founding Sunday schools, and in advocating Christian truth, the proportion of Dissenters to the whole number attending places of worship was found to have increased 50 per cent. That result was extremely creditable to the Dissenters, and formed a ground for their applying to Parliament and asking to be exempt from the payment of church rates; but it would not be just to deprive others who did not wish to be relieved of the power of paying the rates. He deemed it obligatory on all persons to consider how they could harmonize discordant views and effect some compromise on this question. Those who were attached to the Christian instruction of the people, and desired to maintain Protestant principles, ought to deliberate upon some plan which would give entire relief to the Dissenters, and continue to the Churchman the power of contributing to church rates. It was with the deepest regret that he saw the hon. Gentleman the Member for Birmingham (Mr. Bright) endeavour, in relation to this question, to import into the discussion last week, quotations from a book now well known as *Essays and Reviews;* a book containing sentiments he most strongly deprecated.

Sir GEORGE LEWIS submitted that to enter upon the condemnation of a theological work having no connection with the subject under discussion was not according to the ordinary exercise of the privilege of debate.

Mr. EDWARD BALL was of opinion that the right hon. Gentleman should have made his objection when the subject was first introduced to the notice of the House by the hon. Member for Birmingham.

Sir GEORGE LEWIS said, he was not present when the subject was formerly adverted to, but his impression was that the matter was then introduced argumentatively.

Mr. EDWARD BALL thought that the more argumentatively it had been introduced the more dangerous it was; but, however, if it was objectionable, he would not carry his observations further than to say how glad he was that the whole bench of Bishops had reprobated it as full of the most dangerous doctrines. There was one other book which he had read during the recess—he alluded to the four charges by the Bishop of Oxford, and he was bound to say the sentiments contained in that publication, and the mode in which the subject had been handled, was such as to make him wish that it had been read by the clergy of all denominations. Considering, as he did, that this Amendment would take away all power from the parishes, and make church rates determinable upon county rates—that, instead of being a permissive power, it would be rendered absolute, and that, instead of giving any relief to Dissenters, it would only fasten upon them the burthens of which they complained, he should give his most unhesitating opposition to the Amendment.

Sir GEORGE LEWIS said, he thought the hon. Member had shown good taste in not persisting in the subject which he had last brought under the consideration of the House. Perhaps the House would excuse him if he refused to enter into a general discussion of the church rate question, and confined the few remarks he had to make to the Motion of the hon. Member for North Warwickshire (Mr. Newdegate). As he understood the question of church rates, three classes of opinions prevailed. There was, first, the class of persons who held the doctrine of "No surrender," and thought the existing law was a good law, and should be maintained as far as possible. There was also the class who claimed a majority in the House, and wished to abolish the existing law of church rates simply. These were the two extreme opinions; but between them were the opinions of an intermediate class of persons, who thought that the existing law could not be maintained in its integrity, who proposed some system which should abate the pretensions of the Church, and should, nevertheless, maintain some form of compulsory rate, probably limited to persons who were in habitual communion with the Church, and attended its weekly services. It would be difficult to find any fourth class who did not come within those three descriptions. The hon. Gentleman the Member for North Warwickshire, however, appeared to constitute himself a fourth class, because he proposed not only to retain all the existing law, and, therefore, to hoist the standard of "No surrender;" but he proposed to give to the Church and to the State for the benefit of the repairs of the fabric of the church, a substituted rate which was more compulsory and stronger in its adhesion to the land than the present one. The church rate was now, in fact, a voluntary rate, as it depended on an aggregate majority of the ratepayers in vestry assembled. Practically, in a considerable number of parishes church rates had been virtually abolished by the refusal of the majority of the ratepayers to sanction them. One of the Members for the University of Oxford (Sir William Heathcote) who spoke on the second reading of the Bill, intimated that he was not desirous to reimpose church rates in those parishes. The Chancellor of the Exchequer, the other Member for the University, also expressed in the plainest language his readiness to surrender the church rates in those parishes in which they had been virtually abolished. Those two Gentlemen belonged to the intermediate class he had mentioned; but the hon. Member for North Warwickshire would reintroduce the rate in all those parishes.

Mr. NEWDEGATE: That is exactly what I would not do; because wherever it has not been levied for seven years I would not impose the charge.

Sir GEORGE LEWIS said, that if the rate had been continuously abolished for seven years that exception would, no doubt, apply, but it would not where it had only been abolished for six, five, or four years. In all those cases, as he understood, the Chancellor of the Exchequer would take the existing state of things as a fact to be recognized, and not seek to reintroduce the church rate; but, according to the present scheme, unless there was a prescription of the non-imposition of the church rate for seven years, the rate would attach to the soil, and be levied on occupiers; and the effect would be to give the church a stronger remedy by means of this substitute for church rates than it possessed at present. The question was one of great difficulty, but he thought the large majority of the House, and even those who voted in the minority on the second reading, would not regard such a proposition as desirable. Therefore, without going into any general arguments upon the question, he objected to the proposal of the hon. Gentleman on the ground that it constituted a stronger remedy for levying church rates than was given by the existing law, and deprived the rate of its voluntary character, making it a permanent and compulsory charge upon land in all cases where there had not been a cessation of levy for seven years, and should vote against the Amendment.

Lord ROBERT CECIL said, he quite accepted the classification which the right hon. Gentleman (Sir George Lewis) had made, and he should vote in a manner that would place him in the "No surrender" class. His hon. Friend (Mr. Newdegate) had stated that he accepted the principle of the abolition of church rates. He (Lord Robert Cecil) did not know how that could be, because he thought if his hon. Friend's Amendment were carried there would be rather more church rates than before. So that, to say the least, his view was a very quaint one. The fact was that it was impossible to reflect on the debate of last Wednesday without feeling that the ground had been completely swept from under the feet of what the right hon. Gentleman had termed the intermediate party; for although the hon. Baronet the Member for Oxford University (Sir William Heathcote) commenced the debate by a very conciliatory speech, the course the debate afterwards took convinced everybody on that side of the House that the opponents of church rates had shifted their position. It was impossible to listen to the speech of the hon. Member for Cambridgeshire (Mr. Ball) without feeling that, as respected this question of church rates, there was an old and a new party of Dissenters, who viewed it from totally different quarters. The original ground taken by the Dissenters was that it was a grievance to them to be called upon to support a religious establishment to which they did not belong; and everybody would acknowledge that that was an objection which was worthy of very great attention. At the same time they did not attempt to restrict those who chose to do so from contributing towards church rates. There had been no slackness on that (the Opposition) side of the House to exempt Dissenters. Full relief was offered by the Conservative Government when they were in office; it was recommended in the Report of the Committee of the House of Lords which sat last year, and Bills emanating from that (the Opposition) side of the House were now on the table; so that every opportunity had been offered to Dissenters to come to terms if there really was any grievance which they conscientiously felt. The speech, however, of the hon. Member for Birmingham (Mr. Bright) on Wednesday last, had shown that that grievance was a mere sham. The hon. Member, with his usual boldness, gave an account of the real motives which animated what he would term the political Dissenters. The hon. Member did not complain of any individual grievance. His speech was one long bill of indictment against the Church of England; and his object was not merely to put down church rates, but the Church. The hon. Member read extracts from the newspapers of "Sales by Auction" to show that simony prevailed in the Church, and he read extracts from *Essays and Reviews* in order to show that heresy also prevailed in the Church. The speech of the hon. Member was, in short, the direct converse to the speech delivered to-day by the hon. Member for Cambridgeshire (Mr. Ball). On the one side there was simply a conscientious desire to be exonerated from a grievance; on the other dissent was made a mere cloak for political designs, and the opposition of the hon. Member for Birmingham to church rates was but the prelude to an attempt to level the Church itself to the ground. No one was more aware of the nature of a dissenting agitation than the noble Lord the Member for the City of London; and so sensitive was the noble Lord on the subject, that he had not hesitated to sacrifice the consistency of his former life rather than face it. It was in vain to suppose that, if they gave way upon this point, peace would be the result; for the hon. Member for Birmingham had told them in plain language that church rates were not the only or the greatest mark of supremacy on the part of the Church—in other words, he had intimated that church rates were not the only object of plunder; therefore the sacrifice of them would only be a prelude to an attack upon tithes and church rates; and tithes down, endowments would fall next, and after them that the Bishops should be ejected from the House of Lords. The time for promoting a compromise seemed to be utterly gone. There were left to them the chances of war, and it might be of victory, but at any rate they had obtained delay, and delay was life. They had kept church rates alive for thirty years, and with their present numbers they could keep them alive ten years longer; at any rate, they might keep tithes twenty years after that, and endowments twenty years longer still. That brought them to fifty years, and that period was something in the life of a nation. Who could tell what changes might have passed upon England and the world when fifty years shall have elapsed? Supposing every other hope gone then, there was still the hope of delay. As long as there was any chance of coming to fair terms, he should have been ready to consider them; but as the time had come for fighting everything, he said, "Fight every inch." At the pass to which things had come, it was better to defend the outworks at once than to let the enemy advance further. After the sentiments uttered by the hon. Member for Birmingham on this question last Wednesday, it seemed that those who had been willing to consider an arrangement had no alternative but to place themselves with those whose motto was "No surrender." He should gladly have done anything to meet the scruples of those who objected to the payment of church rates on conscientious grounds; but as they were now fighting for dear life—for the existence or non-existence of the Church—he would vote for every Motion and would join in every course that could prolong the existence of church rates and put off the evil day of the supremacy of dissent.

Viscount ENFIELD said, that if the hon. Member for North Warwickshire pressed his Motion to a division he should feel compelled to vote against it; but, as an earnest and sincere member of the Church of England, he could not avoid expressing his sorrow at the tone which had been assumed in the discussion of this question by some hon. Gentlemen on his side of the House. He had always voted for the abolition of church rates upon two grounds; first, because he thought that relief should be given to conscientious Dissenters, and, secondly, because he believed the Church was so firmly established in the affections of the great mass of the people that she did not depend for her independence or her stability upon the miserable sum contributed by means of church rates for the maintenance of her fabrics. But he must protest in the strongest language at his command against the tone adopted and the sentiments expressed by the hon. Member for Birmingham upon the occasion of the second reading of the present Bill. He was persuaded that those sentiments would tend only to embitter a feud which had already lasted too long, and to deprive the Bill of the support of many Churchmen who were anxious to relieve Dissenters, but who would resist any further attack upon the Church with respect either to tithes or to endowments. It was matter of regret that the Government had not announced their intention to propose in Committee some compromise which might be regarded by all moderate parties as a fair settlement of the question. The House would remember that in 1856 a certain proposal was made by the right hon. Gentleman who now held the office of Chancellor of the Duchy of Lancaster (Sir George Grey). He was sorry that the Government had not considered it their duty to renew that proposal, or to submit something like it on the present occasion, for no one could be more anxious than himself that some reasonable compromise should be adopted. Year after year the battle would be fought with greater asperity; for it was clear from the sentiments uttered by some on Wednesday last that they were not anxious for the abolition of church rates, but that they cherished ulterior designs.

Mr. ANDREW STEUART said, he trusted, notwithstanding what had been said the other day, the spirit of conciliation would prevail in Parliament and the country; and his hope in seconding the Amendment was that the discussion would bring about some fair and reasonable settlement. In the present divided state of parties he thought the Government ought to come forward with some plan of equitable adjustment. The slender majority of fifteen in favour of the second reading of the Bill, did not accurately describe the division of opinion upon the subject. He had asked the noble Viscount at the head of the Government whether the House could not proceed by way of Resolution; and he (Mr. Steuart) had observed that, as one mode of settlement a plan had been proposed by which some seats in a church should be free and others let at a certain rent, to such a plan he could readily accede. He regretted the course taken by the hon. Member for Birmingham on this subject. But it had been the unhappy fate of the hon. Member to put back many questions which he had advocated. The fact of the desire for reform being now so much subdued in this country was greatly owing to his arrogant pretensions, and it was extremely likely that the lands of the Church party would be strengthened by the course he had adopted in regard to church rates. The old Nonconformists, to whom the hon. Member said the liberties of England were chiefly owing, would have spoken in a very different tone of the doctrines set out in the *Essays and Reviews* and which had emanated from members of the Church of England. For his own part he was in favour of concession, and any proposition for the relief of conscientious Dissenters, and the maintenance of the right of the Church to have its fabrics supported in rural parishes would receive his cordial and ready assent. He agreed with the Bishop of Exeter and the distinguished writer in *The Times* who signed himself "A Hertfordshire Incumbent" that the rate should be limited to the maintenance of the fabrics of the Church, and, in the words of the Archbishop of Canterbury, he desired that Parliament should enact a law, making payment compulsory upon Churchmen only. The hon. Gentleman concluded by advising the hon. Member for North Warwickshire to withdraw his Amendment.

Sir JOHN TRELAWNY said the noble Lord opposite (Lord Robert Cecil) talked of another fifty years' strife, and appeared to think that, as the Church has survived agitation during that period, it was a comfortable reflection that she might survive another such period; but had he considered what that meant? Fifty years might be a long time in the life of a man, but a statesman ought to look further. Besides the vitality of the Church during the last thirty years had in great measure been caused by the legislation of modern times, which had placed tithes on a fixed and permanent footing entirely different from that of church rates. Against the dictum of the hon. Member for Warwickshire, that church rates were a charge upon property, he would set the authority of Dr. Lushington and the present Lord Chancellor, who had declared that church rates were not a tax upon property, but a personal liability. The hon. Gentleman had constantly dwelt on the argument of spoliation. There might have been something in that if he had been prepared to maintain the law in its entirety; but seeing that he proposed to limit the charge to *2d.* in the pound, and to abolish it altogether in places where church rates had not been made for seven years, he (Sir John Trelawny) did not clearly perceive how the hon. Member could take his stand on the argument of spoliation. Again, when he proposed to substitute owners for occupiers, as payers of the tax, whom did the right hon. Gentleman mean by "owners," — the owners in fee simple or the owners of long leases? At present the church rate could not be exacted from absentees; but the hon. Gentleman proposed to extend it to them, though they derived no benefit or contributed to other churches, and some might be Dissenters, who being perhaps wealthy would resist payment and leave litigation as intense as ever. In every way the Amendment would only perpetuate and increase the injustice which already existed, and he must, therefore, give it his opposition.

Mr. SELWYN thought the House must acknowledge that the hon. Member for North Warwickshire had proposed his Amendment in a moderate and conciliatory speech. He believed his proposition to be far preferable to the total abolition of church rates; but, considering the turn which the debate had taken, considering the tone and temper of the House, considering that the hon. Baronet the Member for Tavistock and his friends seemed disposed to reject all compromise, and considering also the great differences of opinion which existed among Churchmen as to whether any further offers of compromise should be made, he thought the hon. Member for North Warwickshire would do well not to press his Amendment to a division.

Mr. NEWDEGATE hoped that he could not justly be charged with presumption for the manner he had brought forward his Amendment. It related to a subject which he had long considered, and he thought his proposal deserved the consideration of the House. He wished, however, to persevere in the spirit in which he had begun, and would not, therefore, reject the advice tendered to him by his hon. Friend, the Member for Cambridge University. In deference to that counsel he would, by permission of the House, withdraw his Amendment.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

House in Committee.

(In the Committee.)

Clause 1 (Church Rates Abolished),

Mr. CROSS moved in line 12 to leave out—

"In any parish in England and Wales," and insert "respectively in the following cases in any parish in England or Wales:—

First. No Church Rate shall be made or levied in any parish in which no Church Rate has been made or levied during the seven years next previous to the passing of this Act;

Secondly. No Church Rate shall be levied upon any person who shall have delivered or sent by post to the churchwardens during the month of January in such year a declaration, under his hand, that he *bonâ fide* objects to the payment of Church Rates: Provided always, That no person so exempted shall be entitled during such year to vote or act in vestry in the parish in reference to the making, levying, or application of any Church Rate, or the application of any money applicable to like purposes.

Thirdly. No Church Rate shall be made for other than the following purposes:—I. Repairing and maintaining the fabric of the parish church. II. Repairing and maintaining the churchyard or burial ground of the parish church."

He was induced to bring the proposal before the House, because he believed there was a large party in it which was still in favour of a conciliatory settlement of this question and for that reason deprecated the tone which had been assumed alike by the hon. Member for Birmingham (Mr. Bright) and the noble Lord the Member for Stamford (Lord Robert Cecil). It appeared to him that the question was one that ought to be met in the spirit of conciliation; and that hon. Members had not paid sufficient attention either to the nature of the rate on the one hand, or of the grievance complained of on the other. It was admitted to be the duty of each parish to maintain its church, but if it refused to do so there was no power to compel it. It was, therefore, idle to talk of the rate as if it were a charge upon land which could not be got rid of; and it seemed to him that hon. Members on his side of the House took rather too high ground. On the other hand, the grievance of the conscientious Dissenters, so far as it was really felt, was one that he was sure every churchman would gladly consent to remove. Formerly, the abolition of church rates was never advocated on any other ground than that of the objection of the conscientious Dissenter against them, now it was a mere political cry which some hon. Gentlemen with ulterior views would be very sorry to have taken out of their hands. If, however, it could be removed, there would be removed with it a great source of weakness and danger to the Establishment. What then was the remedy that ought to be applied? The remedy they should seek should be founded on principle and not on expediency. The principle of the church rate was, that if a majority of voters in any parish objected to the rate, the rate could not be levied; and where a rate had been proposed in parishes year after year, and rejected, the discontinuance might on sound principle be decreed. It would only be an extension of the statute of limitations, or of the principle that rights might accrue from user. According to the Returns before the House, the practical effect of his first proposal would be that the church rate would cease in towns, and that in almost all rural parishes it would continue. There would then be established that distinction between town and country which had been so often pointed out. In the towns the parish church had in many cases become merely the church of a district; and there was seldom any difficulty in raising funds for maintaining the edifice. In the country, however, the church was still the church of the parish. But cases might arise in which, from the proprietors happening to be Dissenters or Roman Catholics, the members of the Establishment would be unable to bear the burden of the keeping up the fabric. For this proposal he had the authority of the Archbishop of Canterbury, and also of the Government of 1856, which included the noble Lord the Member for the City and the right hon. Baronet the Member for Morpeth (Sir George Grey). With such distinguished authorities on his side he thought his proposition deserved at least the attention of the House. In his next proposition, that of exemption, he did not wish to draw any hard line between Churchmen and Dissenters. The Church was the Church of the country, and he did not think it just to compel a man to declare himself a Dissenter. There could be no hardship, however, in making him declare every year that he had a *bonâ fide* objection to church rates; and the only disability he proposed that that declaration should involve would be that those who refused to pay the rate should have no voice in spending it. To his third proposition Dissenters could surely not object; for they had the use of the church and churchyard, and in point of fact they were constantly availing themselves of them. He had other proposals on the paper for making the clergyman and churchwardens a body corporate with perpetual succession, for the purpose of receiving endowments; but those would come at a later period of the Bill.

On the first paragraph of the Amendment being proposed,

SIR JOHN TRELAWNY objected to the Amendment, because it was inconsistent with the object of the Bill.

LORD JOHN MANNERS urged the hon. Gentleman (Mr. Cross) to follow the example so well set by his hon. Friend the Member for Warwickshire and withdraw his propositions. The prevailing opinion on both sides of the House was that the Bill should be considered as a measure for the abolition of church rates rather than as an opportunity for effecting a compromise.

MR. CROSS said, he felt bound to bring the question before the House, having given way to a similar expression of opinion in the course of last year. Still, he should be prepared to adopt the suggestion of the noble Lord if he saw any prospect of settling the question in a conciliatory spirit. He was not aware whether he should interpret the speech of the noble Lord the Member for Stamford (Lord Robert Cecil) to mean that the Bill which bore his name should not be proceeded with any further; and, therefore, he should be glad to know whether there was any prospect of some substantive Motion being brought before the House dealing with this question in a conciliatory spirit. It was a very serious matter to say on that side of the House not merely that they would not pass a conciliatory measure but would not even consider it.

MR. HEYGATE said, he thought the proposition of the hon. Member was founded on justice and well calculated to meet the views of those on the other side who were constantly telling them that they were open to conciliation if any means of compromise could be proposed. Here, then, were the terms of a compromise so simple and so equitable that the proposition ought to be adopted by the House. He had just come from a protracted canvass of a large constituency, in which Dissent largely prevailed, and he could state to the House the opinion there was that this question of church rates should be settled as speedily as possible; and that church rates, so far as Dissenters were concerned, should be abolished. If, however, no compromise could be effected he believed it would be better for the interests of religion, morality, and the Church of England that church rates should be abolished altogether. However, it was clear they had not on that side of the House arrived at that despairing state of mind in regard to the subject. He was glad to observe the tone of the speech of the noble Lord the Member for Middlesex, and he believed there was a very general desire throughout the country that some compromise should be effected that would give triumph to neither party. Could the House, then, in reason object to the very moderate proposition which would allow Churchmen to tax themselves for Church purposes? The short time he had sat in that House had already taught him that the Nonconformist body were misrepresented so far as their real opinions were concerned. During his canvass he had the opportunity of frequent discussions with many who opposed church rates on various grounds; but he found that many of the strongest Dissenters entertained towards the Church anything but the implacable animosity attributed to them by the hon. Member for Birmingham. On the contrary, he believed the vast majority of the Dissenting body, though naturally disinclined to contribute to any object from which they derived no benefit, and while they maintained their own places of worship, considered the Church of England itself a great advantage to the country, as holding a place which they themselves were unable to occupy, and that to denationalize it would be most disastrous. At the same time they were anxious to get rid of this obnoxious impost. He thought the Government might undertake the subject in a spirit of conciliation; looking to the tone of this discussion a glorious opportunity of settling it was before them, and if they chose to avail themselves of it they would command the confidence and win the gratitude of all moderate parties in the country.

MR. ADDERLEY congratulated the House on the acquisition of a new Member who had shown such an admirable spirit and so much ability. In that hon. Gentleman a new element of conciliation had been introduced into their repeated discussions. It was also most gratifying that he represented a most important county town (Leicester), known for its Dissenting feeling, and, coming fresh from an election contest, could speak as he did of the conciliatory feeling among Dissenters. This showed how little the feeling of Dissenters generally was expressed by that body calling itself their representative in London—he meant the Liberation Society. Whilst, however, he was opposed to the Amendment of the hon. Member for Preston, he thought that it was much more consistent with the preamble of the Bill than the clauses of the Bill itself. The preamble said, "Whereas church rates have ceased to be levied in certain places;" but the Bill went on to say that therefore in no places should church rates be levied. This question must be divided into two main divisions, namely, as it affected populous parishes, and as it affected rural places; although, however, the Amendment corresponded more logically with the preamble than the clauses of the Bill itself, he, nevertheless, did not think it wise to introduce it as an Amendment to the first clause of the Bill. In a Bill professing to be for the abolition of church rates, the Amendment was irrelevant and could lead to no proper conclusion. He hoped that his hon. Friend would yield to the suggestion given him, and withdraw his Amendment, until they had disposed of the Bill itself, when he might bring his proposition forward as a substantive measure. The House had appeared to have become more aware of the fact than it had previously been that no compromise was possible. It appeared to him that the present state of the law was more satisfactory than any change likely to be effected by any of the Amendments proposed. He denied that there was any hardship in it. There was a common law responsibility for the repair and restoration of churches, subject to the votes of the ratepayers concerned. In like manner Parliament was responsible for keeping up the services of the country, subject to the consent of a majority of its constituent members. There was no anomaly in such a state of the law. He thought it was an absurdity to seek to change the rate from a national rate, the only ground upon which it could rest, to a partial rate, a foundation on which it could not be defended. Even those who were favourable to a compromise would do much better if they dealt in the first instance with the proposition of abolition in the Bill itself, and when that was disposed of to consider if any measure could be adopted for a better settlement of the matter so as to conciliate the feelings of all parties. At all events he objected to any attempt at the present stage to introduce an Amendment such as had been proposed.

Mr. BANKS STANHOPE said, he was quite in favour of a compromise being carried out upon some such terms as were proposed by the hon. Member for Preston: he, however, should regret to see the hon. Member press it forward on the present occasion, when it could not possibly obtain a favourable consideration. He denied that the hon. Member for Birmingham represented the opinions of the Nonconformists upon this question. He concurred in the representation of the hon. Member for Leicester (Mr. Heygate) as to the feelings of the Nonconformists, and especially of the Wesleyans, in relation to the national Church; and for himself had always found that body to be decidedly in favour of the union of Church and State, and that they regarded the Church with great love. He did not think that any compromise on this subject could be made with the hon. Member for Birmingham; but, as a Christian, he wished, in the interests of the Church, to offer such a compromise as all might agree to. The hon. Member for Birmingham was not justified in saying that they on his (Mr. Stanhope's) side of the House were desirous of offering a compromise from a feeling that they had been beaten on this question. The very contrary was the fact. The party with whom he acted had been growing in strength up to the present time, as was testified by the 5,000 petitions presented in favour of the retention of this impost, and by the decreasing majorities in favour of this measure for the last few years. In 1859 the majority for the second reading was 70. In 1860 it had declined to 29, and in 1861 it was reduced as low as 15. It was curious to observe that, with those diminished majorities, the spirit of conciliation in the party with whom he acted had increased. Those facts, he thought, furnished a triumphant answer to the unfounded assertions of the hon. Member for Birmingham.

Mr. HENEAGE said, he was sorry to find that the proposal of the hon. Member for Preston did not meet with that support which he thought it deserved; and, although a Bill would undoubtedly be the more regular mode of bringing it forward, he hoped the hon. Gentleman would persevere with his Amendment in its present form. If he did, he should have his support, and no doubt that also of many independent country Gentlemen on both sides of the House. If they did not carry their point on this occasion, he trusted they would live to see the day when they would. The right hon. Member for Staffordshire (Mr. Adderley) said he was quite content with the law as it stood; but he (Mr. Heneage) was bound to say, on the other hand, that he considered the law in a most unsatisfactory state.

Sir JOHN PAKINGTON said, he could not refrain from saying that this was the first debate upon the subject of church rates to which he had listened with anything like pleasure. He drew most favourable inferences from the tone which had pervaded the speeches on both sides of the House. He hailed with the most sincere satisfaction the sentiments expressed by the noble Lord the Member for Middlesex (Viscount Enfield). Connected as the noble Lord was with a party which had always been attached to the Church, he rejoiced that he had declined to lend himself to those designs which had been openly avowed by some hon. Members opposite. He (Sir John Pakington) was most anxious for the adoption of some arrangement that would have the effect of reconciling all parties, and although he joined in the request to his hon. Friend the Member for Preston to withdraw his Amendment, let him not suppose from that fact that there was no wish on their part for conciliation. He was a member of the Government three years ago that had brought forward the only proposal that had ever been made by a Ministry on this question with a view to a due consideration of this question. The difficulty of a compromise was greatly increased by the manner in which the proposal of conciliation on their parts had been met. The evidence given before the Committee of the House of Lords as to the real objects of those who were in favour of abolition, and the language used by the hon. Member for Birmingham on the second reading of this measure, went far to change the grounds of the question at issue, and to render the difficulties of any compromise much greater than they were before. But the language used by the hon. Member for Birmingham had not changed those opinions with which he was actuated in regard to this question in 1858. He was desirous of seeing this question settled on the principle of reasonable concession. He quite concurred with those hon. Gentlemen who thought that the present state of the law was unsatisfactory. He considered that it was injurious to the Church, as well as distasteful to Dissenters. Although the language of Dissenters had changed very much of late on this subject, he was, nevertheless, free to admit that there were many members of that body who, whether right or wrong, did entertain conscientious objections to the payment of this impost. The interests of the Church of England required some alterations to be made in this law. Churchmen, however, could not expect that their views would be accepted by all parties, unless they evinced a readiness to make some concessions. He was anxious, then, that this question should be settled, not only for the interests of the Church and of religion, but also in order to put an end to that annual squabble which now took place on the subject of the means by which the fabric of the Church should be maintained—a state of things which he looked upon as a scandal to religion and a serious evil. He, therefore, hoped from the discussion of that day they should arrive at a satisfactory settlement of this question. He joined in the request that the hon. Member for Preston would not press his Amendment. He could not think that the best mode of arriving at an arrangement of the question could be in the shape of an Amendment to a Bill designed for a totally different purpose.

Mr. HUBBARD said, he had been appealed to respecting the fate of a Bill to which his own name and that of the noble Lord the Member for Stamford (Lord R. Cecil) were attached. That Bill stood for next Wednesday, but it would hardly be respectful to the House to ask them to enter into the consideration of the amendment of a law which they had by a majority upon a second reading voted to abolish. The fate of that Bill, he must say, would depend upon the course taken by hon. Gentlemen opposite. They had now before them a measure which had been advocated on very different grounds. The hon Baronet who brought it forward spoke with perfect courtesy and frankness of the motives which induced him to introduce it; but the hon. Member for Birmingham gave an entirely different version of the principles on which it was supported. He had himself at first looked on it as a measure intended for the relief of Dissenters. It was to accomplish that same object, without injury to the Church, that, with his noble Friend's assistance, he had prepared the Bill to which he had referred; and although he had been told that ulterior views were entertained he had resolved to disregard them, and direct his attention to the point that really called for solution. But after what had occurred last Wednesday he could not deny the evidence of his senses, or doubt that something much more serious and formidable than the mere abolition of church rates was before the country. It was a question affecting, not the pecuniary resources, but the very life of the Church as an established Church. It might be said that such was not the opinion of the promoters of the Bill; but when he looked behind the scenes and saw the conduct of those who were carrying it through the provinces and getting up petitions in its favour, he could not but believe that its advocates entertained the most revolutionary designs. They described the Church in terms of the utmost opprobrium, and regarded it as a nuisance and a curse, which ought to be got rid of. There was to be what the hon. Member for Birmingham characterized as a struggle for supremacy; and as soon as the House and the country understood that they would quickly put aside this minor question. They were to have a brood of Bills based on a similar principle to that on church rates. Among them was a Bill for taking possession of the churchyards; that was, for destroying the only law by which the sanctity of those places could be preserved. It was very well to talk of the feelings of Dissenters, but were Churchmen to be considered as having no feelings? were they not entitled to have religious liberty, or was their reverence for the dead not to be respected? If hon. Members opposite would separate themselves from these schemes and accede to some fair measure of concession, he, for one, would cordially meet them in the same spirit.

Mr. SPOONER joined in the request made to the hon. Member for Preston, that he should withdraw his Amendment. He was most anxious to see a compromise come to on this question, and sincerely believed that, with proper management, that object could be attained. The hon. Member for Preston's first Amendment would exclude from the benefit of a compromise those parishes in which church rates had not been levied for the last seven years. The speech of the hon. Member for Birmingham had produced a wonderful effect in that town, some of the leading Dissenters of which, although opposed to church rates, disclaimed the hostility to the Established Church lately expressed by that hon. Gentleman.

Mr. ANDREW STEUART thought that if the hon. Member for Preston consented to withdraw his proposal he would be playing the game of the hon. Member for Birmingham. The question was not whether the first Amendment must necessarily be adopted, but whether they would consider all or any of the three Amendments which had been placed on the paper.

Mr. HENLEY appealed to the hon. Member for Preston not to be so ill-advised as to press this matter to a division now, as he could not hope to obtain a fair expression of the opinion of the House upon it.

Mr. CROSS rejoiced at the course the debate on his Amendments had taken, because he believed that a more earnest desire had been evinced than had, perhaps, been shown on other occasions to arrive at some fair settlement of that vexed question. In deference to the generally expressed feeling of the Committee he would not now press for a division, but take an early opportunity to place a Bill on the table embodying the principles of these Amendments. He regretted that none of Her Majesty's Ministers had been present during the discussion, because if they had been they would have seen a stronger feeling in favour of a settlement of the question at once than on any former occasion. Some of his Resolutions would, he thought, have been approved by the Chancellor of the Exchequer. In former years they had received the support of the Chancellor of the Duchy of Lancaster and the noble Lord at the head of the Government.

Amendment, by leave, *withdrawn.*

Mr. T. DUNCOMBE moved the insertion of words providing that no money raised under any other rate should be applied to the purposes for which church rates were levied. He proposed that Amendment to meet the cases in which church rates were exacted under the guise of poor rates. That was now done in several metropolitan parishes under the authority of certain local Acts.

Mr. SOTHERON ESTCOURT pointed out that in his opinion the hon. Gentleman would weaken his own case if this Amendment should be agreed to, because if this charge of misappropriation was correct there was a simple remedy open to the ratepayers under the present law. If the Amendment were necessary it could be made on bringing up the Report.

MR. T. DUNCOMBE said, the Amendment could do no harm.

MR. SELWYN opposed the Amendment, because he believed there were many parishes in which, under local Acts of Parliament, a portion of the poor rate could be applied to church purposes; and what the Committee were asked to do was to repeal all those Acts without knowing anything of their contents.

MR. T. DUNCOMBE withdrew his Amendment, leaving its subject to be inquired into by the Select Committee on the Poor Laws.

Clause *agreed to*, as were the remaining Clauses.

House *resumed*.

Bill *reported*, without Amendment, to be read 3° on *Tuesday* next.

House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 7, 1861.

MINUTES.] PUBLIC BILL. — 1ª Inclosure; Marriages Validity.

SYRIA.—THE FRENCH OCCUPATION. QUESTION.

THE MARQUESS OF BATH wished to ask the noble Lord, the Under Secretary for Foreign Affairs, a Question, respecting a matter in which nobody who had availed himself of the usual sources of information could have failed to take a deep interest. It was natural great uneasiness should be felt at the growing understanding between Russia and France with respect to Turkish affairs. The prolongation of the occupation of Syria by France would probably be made use of by the Government of Russia as a reason for interfering with the affairs of Bosnia and Bulgaria. This was a matter which affected the interests of the Ottoman Empire, for the maintenance of which in her integrity this country had expended so much blood and treasure. The French Government naturally was anxious to continue its occupation of Syria, and would find the presence of a large body of Christians resident there, who were anxious for the protection of the French Empire, powerful auxiliaries in making permanent their retention of that country. He understood the French Government had been pressed by the noble Lord the Foreign Secretary to declare that the occupation should be put an end to as speedily as possible; and he was sure it was unnecessary to show that a long occupation would be prejudicial to English interests. He begged to ask his noble Friend, Whether the attention of the Government had been called to a despatch written by Prince Gortschakoff to Count Kisseleff, at Paris, instructing him not only to support the French occupation, but also to support a proposition for an increase of troops to the number of 6,000 mentioned in the Convention of last autumn? He wished to know whether any such proposition had been made in the Conference at Paris, and in such case what course Her Majesty's Government would pursue with regard to it?

LORD WODEHOUSE said, that the despatch referred to by the noble Marquess was perfectly authentic; and, as a copy of it had been received by Her Majesty's Government, he need hardly say that their attention had been called to it. As to the course which they might take in the negotiations which were now pending, the noble Marquess must excuse him for saying that it was obviously impossible for him to give any information as to the course which would be pursued in negotiations which were actually going on.

BRITISH GUIANA AND CAYENNE. EXTRADITION.—QUESTION.

THE EARL OF DERBY said, that he had a few days ago received a letter from the colony of British Guiana stating that the Attorney General of that colony had, by the direction of the Secretary of State, introduced into the Legislative Council of that colony a Bill sanctioning the extradition of prisoners escaping from the French colony of Cayenne. From all previous extradition treaties or bills political offenders had been excluded. The peculiar character of the French settlement of Cayenne made it necessary that there should be no doubt as to whether, in this instance, the precedents were to be followed; and he, therefore, wished to ask the noble Duke, the Secretary of State for the Colonies, Whether such a Bill as he had mentioned had been introduced by the direction of Her Majesty's Government, and if so, whether there was any objection to the production of copies of or extracts from any despatches which had passed upon the subject?

THE DUKE OF NEWCASTLE said, that if the slightest apprehension, either here or in the colony, existed in the public mind that political offenders were included in the Bill, he felt obliged to his noble Friend for giving him an opportunity of answering his questions. He had not received any official information that such a Bill had been introduced, but if the noble Earl had been so informed he had no doubt that such was the case, as instructions were sent out in September last to the Governor of Guiana to introduce such a Bill, the draft having been previously framed in this country by the Queen's Advocate as a draft ordinance. He would distinctly state that political offenders were excluded from the measure, which in fact was confined to three offences, namely, those of murder, forgery, and fraudulent bankruptcy. As regarded the third Question, he would observe that some important despatches passed during his absence in Canada and America which he had not had time to peruse. He should, therefore, ike to look over them before promising to produce them.

STATUTE LAW REVISION BILL.

COMMITTEE.

Order of the day for the Committee read.

LORD CHELMSFORD suggested that the Bill should be referred to a Select Committee. He had himself examined it in parts, and found no errors in it; but he objected to persons not Members of that House being allowed to legislate for their Lordships. The Lord Chancellor had refused to pledge himself to the Bill, as he had not gone over it, unless by relying on the correctness of the gentlemen who had drawn it up. A Committee of the Whole House could not be expected to examine such a measure; a Select Committee of those Members whom the House would delegate was more suitable for its revision than extraneous parties. He was ready to take his place on the Committee, and was sure that he could go through the Acts referred to in the schedule of the Bill in two days, and decide what were obsolete and what actually repealed.

THE LORD CHANCELLOR believed that if the Bill were referred to a Select Committee no benefit whatever would be produced, and that which his noble and learned Friend said he could do in two days had taken many months to perform. He thought their Lordships might rely safely upon the accuracy of the learned gentlemen who had prepared the Bill. The Bill had been circulated amongst the legal bodies in the country, and not a single objection had been taken to it. He could assure their Lordships that the whole of the clauses could not be gone through without an amount of labour being bestowed which he could not ask them to undergo. If they were to refuse to pass such a Bill until a Select Committee had examined it he believed that a reform of the statute law would be impossible.

LORD CRANWORTH said, that a similar instance to the present had occurred when he had the honour of holding the office of Lord Chancellor. A Member of the House of Commons proposed a Bill to repeal certain obsolete statutes. On its passing the other House, and being sent up here, he referred it to certain members of the Statute Law Commission for examination, and on the faith of their report considered himself justified in recommending their Lordships to pass the Bill. The noble and learned Lord (Lord Chelmsford) had much underrated the labour of examining the Bill in Select Committee.

LORD ST. LEONARDS thought it would be well to agree to the appointment of a Select Committee, each Member of which might take a portion of the Bill for examination; for, although he had the greatest confidence in the learned persons who had devoted their time and talents to the performance of the duty which they had undertaken, he thought their Lordships as a House of Legislature ought not to pass measures on trust.

House in Committee; Bill *reported*, without Amendment; and to be read 3^a *To-morrow.*

COURT OF CHANCERY—THE ACCOUNTANT GENERAL'S OFFICE.

COPY OF COMMISSION MOVED FOR.

LORD ST. LEONARDS rose to move that an humble Address be presented to Her Majesty for Copy of the Commission recently issued to certain Commissioners to inquire into the Constitution of the Accountant General's Department of the Court of Chancery and the Provision for the Custody and Management of the Funds of the Court, and to ask Her Majesty's Government upon what grounds the Commission has been issued. It would be in the recollection of their Lordships that a week ago he brought under their consideration the Report of the Commission appointed to inquire into the desirability of bringing all the law courts together on one site. The Commissioners had come to the conclusion that it was desirable to build the law courts in a particular spot, and although the Commission contained not one word about taking the money from the Suitors' Fund, yet the Commissioners proposed to take £1,400,000 from that fund for the purpose; and he understood the noble Lord on the woolsack, who was at the head of the Court of Chancery, to approve of what he must call such a misappropriation of the money. They were told that the Government were prepared with a Bill to carry out the object in view. He had heard of no Bill, but he found by the *Gazette* that a new Commission was to be issued to inquire into the office of the Accountant General of the Court of Chancery and into the management of the funds of that office. The Accountant General was entrusted with the management of funds amounting to £49,000,000 belonging to the suitors in the Court of Chancery. In his opinion it was a most unprecedented proceeding. No charge had been made against the office, either in that or the other House of Parliament, yet the Accountant General and his officers were to be dragged before this Commission. Either there must have been some misconduct, or Her Majesty's Government wanted to know a little more of the funds they were nibbling at and desired to lay hold of. There was not a single equity judge or equity lawyer on the new Commission, and, apart from personal qualifications, he objected to Mr. Rogers and Mr. Field being members of it, because Mr. Rogers was a willing witness before the first Commission for the application of the fund to the building scheme, and Mr. Field, who was also examined before it, expressed his opinion that the Accountant General's office was utterly useless and ought to be abolished, and the clerks transferred to the Bank of England. It was not right that a gentleman who had so committed himself should be put upon a Commission of Inquiry. Such a mode of proceeding was disrespectful to the court of which his noble and learned Friend was the chief, and alarming to the suitors, who had hitherto been under the impression that their funds were under the protection of the law. The Suitors' Fund by various enactments was expressly devoted to purposes connected with the benefit of the suitors. The fees in the Court of Chancery amounted now to £100,000, but with a little care they might be reduced to £50,000. The noble and learned Lord concluded by moving the Address.

The LORD CHANCELLOR said, his noble and learned Friend was most unnecessarily alarmed. Surely, his noble and learned Friend might have been satisfied with the composition of the Commission when he saw that the name of Lord Kingsdown was upon it. That name alone ought to have satisfied his noble and learned Friend that the interests of the suitors would be protected. The object of the Commission was not intended to inquire into the conduct of the officers of the court, but to make an inquiry into the system that now existed. The Commission had been issued with a view to the benefit of the suitors, and not to their detriment.

Lord DENMAN said, that there were some noble Lords who had been Chancellors of the Exchequer, and who had not become mere dolts because they had become Members of that House, and it behoved them to pause before they sanctioned any scheme which would do away with Westminster Hall.

Lord KINGSDOWN said, that he had consented to be nominated a Member of the Commission, for when the Government thought there was a necessity for inquiry, he felt that it would be inconsistent with his duty to refuse to serve. As far as he knew, it was not possible that the most profligate and rapaciously inclined Commission should meddle with the funds of the Court of Chancery. The whole object of the inquiry was to ascertain whether any saving could be made or improvement effected in the custody of the funds; and, whatever might be the suggestion of the Commissioners, nothing could be done except under the control of Parliament. Moreover, he believed that there was nothing in the terms of the Commission which would authorize them to express any opinion as to whether any portion of the funds should be appropriated in the construction of new courts. His noble and learned Friend (Lord St. Leonards) had done more perhaps than any other person during his term of office to insure the safe custody of the money; but he was mistaken if he supposed that there was any secret plot for the purpose of obtaining indirectly an expenditure which perhaps could not otherwise be authorized. Personally, he should not at all be unwilling to see this Commission annulled, knowing by experience that those who served on such an inquiry were sure to incur the hostility of individuals whose interests were interfered with, while, on the other hand, the public, whose interests they were to promote, often joined in the outcry against them.

Motion *agreed to.*

House adjourned at a quarter past Six o'clock, till To-morrow half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 7, 1861.

MINUTES.] PUBLIC BILLS.—1° Masters and Operatives.
3° Qualification for Offices.

GREAT DOVER ROAD BILL.

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a Second Time."

MR. WILLIAMS said, this Bill having being twice postponed he had thought the House would not have again been troubled with it. Certain parties, fifty-two years ago, obtained authority to make a small branch road, called the Great Dover Road, subject to certain conditions, such as paving, lighting, and keeping the road in repair. At the expiration of the first twenty-one years, which was the usual period allowed in such cases, the parties again came before Parliament and asked for a renewal for another twenty-one years. The inhabitants of the district, upon the understanding that no further application would be made to Parliament for extension, consented to a renewal for thirty-one years, and that then there should be an end to it. Under these circumstances he thought the Bill should not be proceeded with, and he moved, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. MASSEY thought it rather hard that the Bill should be opposed by the hon. Member for Lambeth, for he found his name and that of his Colleague (Mr. Roupell) on the back of the Bill. It was usual to make applications to Parliament for a renewal of turnpike Acts, and such applications underwent revision by a Committee upstairs, especially constituted for the purpose after having undergone a preliminary investigation at the Home Office. The practice with regard to road Bills was different from that relating to railway Bills and gas Bills, and it was the custom to refer them to a Select Committee. He thought no adequate reason had been given for departing from the usual course in the present instance, and that all the circumstances could be much better inquired into before a Committee.

MR. WILLIAMS explained, that his name and that of his Colleague had been put on the back of the Bill without their authority.

MR. LOCKE hoped the circumstance of having the names of the two Members for Lambeth put on the back of the Bill without their authority would not be considered as complying with the rules relating to turnpike Bills. The first irregularity affecting the present Bill was that it had not the approbation of two Members upon the back of it, as was required by the rules of the House. Besides the parties had bound themselves not to apply for a further renewal after the thirty-one years which had been granted them should expire, and words to that effect had been introduced into the Bill. In the second Bill they were also relieved from the conditions of paving, lighting, and keeping the road in repair. The road in question extended from St. George's Church to the Bricklayers' Arms, and turned out to be a bad speculation; and this extension for thirty-one years had been granted to the promoters in consideration of that circumstance. He thought, when an express stipulation had been entered into that there should be an end of the matter after thirty-one years, the House should reject the Motion for the second reading.

MR. CLIVE agreed with the hon. Member who spoke last, that this application was altogether anomalous. He need not trouble the House with reading the Report of the Committee on the last Bill, but the conditions were precisely as the hon. Member for Southwark had stated them. There had been an express stipulation that the matter should cease after thirty-one years, and that there should be no further application for renewal. At the same time, he agreed with the Chairman of the Ways and Means that it would be better to let the whole matter be discussed up-stairs.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 82; Noes 66: Majority 16.

Question again proposed, "That the Bill be now read a second time."

MR. BRIGHT, before the Bill was read a second time, wished to ask a question. By the Rules of that House every Bill introduced into that House must have some parentage, or, in other words, the names of some Members must be on the back of the Bill. In this case, however, the Gentlemen whose names appeared on the back expressly stated that they had not given their consent to them being placed there. He wished, therefore, to know whether the Bill could be read a second time when it had been brought in in direct contravention of a rule of the House.

MR. SPEAKER:—The Motion was made, and leave given to bring in the Bill; and it was ordered to be brought in by two Members whose names at that time were given. It would be a matter of inquiry whether there was anything incorrect on the part of the agent in giving names which he was not authorized to give. But as far as the orders of the House go the names of two Members were given; and so far the orders of the House had been complied with. It is a fit subject for inquiry, and it is one which I should be happy to pursue, as will be my duty.

MR. BRIGHT:—I beg leave to ask, Sir, whether it would not be competent to any Member now to move to postpone the second reading until that inquiry has taken place?

MR. SPEAKER:—The Question is, that the word "now" stand part of the Question. Therefore, it is still open to any hon. Member to move an adjournment.

MR. LOCKE: I move that this debate be now adjourned.

MR. BONHAM-CARTER wished to explain how it was that he had moved the second reading. The fact was he had been asked to do so at the door, because he was told the hon. Member who had charge of the Bill accidentally was not present. He had since been informed by the Parliamentary agent that he had addressed a letter to the two hon. Members for Lambeth, and that they did not decline to have their names appear on the back of the Bill.

MR. ROUPELL, in explanation, said, that he could assure the hon. Member that the letter to which he referred was not received by him until after the Bill had been introduced, and had passed its first reading. He certainly did after that receive a letter requesting him to allow his name to appear on the back of the Bill. He was sure that the House would feel with him that nothing could be more inconvenient than the practice which appeared to prevail with some Parliamentary agents of placing the names of Members on Bills without previously asking permission, and very often in direct contravention of the wishes of those Members.

Debate *adjourned* till *Monday* next.

ARMY.—FORAGE FOR CAVALRY AND ARTILLERY OFFICERS.—QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary to the Treasury, Whether he is aware that while the stoppage for forage is 8½*d.* per ration to the Cavalry Officer it is only 6*d.* per ration to the Artillery Officer; whether he can give any adequate reason for such difference; and, if not, whether the Treasury are willing at least to equalize the deduction in the two services?

MR. PEEL said, the officers of the Artillery, with the exception of the Horse Artillery, received no forage, but received a commuted allowance in lieu thereof. With respect to the officers of Horse Artillery their rate of stoppage was 6*d.*, but as that sum was fixed so long back as 1802 he did not know the reasons for its being fixed at that particular rate. But the circumstances of the two services were so dissimilar that it was absurd to contrast the allowances made to the one service with those conceded to the other.

COLLECTION OF INCOME TAX.

QUESTION.

MR. LOCKE said, he wished to ask Mr. Chancellor of the Exchequer, Whether Excisemen have been employed by the

Board of Inland Revenue to collect the Land, Assessed, and Income Taxes in the parish of Bermondsey, and elsewhere; and, if so, whether security has been given by them, and whether they have taken the oath of secrecy as collectors required by the Income Tax Acts?

THE CHANCELLOR OF THE EXCHEQUER said, in several cases since the Act was passed in 1854 for the purpose, it had devolved on the Board of Inland Revenue, in consequence of the inability of the local authorities or in consequence of defalcations, to appoint collectors of the income tax. But as the hon. Gentleman confined his question to the instance of Bermondsey, he would confine his reply to that. The case of Bermondsey was as follows:—Certain persons were returned to the Commissioners of Land and Assessed Taxes to be appointed collectors for that parish. Those persons, however, were found unable to give the requisite security. That being the case the Commissioners reported the fact to the parochial authorities, and the latter reported that they were unable to find persons in their stead. The Board of Inland Revenue then offered the appointment to some persons who had been formerly employed in the same capacity in the same district. Those persons at first consented to undertake the duties but afterwards declined. After the failure of those efforts the Board appointed four officers of their own and placed at the head of them one who had held the position of examiner. The first step then taken was to swear those officers to secrecy; but, with respect to finding security, that was not the system pursued by the Board with reference to their own officers. Of course men appointed by the Board in this way owed no liability to the parish. The step taken by the Board experience pointed out as the best for the public service. They did not require their officers to find security; but they required them to account for and to pay over *de die in diem* whatever money they had received, and they had likewise made arrangements that their accounts should be examined at short periods.

ARTERIAL DRAINAGE.—QUESTION.

MR. MOODY said, he would beg to ask the Secretary of State for the Home Department, Whether his proposed Bill on Arterial Drainage will be introduced before Easter; and, if not, whether it will be a Bill to consolidate and amend the various Acts on Arterial Drainage and on General Water Sewers now in force, or only to meet certain alleged defects in the existing Law?

SIR GEORGE LEWIS said, the Bill referred to by the hon. Member was in a state of considerable forwardness, and he hoped he should be able to lay it on the Table before Easter.

GREENWICH HOSPITAL.—QUESTION.

MR. INGHAM said, he rose to ask the Secretary to the Admiralty, If it is the intention of the Board to take early measures, either by their own authority or with the aid of Parliament, for giving effect to the recommendations of the Commissioners appointed to inquire into and report on the state of Greenwich Hospital?

LORD CLARENCE PAGET said, the Admiralty had already taken measures to carry out a considerable number of the recommendations of the Royal Commission. They had already amalgamated the schools, reformed them, and placed them upon a better footing. They were also going to give additional accommodation for the purpose of those schools. With regard to Greenwich Hospital itself, the noble Duke at the head of the Admiralty in a few days would lay on the Table a Bill for the improved government of the hospital.

SIR BALDWIN WALKER.—QUESTION.

MR. BERNAL OSBORNE said, he rose to ask, Whether it is true that the *Avon* has returned without bringing any intelligence of Sir Baldwin Walker?

LORD CLARENCE PAGET: It is quite true that the *Avon* has returned without having succeeded in intercepting Sir Baldwin Walker.

OUTRAGE ON AN ENGLISHMAN IN JAPAN.—QUESTION.

MR. WYLD, said he would beg to ask the Secretary of State for Foreign Affairs, If he has received any despatch from the Consul General at Jeddo complaining of an alleged outrage upon an Englishman named Moss by the Japanese authorities?

LORD JOHN RUSSELL, in answer, stated that Her Majesty's Government had not received any despatch from the Consul General at Jeddo on the subject. He had heard from an hon. Friend that he had received letters in connection with this case, but he thought it desirable to avoid any premature discussion upon it.

LIGHTS, BUOYS, AND BEACONS.

QUESTION.

MR. BEAMISH, in the absence of Mr. Scully, said he would beg to ask the President of the Board of Trade, When the Report of the Royal Commission upon the Lights, Buoys, and Beacons of the United Kingdom will be laid before the House?

MR. MILNER GIBSON said, that the Commissioners on Lights, Buoys, and Beacons had signed their Report, and that the Report and Evidence would be laid on the Table in the course of a few days. A Bill had been prepared which referred to Lights, but it would not be proceeded with until the Report of the Commissioners was before the House.

THE YELVERTON CASE.—QUESTION.

MAJOR GAVIN: Sir, I wish to ask the Under-Secretary of State for War, Whether his attention has been called to the case of "Thelwall *v.* Yelverton;" and whether the name of Major Yelverton is to be retained in Her Majesty's Army List?

CAPTAIN ARCHDALL: Before the hon. Gentleman answers that question—which I think, however, ought not to be answered—I wish to ask, Whether an officer has not been appointed by the Horse Guards to watch the case, whether the facts are not at the present moment under the consideration of the Horse Guards, and whether he does not consider that, under these circumstances, the interference of the House would be premature?

MR. T. G. BARING: Sir, Major Yelverton has been suspended from the performance of all military duty pending the further legal proceedings which will probably follow from the result of the action of "Thelwall *v.* Yelverton." The Secretary of State for War, for obvious reasons, cannot, pending such proceedings, take any step which might tend to prejudge the case, and to interfere with the course of justice.

MR. LAING AND THE GREAT WESTERN OF CANADA RAILWAY.

QUESTION.

SIR LAWRENCE PALK: I wish, Sir, to ask the Secretary of State for India, Whether he has received a copy of a statement made by Mr. Laing, in anticipation of his departure for India, in his own vindication, to a Committee appointed by the Great Western of Canada Railway Company, April 4, 1860, to investigate certain charges impugning his character, and, if so, if he will lay it on the Table of the House?

SIR CHARLES WOOD: I have seen the Report of the Committee of Shareholders of the Great Western of Canada Railway Company, appended to which is the evidence of Mr. Laing before that Committee. I do not think I can lay before the House the Report of a Committee of shareholders of a private company. The hon. Gentleman will see by a letter in the papers this day that legal proceedings will probably be instituted, and we ought, I think, entirely to suspend our judgment, and not prejudge the case until Mr. Laing has had an opportunity of explaining the matter.

MR. ROEBUCK: The right hon. Gentleman has mistaken the question. The question is whether Mr. Laing laid a statement before him before he left the country? and to that question the right hon. Gentleman has given no answer.

SIR CHARLES WOOD: The question put to me is whether I have seen a statement—["No!"] I will read the Question:—"Whether I have received the copy of a statement made by Mr. Laing, in anticipation of his departure for India, in his own vindication, to a Committee," &c. My answer is that I have seen it only in the shape of an appendix to that Report, and I hardly think the Secretary of State can be considered in such possession of the Report of a private company that he can be called upon to lay it on the Table of this House.

SIR LAWRENCE PALK: It is not the Report of the Committee of Shareholders to which I now allude, but to a written statement made by Mr. Laing in anticipation of his departure from England and which, I am informed, he transmitted to the right hon. Gentleman.

SIR CHARLES WOOD: If the hon. Gentleman means "did he transmit such a statement to me?" I say, certainly not. But that is not the Question on the Paper.

THE MISCELLANEOUS ESTIMATES.

QUESTION.

SIR STAFFORD NORTHCOTE said, he wished to ask the Secretary to the Treasury, When the Miscellaneous Estimates will be laid on the table?

Mr. PEEL said he was unable at present to state when the Miscellaneous Estimates would be laid on the Table.

THE SCREW-STEAMER *AUSTRALASIAN.*—QUESTION.

Mr. BAXTER said he would beg to ask Mr. Chancellor of the Exchequer, If his attention had been called to the fact that the Cunard Company's screw-steamer *Australasian* which sailed from Liverpool for New York on the 16th of February, has returned to Queenstown; and whether he will now direct the Post Office to make further inquiries as to the manner in which that Company are performing the conditions of their contract?

The CHANCELLOR of the EXCHEQUER said he had no doubt that the Post Office authorities had permitted the mails to be taken out by the *Australasian* screw-steamer. He was not, however, aware of any reason why such permission should be questioned, and he had made no inquiry into the subject. It appeared, whilst proceeding on her passage the steamer broke two blades of her screw, and endeavoured to make her way through the Atlantic with the remaining one. The weather, however, proving so bad, this proved impracticable. After a long struggle she returned, and the mails were transferred to the *Arabian.* There were no stipulations on the part of the Government against the employment of screw-steamers, nor did it appear that in this case there was any ground of objection to that instrument of navigation. The fact was that an account of a very bad accident to a steamer of the Peninsular and Oriental Company had been received, namely, the breaking of the starboard paddle shaft off Gibraltar, at the same time as the account of the failure of the *Australasian* to make her way across the Atlantic. He was not, therefore, aware of any grounds for supposing that the incident indicated a general defective performance of the service by the Cunard Company; and unless he were cognisant of such grounds, it would, he thought, be most unseemly, on account of an accident happening to a particular vessel, to institute an inquiry which might imply dissatisfaction, and which, as far as he was informed, the Government had no reason to express.

TELEGRAPHIC CABLE BETWEEN MALTA AND ALEXANDRIA.

QUESTION.

Mr. CONINGHAM begged to ask the President of the Board of Trade, Whether Messrs. Gisborne, Forde, and Liemens have been appointed to the charge and direction of the Cable about to be laid down between Malta and Alexandria?

Mr. MILNER GIBSON said, in order to make his answer intelligible he must state the facts of the case. When the present Government came into office they found an order in existence which had been given by their predecessors to certain manufacturers to make a cable for the purpose of forming a telegraphic communication between England and Gibraltar. Messrs. Gisborne and Forde were appointed engineers to superintend the manufacture of the cable, and to see it carried to its destination. Since that time the destination of the cable had been changed, and it was now to be laid down between Malta and Alexandria. The Government had, however, made no change in the engineering officers who were still Messrs. Gisborne and Forde.

FRENCH OCCUPATION OF SYRIA.

QUESTION.

Mr. SEYMOUR FITZGERALD: Sir, I wish to ask the Secretary of State for Foreign Affairs, Whether, if the Conference now sitting at Paris to consider the propriety of prolonging the French occupation of Syria should be invited to consider the question of an increase of the force now in that country, Her Majesty's Government are prepared to refuse their assent to that proposal; and whether the information that he has received leads him to believe that the number of 6,000 men, to which the French force is limited by the Convention, has not been exceeded? I understand that a despatch has been written from St. Petersburgh by Prince Gortschakoff to Count Kisseleff, the Russian Ambassador at Paris, instructing him not only to support the prolongation of the French occupation, and that without any limit as to time, but also to support the proposition for an increased force. But whether that increased force is to consist of French troops, or of troops supplied by some other Power, I am not aware. The noble Lord will, of course, recollect that by the Convention the number of French troops is limited to 6,000.

Lord JOHN RUSSELL: Sir, I must

say I think the first Question is rather an extraordinary one to come from the hon. Gentleman. It does not appear to me at all certain, from the despatch to which he has alluded, that the Russian Government mean to propose an increase of the force in Syria. The despatch is not a very prudent one for the Russian Government to write, but it does not say that the Russian Government recommends, or that Count Kisseleff is instructed to consent to an increase of that force. The assent of Her Majesty's Government must depend first on the nature of the proposition, the character of the forces to be sent out, and the reasons for recommending an increase of the force at all; and until a proposition of that kind is made, I should be loth, in this House especially, to give any decided opinion upon the subject. With regard to the second part of the Question, we received accounts from time to time, of the number of French troops in Syria. They have not been of a very precise kind, but they show generally that the number of the French force is about, or somewhat exceeding 7,000. At one time the accounts said 6,000, and at another 5,000; and when we asked whether the troops numbered 8,000, the answer was below 8,000; but I do not think, taking the number of sick, that the force is much beyond 6,000. I think the effective force in Syria is between 6,000 and 7,000, and the whole number of French troops between 7,000 and 8,000.

SIR BALDWIN WALKER.—QUESTION.

SIR JOHN PAKINGTON said, he wished to ask the noble Lord the Secretary of the Admiralty, Whether, as the cruise of the *Avon* has been unsuccessful, the Admiralty intend to take any other steps with a view to the recall of Sir Baldwin Walker? He wished also to ask whether or not, at the time the *Avon* was sent out from Plymouth, the *Himalaya*, and at least one other fast steamer, were not in the harbour at the disposal of the Admiralty?

LORD CLARENCE PAGET said, he should be much obliged to the right hon. Baronet if he would give notice of his Question.

BUSINESS OF THE HOUSE.

VISCOUNT PALMERSTON said, he wished to make an appeal to hon. Members on a matter connected with the business of the House. The Easter recess was approaching, and he apprehended that it would be convenient to the House that they should adjourn on the Monday before Good Friday, being the 25th. and that the adjournment should be, as usual, until that day fortnight. But it was very important that the Mutiny Bill should be passed before the recess, and that could not be done unless the House should in sufficient time agree to the numbers both of the marines and of the regular army. He feared that unless those Votes were agreed to by next Monday there would be great difficulty in passing the Mutiny Bill before the day he had named, and it might be found necessary to go on sitting until Thursday, the day before Good Friday—a proceeding which would not be convenient to Members generally. There were on the paper several Notices of Motion upon going into Committee of Supply, and he submitted to hon. Members who had given those Notices whether it might not be sufficient for their purpose, and whether it would not be more convenient to the House to take some other opportunity, of which there would be several, when the House would be moved to go into Committee of Supply, to bring forward their Motions; and should there be time enough to-night, after the conclusion of the adjourned debate on the affairs of Italy to go into Committee of Supply, he asked them to have the kindness to forbear from interposing the Motions standing in their names; and also to exhibit the same indulgence on Monday next.

AFFAIRS OF ITALY.

OBSERVATIONS. ADJOURNED DEBATE.

SECOND NIGHT.

Order read for resuming Adjourned Debate on Question [4th March], "That Mr. Speaker do now leave the Chair."

Question again proposed.

Debate *resumed.*

MR. EDWIN JAMES expressed his regret that in a matter of so much interest and importance as the present posture of Italian affairs, the hon. and learned Member for the King's County (Mr. Hennessy) had not concluded his speech with a definite Resolution. There could not be the slightest doubt that in Piedmont—and, indeed, throughout the whole of Italy—the debates of the English House of Commons were read with the deepest interest and anxiety; and, for that reason alone, if for no other, the able speech of the hon.

and learned Member for the King's County, impugning the Italian policy of Her Majesty's Government, ought to have been followed by a distinct Motion. His regret that the hon. and learned Member had not pursued that course, was increased by the fact that in "another place" ante-prandial conversations were indulged in night after night on matters of the greatest interest affecting the policy of Sardinia and the general affairs of Italy; and those conversations, though entitled to no weight, were regarded in some quarters as if they were expressions of the deliberate opinion of the assembly in which they took place. It was not his intention upon the present occasion to follow the hon. and learned Member for the King's County into the contrast which he had instituted between the financial position of Sardinia and that of the Papal States. Whether the imports into the island of Sardinia had fallen off during the war was a matter of no consequence to the present occasion. The test was as fallacious as it would have been to take the imports into Ireland during the famine as a test of the prosperity of England at that trying period. So with respect to the importation of coal and iron bars into Ancona. Everybody knew that the coal and iron imported into Ancona were not consumed by the inhabitants of the Papal States, but were intended for the use of the various steamers touching at the port. They were, in fact, no more a test of the prosperity of the inhabitants of the Papal States than so much coal and iron imported into an island in the middle of the Mediterranean. That portion, therefore, of the hon. and learned Member's speech contrasting the financial position of Piedmont and the Papal States was not borne out; and the matter was explicable on the most simple and obvious ground. Nor was it his intention to follow the hon. and learned Baronet, the Member for Dundalk (Sir George Bowyer), into his most discursive speech. The staple of that scolding speech consisted of abuse of the Emperor Napoleon, allusions to a threatened invasion from France, a revival of all those delicate topics which had been used to excite the enthusiasm of our Volunteers, and the substitution of nicknames for arguments—for in the opinion of the hon. and learned Baronet Garibaldi was a pirate, and the King of Sardinia a traitor. He submitted, with due deference, to the hon. and learned Baronet that a question of such paramount importance as that raised by the hon. and learned Member for the King's County should be discussed upon higher grounds, and in a more dignified manner. Nicknames were not arguments; abuse possessed no power of persuasion; and nothing could be gained by following the bad example recently set in France, where the priests were calling their Sovereign "Pontius Pilate."

There were two questions, as he (Mr. James) understood it, before the House, one relating to the conduct of Sardinia, and the other relating to the Italian policy of Her Majesty's Government. He would not weary the House with unnecessary observations upon the conduct of Sardinia and its relation to the interests of Italy. It was natural that the people of Italy, long divided into small Principalities and States, and exposed for years to all the horrors of Austrian tyranny and misrule, should look to Sardinia to relieve them from the misgovernment under which they had so long groaned. Charles Albert failed in his attempt to free Italy in 1848; but in 1859, when Sardinia had obtained a large accession of territory by the annexation of Lombardy, it became more than ever natural that the inhabitants of Southern Italy, seeing the establishment of constitutional government in the North, should desire and invoke the sympathy and aid of Piedmont. The hon. and learned Baronet, the Member for Dundalk, had charged the Government of Sardinia with complicity in the Garibaldi expedition from Genoa; and no doubt it was known to the Cabinet of Turin, as it was known to the whole of Europe, that a strong and national feeling had burst out among the people of Italy, and that a vigorous effort would be made by them to redress their injuries. The expedition from Genoa was the result of an enthusiasm beyond the control of the Sardinian Government, just as our own Government could not have restrained the enthusiasm of those hired mercenaries who, under the pretence of joining the Papal police, left Ireland for the purpose of fighting against the freedom and independence of Italy. But Garibaldi was a pirate? What reason the hon. and learned Baronet the Member for Dundalk had for calling him so; was more than he could tell. Garibaldi throughout the whole of his career always pointed to the Sardinian flag and declared he was fighting for King Victor Emmanuel. He landed in Sicily with scarce 800 men—and his subsequent course was well known.

His progress from Marsala to Messina, from Palermo to Naples, was one continued triumph. The hon. and learned Baronet said that scarce a man joined his standard. Why the entire population was with him; and a man who commanded only a mere handful of volunteers, and who had no cannon except those surrendered to him by the Royal troops, men who would not fight for the King whose pay they received—passed through the country like a conqueror. It had been said that when Garibaldi arrived in Naples that capital was like a city of the dead. He (Mr. James) well remembered all the circumstances attending the arrival of the Liberator. The enthusiasm of the people was unbounded, and the entrance of Garibaldi into the house which had been selected as his residence in Naples was delayed by the crowd of priests who pressed forward to kiss the hem of his garment. The soldiery threw up their caps with joy, and the men who had been instructed by the King to fire upon the people did not venture to perform the duty entrusted to them. Garibaldi a pirate! Surely there never was such an instance of disinterested patriotism. He had the whole treasures of Naples in his hands, and yet he left the city as poor as when he entered it. When he entered Naples his only possession was his sword, and he quitted it with barely sufficient to pay his passage to Caprera. During his stay in Naples he was careful that not an insult should be offered to the King. He never entered the Royal Palace. Property was as secure as in the most peaceful times, and not a crime was committed which might not have been sufficiently punished with a short imprisonment. Was it not that in consequence of the state of misgovernment in Naples the people were glad of the opportunity of throwing off their allegiance to the King? But, said the hon. Member for the King's County, that government was a paternal government. He (Mr. James) would read a short extract from a letter which was found among the papers of Louis Philippe, written by the father of the ex-King of Naples, which would give a little insight into the way in which the Neapolitans were governed:—

> "My people do not want to think. I take upon myself the care of their welfare and their dignity. I must draw closer to Austria. Liberty is fatal to the Bourbons. The Bourbons are ancient, and if they were to try to shape themselves according to the pattern of new dynasties they would be ridiculous. We will imitate the Hapsburgs. If fortune plays us false, we shall be true to ourselves."

That was what was called the paternal government which the ex-King of Naples was administering to his subjects. It might be that for this state of things the ex-King was not originally responsible; the system pursued there had been precisely the same for a long period; no doubt the last advice given to the ex-King by his father was that he should pursue the same course, and that the lesson was instilled into his mind—which, no doubt, was true—that liberty was fatal to the Bourbons—that they must imitate the Hapsburgs, and be governed by the Austrians. Now what was the state of Naples when Garibaldi entered? There was but one institution in Naples, and that was its police. The dungeons were thrown open on the arrival of Garibaldi. There came out from these prisons men who had been imprisoned for years for what they called "political offences," but who had never been tried or confronted with their accusers. There was a system of espionage there, because it was a Government that made war, not upon the poor by exaction—it did not merely paralyze physical action, or abridge material comfort;—but it was a tyranny upon intellect, freedom of thought, and the educated mind of the people. The system of espionage was so ramified that he was afraid to tell the House the number of *sbirri* and spies employed. The Government could say with Macbeth—

> "There's not a one of them, but in his house
> "I keep a servant fee'd."

The system was the same as that under Fouché, when a man did not know, when he was sleeping with the wife of his bosom, whether he was not sleeping with a traitress and a spy. Some of these prisoners had been tried by what was called a commission, but without even knowing the offence for which they were tried. He remembered a most remarkable instance. One who had been released when Garibaldi ordered the prisons to be thrown open called upon him the morning after his discharge, and related his own case, which subsequent inquiry led him (Mr. James) to believe to be true; it was but a sample of the system which had been going on. He was a young man and a gentleman; he said he had been confined in Ischia or in Procida—they shifted the prisoners from one prison to the other—for two years and two months; and what was his offence? He had one day taken a carriage in Naples to drive a little distance with a friend, and on their way they talked together about liberal institutions. He had not returned to his home and wife half an hour when he was arrested and dragged to prison by the police. He was utterly at a loss to know who were his accusers and their witnesses. He did not know whether the friend with whom he had been talking—and the tears ran down his cheeks as he made the statement—had been the traitor or spy. He had never been allowed to see him till he was discharged. His friend, also, had been imprisoned for the same period; and both, during an imprisonment of two years and two months, entertained of each other the same horrible suspicion, which, to honourable minds, was as great a misery as the imprisonment itself. It turned out, when both met, that the coachman who drove them was a hired spy in the pay of the King of Naples, and that he swore the accusation against them. That was a sample of the state of things which prevailed in Naples, and such incidents were by no means rare. His hon. and learned Friend, in alluding to the conduct of the noble Lord the Secretary for Foreign Affairs, had made one of the most extraordinary statements he had ever heard. In broad terms he accused the noble Lord of having prevented the King of Naples from fighting at the head of his troops. A more monstrous accusation, in a total absence of materials for it, he had never heard. The hon. and learned Member for the King's County had misapprehended a despatch which had reference to a totally different state of things. The noble Lord referred to the effect of interposition if there should be an attempt to repeat the horrors of the bombardment of Palermo. Prevent the King from placing himself at the head of his troops! Why, he found that long before that despatch had been received, the troops in Calabria had voluntarily laid down their arms, and refused to fight for the King. Why? Because the King's father had stated publicly that his troops were meant to keep down his people, and that if Naples or Italy were invaded he should rely on Austrian bayonets. He could not, therefore, understand how such an inference could be drawn from the noble Lord's despatch as that he had prevented the King from placing himself at the head of his troops. But the hon. and learned Gentleman, referring to the despatch of the 27th of October, said the noble Lord was not correct in stating that the whole population had taken up arms. The noble Lord was perfectly correct. The hon. and learned Gentleman seemed to think that he was corroborated in his views by the statement of *The Times*' correspondent that there were not above 100 Neapolitans who became soldiers in Garibaldi's army. Did he not know what that meant? The correspondent of *The Times* evidently referred to the citizens, or if he might use the expression, Cockneys of Naples. Garibaldi had troops enough; and the citizens of Naples enrolled themselves as National Guards and volunteers for the protection of Naples: but his whole army—the thousands of men who flocked around his standard, were inhabitants of the Kingdom of Naples. What was the meaning of the despatch? Before he left England in the autumn, he had the honour of calling on the noble Lord at the head of the Government. He was politely received—nothing more—as every one was who called on the noble Lord, whether political friend or opponent. He called for this reason—he had intended to put this question in the House to the noble Lord:—If an attempt were made to bombard Naples as Palermo had been bombarded what course would the British Government pursue? The House broke up somewhat suddenly, and he had no opportunity to put the question, and he called on the noble Lord to obtain an answer. The noble Lord said that Her Majesty's Government would not, as he thought, allow the horrors of Palermo to be enacted at Naples, and that he might say so. Did the hon. and learned Gentleman suppose that the English fleet would be allowed to lie in the Bay of Naples, calmly reposing on their shadows, and see re-enacted the horrors of Palermo? It would, indeed, have been an impeachment of the noble Lord to suppose that he could allow such a state of things. Well, but it was said there had been a great deal of anarchy. Where was it? Where did it happen? He was perfectly ready to admit that for a short time there had been a state of uncertainty; but what course did Garibaldi pursue? With the same disinterested conduct which distinguished him throughout he declared for annexation of Naples to Sardinia, and order was immediately restored; he consented to the mission to offer it to Victor Emmanuel, and with the same view the elections had taken place. There were some extraordinary fallacies to be guarded against here. A great deal had been made of the outrages said to have been committed on either side by General Cialdini and the Papal Generals; but the facts which he was about to give to the House in reference to the extraordinary statement made by the hon. and learned Member for the King's County would show, he thought, that credence ought not to be given too implicitly to rumours of that kind. The hon. and learned Gentleman had stated that at Milan very few persons had voted; and that at Piacenza, out of 1,238 voters, only 60 had recorded their votes; and that out of a constituency of 224 electors, Aurelio Saffi polled only 24 votes, yet he was returned at the head of the poll. Now he would tell his hon. and learned Friend what the real state of the case was. The franchise in Sardinia consisted of an £8 or £10 rental—40 of direct taxation, and there were other qualifications such as Gentlemen on the other side called "fancy franchises." ["No, no."] Well, then, Gentlemen on his side of the House, if they preferred it. The name had originated on that side, and was adopted on the other. There was nothing in the name of "fancy franchise," except that it was rather vulgar. Now, what were the facts with regard to the voting in Milan? That city was divided into five electoral colleges, in the first of which were 1,304 electors; in the second, 1,864; in the third, 1,235; in the fourth, 1,177; and in the fifth, 1,549. In the first college 775 voted, in the second, 1,056; in the third, 678; in the fourth, 598; and in the fifth, 843. The hon. Gentleman had spoken of Liborio Romano, whom he called "a traitor." Traitor was a hard name; he was a Minister who had changed sides with as much rapidity as had been done elsewhere, and who joined a coalition Ministry. He really was at a loss to understand how his hon. Friend could have said that Liborio Romano had been returned to Parliament by only 119 votes. The fact was that he had been returned for six places, and that in the district where the numbers stood lowest in his favour 475 votes had been recorded, when intimation was received that he had already been returned for five other places, and he consequently declined to carry the contest further. Another fact, which would correct the impression created by the speech of the hon. Member for the King's County, that the Italian electors were wholly indifferent to the result of the election, was that in Piacenza, instead of the voting being confined to 60 voters, as he alleged, 923 electors voted out of a total constituency of 1,786. In Florence, as to which another extraordinary statement of a similar character had been made, he found that there were four colleges, of which the first contained 1,719 electors; the second, 1,347; and the fourth, 1,310. Of the third of these colleges he had mislaid the return. Of the first there voted 766 registered electors; of the second, 572; of the fourth, 462. The figures which he was now quoting were taken from the official returns made to the Sardinian Parliament, and examined and tested by a Committee of that body. Remembering that these elections had taken place among a people new to the exercise of the franchise; that they had no organization for the conveyance of voters to the poll; that inducements to vote such as existed in certain boroughs that could be named were altogether absent, and that these really were primitive electors, he thought the figures he had read conclusively answered the remark that the Italian people had shown no interest in the elections. The record of votes at Sardinian elections was likewise affected by the fact that a candidate was returned as soon as a third of the constituency had polled in his favour. Others, therefore, who might have been willing to give him their support became lukewarm about the matter as soon as it was known that he had obtained the requisite number of votes. Deep interest and anxiety were felt in Italy with reference to all statements made in that House, and he, therefore, pledged himself for the accuracy of these returns, and should be glad that the hon. Gentleman would take the trouble of looking into them. He asserted that the Italian Parliament, on which an attack had been made, contained men of integrity, of literary ability, and of great eminence in their own country, and he believed their debates would contrast favourably with those of any free Parliament in Europe. Both the hon. and learned Member for the King's County and the hon. and learned Member for Dundalk had passed great encomiums on the Pope. Of the religion to which Fenelon and Bossuet had belonged it was impossible for him to speak otherwise than with respect—it was calculated long to retain a mastery over the human mind and might endure; but, in his belief, the temporal power of the Pope was doomed. Those Gentlemen said that the Pope's Government was a paternal Government, and that under it people were far happier than in other States. But could any one shut his eyes to the fact that this temporal Power—call it a theocracy, a system of ecclesiastical Government, or what they would—was the very bane of his spiritual authority? If harsh and cruel laws were proclaimed from the altar as was always the practice of theocratical government, administered in the name of the Pope, the veneration in which he was held as the head of the Roman Catholic religion became lost in the contempt and execration awakened by his temporal misgovernment. There had been Popes, like Julius II. and Alexander VI., who placed themselves at the head of armies and added territories by conquest to the Papal dominions. There had been Popes who protested against the principle of foreign intervention, and Popes following after, who, when their temporal power was endangered, immediately invoked the aid of foreign Powers; and the result had been that, as regarded their temporal possessions, the Popes were alternately the vassals of Austria, of France, and of Spain. If you proposed laws from the altar, instead of the throne, if those laws be cruel and corrupt, the result will be visited on that religion with which they are thus associated. If in the name of the Pope cruel executions and trials without even a shadow of justice took place—if Bishops were made policemen and policemen Bishops — if the peasant was constrained to see in every priest a spy, and in every Bishop an enemy—could it be wondered that all devotional feeling was destroyed in the population, and that the Pope became responsible in their eyes for the grinding tyranny of his temporal sway? Much as he respected the religion of every man, he believed that the Papal authority in its temporal aspect was gone, and that the struggle to maintain it would only endanger his spiritual power. The Italian policy of Her Majesty's Government had been impugned; but he ventured to think that the course pursued by the noble Lord had been clear and unambiguous, and that his policy was just and enlightened. ["No, no,!"] His hon. Friend the Member for Brighton (Mr. White) said "No, no!" and, perhaps, he went further than he did in his view of what the Italian policy of the Government should have been. But he could not help thinking that to restore order and constitutional law in Italy was to have achieved a great deal. There had, of course, been Republicans in Italy—honest men, who dreamed of a political Utopia; but Count Cavour—whom he regarded as one of the greatest statesmen in Europe — succeeded in bringing the swollen torrents within the limits of a wise policy; and in this he had been assisted by Her Majesty's Government, who gave to him the moral influence of England. In this respect their policy commended itself to the people of England—and were it possible to elicit the feeling of the House of Commons on any scheme of policy shadowed forth by Gentlemen who thought differently—and this he might observe had not yet been attempted—he felt sure there would be a triumphant majority in favour of the course which the noble Lord had pursued. England might point to that policy as filling one of the brightest pages in her annals. In the spring of last year the noble Lord had before him circumstances of great difficulty. His aim was that there should be a fair expression of the opinion of England, as she had a right to express her opinion where the liberty of a nation was concerned. He was anxious to keep the armies of Austria and France out of any struggle in that peninsula, because Italy in such a case would have come by the worst, as she always had done, and all that had already been done for her would have been neutralized. This country occupied a position on this question of which she might be justly proud. We had in past times squandered blood and treasure in unjust and impolitic wars. We had lavished millions to uphold the Bourbons on the throne, and had equipped armies to maintain a crumbling empire in the East. But here the moral influence of England was lately heard amid the crash of arms and the conflict of parties. Without the sacrifice of a life, without adding to the burdens of taxation, she had assisted to secure the liberties of a great country which, when united, would be her greatest safeguard in maintaining the balance of power; for the policy she had pursued would bind Italy to her by every feeling of gratitude, while it must also commend itself to the spirit of freedom and the love of justice inherent in the British people.

Sir ROBERT PEEL: My hon. and learned Friend has certainly made a very able speech. He has not been discursive, but he may have been ante-prandial. He has treated his subject with his accustomed talent and skill. In fact he has given us, in a very entertaining manner, what I may, without exaggeration, call the reminiscences of a vacation ramble. We know that in the autumn of last year he passed through Italy. He saw Garibaldi, and probably also Liborio Romano. who, if not a traitor, is, at all events, the biggest "rat" that ever existed. What I gather from my hon. and learned Friend's address is that, after all, lawyers are like other men—that gentlemen learned in the law have in the excitement of forensic display, or the homely comforts of the Inns of Court, nothing commensurate with the "pomp and circumstance of glorious war." I cannot pretend to import into this discussion the animated topics that he has introduced. My only object in rising is to offer a very few observations which have been suggested to my mind by the course of this debate. I listened attentively to the very able remarks of my hon. Friend, the Member for Southwark (Mr. Layard), the other night, with whom I quite agree as to the importance of this discussion, both as eliciting an expression of policy on the part of this House and as giving encouragement to the Italians, who follow our debates with great anxiety, and are naturally inclined to gather confidence from the support they may receive from the British Parliament. I cannot, however, concur with that hon. Member, or with the hon. and learned Gentleman who spoke last, in thinking that this discussion has been brought on in an inopportune manner. I see nothing inopportune or unusual in it; it has been raised in accordance with an usage often employed to obtain a declaration of opinion from the Government, and of which, if I am not mistaken, the hon. Member for Southwark has before now frequently availed himself, in order to criticise or attack the conduct of the Government. With respect to the speech of the hon. and learned Member for King's County (Mr. Hennessy) of course it cannot be supposed that I entirely subscribe to the views which he expressed, either as to the policy of her Majesty's Ministers, or as to the immense advantages derived from ecclesiastical jurisdiction in Italy. But this I can say—and I am sure the House will confirm my assertion—that that hon. Gentleman certainly showed much research in getting up his case, and put forward his opinions with a great deal of spirit and ability. But the Gentlemen who have preceded me—the hon. Member for Southwark, the hon. and learned Member for the King's County, and the gallant knight, the Member for Dundalk, I, of course, allude to his Italian qualification—those three Gentlemen have monopolized the whole of our time. I wished to speak the other night at the early hour of twelve o'clock but I had not the opportunity. I have no intention now to occupy an hour and a half with extracts from the newspapers, but will assume—as the hon. and learned Member for Dundalk did not—that everybody is not only acquainted with the opinions of the Press on the policy of the Government, but has also read all the blue books. Starting from that point, I shall begin with the hon. Gentleman who introduced this discussion. That hon. Member was, as might have been expected, very severe upon the noble Lord the Foreign Secretary. He accused the noble Lord of actively interfering to promote the Piedmontese policy, and attempted to show that the trade and commerce of Piedmont were diminishing and her finances sinking. I do not know how that may be. The hon. Gentleman next turned to the condition of the Papal States, which he described as very flourishing and presenting a marked contrast to Sardinia. Now, knowing something of Italy, I was struck with this remark, for it certainly never occurred to me that there was this great superiority in the Papal States over Sardinia. The hon. Gentleman then said that the noble Lord had wilfully concealed despatches, and, in fact, almost made him responsible for some of the atrocities committed in Central and Southern Italy. He next brought forward almost the gravest charge I have ever heard one Member of this House prefer against another; for he accused the noble Lord of having destroyed all confidence in the honesty and integrity of the Foreign Office. That is certainly very strong language, and yet I venture to say, without party feeling or prejudice, I believe the noble Lord can justly affirm that the honesty and integrity of the Foreign Office are as safe in his hands as in those of any other man in England. And of this I am quite certain, that whether the noble Lord or Lord Malmesbury holds the seals of that department—whether Lord Palmerston or Lord Derby is Prime Minister—no British Government with any regard to the sentiment of the country or the confidence of Parliament could have pursued any other policy than that of a strict non-intervention; but a strict non-intervention, be it observed, coupled with that stern expression of moral feeling so universally prevalent throughout the nation in favour of the Italian people.

The hon. Member for King's County was answered by the hon. Member for Southwark, who took an entirely different view of the case. He said the Papal Government was arbitrary and despotic—that it maintained gross abuses—that it was a disgrace rather than a subject of congratulation. He attacked the vices of ecclesiastical government, and then insinuated that the Sardinian policy was the true Italian policy. Well, those two Gentlemen's opinions being so diametrically opposed to each other, I began to think that neither of them knew what he was talking about. They both, indeed, began by telling us they knew the country, having travelled through it.

MR. HENNESSY : I distinctly said, I would not trouble the House with my own experience.

SIR ROBERT PEEL : I beg the hon. Gentleman's pardon—I understood him to say that he had travelled through the country.—[Mr. HENNESSY signified assent.] —Oh! then you have. It really appears that both of the hon. Members have travelled through Italy ; but each throws it in the teeth of the other that he has seen it under different features. "You, the Member for the King's County," says the hon. Member for Southwark, "saw it only under the guidance of the Monsignori—I have seen it travelling with the *vetturini.*" No doubt the elegant Monsignori and the extortionate *vetturini* would give the traveller very different ideas of the effect of ecclesiastical jurisdiction in the Papal dominions. I also have seen the country; I know it well from one end to the other, and I am anxious, therefore, without entering into wild reminiscences of tourist rambles or vacation scrambles, to give my impressions to the House. The opinions of a person who has absolutely viewed the state of the country with his own eyes, and judged of it with his own mind, may, I think, be deserving of some weight on a question of this magnitude and importance. I have followed the noble Lord's policy from the close of last Session down to the present moment with a very eager and, I will not say hostile, but a very critical eye. I have observed the difficulties he has had to contend against, and seen one or two of his shortcomings. Happily, however, his mistakes were corrected by subsequent despatches. In dealing with this question these three great objects must have pressed upon the noble Lord's mind :—First, there was the French alliance to be maintained ; next, there was the policy worthy of this country to be adhered to; and, thirdly, there was the interest of Italy to be considered. I take the French policy first. Now, in a very remarkable speech delivered by Prince Napoleon the other day, it was well said that the French alliance with England is not with this or that Minister, but with the great and loyal English people. Well, the noble Lord had endeavoured to cultivate that alliance, which, as a Member of Parliament and a British subject, I hope may long continue. But I admit the French policy in Italy has been very ambiguous; it meddled at Messina; it interfered at Gaeta; it still intervenes in Rome ; and I think it was a policy which has caused this country great fear and great uneasiness. Then, again, there has been another annexation —a small matter, but still an annexation—of Mentone and Roquebrune. That subject was alluded to on the first night of the Session, and the noble Lord, in reply to a Question, observed that it was a matter of very small importance, which could not affect the European equilibrium. That is quite true, but still it is an indication of the policy of the French Emperor. I say that we should be very cautious how we allow these transactions to pass by unnoticed, and I hope the noble Lord, with his usual spirit, protested, through Lord Cowley, against this annexation. I was mixed up with the events of 1848-9, and I recollect well what was the policy of the noble Lord at that time. The noble Lord allows the matter to pass now as if not worthy of notice; but those two same provinces of Mentone and Roquebrune were united in 1848 by the popular voice, and added to the dominions of Carlo Alberto. In October, 1849, that annexation was ratified by the Turin Chamber of Deputies; and then came a despatch from the noble Lord threatening them with the anger of all the Powers that had signed the Treaties of 1815, for what he called "this infamous usurpation." I say that if that was an act of usurpation on the part of Sardinia, then the present annexation is clearly an act of usurpation on the part of France. But there was also another sort of difficulty with which the noble Lord has had to contend. He has had to deal with a new system of action—a new feature in diplomacy. I allude to the plan adopted by the French Government of issuing pamphlets upon the various political questions of the day. The noble Lord, I know, has no mean opinion as to the influence of these pamphlets, which he mentions in a despatch to Lord Cowley. Those pamphlets are issued frequently from the French press ; they appear anonymously; if the ideas they developed are approved they were acknowledged, but if they are not approved then they were allowed to sink into oblivion. There was one pamphlet—*Le Pape et le Congrès*—concerning which I find a remarkable sentence in a despatch of the noble Lord to Lord Cowley, dated December 24, 1860. That despatch was copied into all the French papers; but this paragraph I am about to read was omitted from all, from the *Moniteur* down to the *Constitutionnel*—"This pamphlet has led to the loss by the Pope of more than half his dominions." I ask the noble Lord what is his opinion of the last pamphlet we have had—because if ever there is a remarkable one this is it. It is an open rupture with Rome, a declaration of war; it attacks the religious system of the country; it speaks, not anonymously nor in any concealed manner, but with the sanction and authority of the French Government and of the Emperor himself. Those were the difficulties which the noble Lord had to deal with in the French policy, and I think he has steered his course with admirable judgment as far as the French alliance is concerned. As to the English policy, that, I say, would have been the same under Lord Derby as under the noble Lord—it is non-intervention, with the influence of our moral support. In the beginning, I must say, there were some indications of vacillation on the part of the noble Lord, which afterwards happily disappeared, and from October until now I think he has acted in a straightforward and justifiable manner. That despatch of the 31st August certainly did affect me much. It was a despatch in which the noble Lord threatened Sardinia in case she should enter the Papal States, and that, I say, was direct intervention.

Lord JOHN RUSSELL: There was no threat.

Sir ROBERT PEEL: Well, it read very much like it. However, the later despatch of October 27 was an admirable one. Sardinia had then intervened, and the despatch justified the act, and said that whether France, Russia, Austria, or Prussia objected or not, he (the noble Lord) approved of it. And that is the policy I approve, and I think that from that time the noble Lord has pursued a most judicious course. He has had to consider the interests of the country, but he could not abstain from giving expression to the sympathies of the nation for the cause of Italy. I have felt warmly for the Italian cause, and I repeat that the noble Lord has done what no English Government could have declined doing, and has adopted a policy which has aided the Italians by giving the moral support of this country to further the progress of liberty and unity in Italy. I think questions of foreign affairs will be the most important questions that we shall have to discuss this Session. We may have but few discussions here, but still I am convinced that foreign affairs occupy the attention of the Government more than any other matters at this time. I am sure that whatever differences there may be, if they only follow upon this question a straightforward, disinterested policy with respect to Italy, it makes but little difference what may be the blunders of the Secretary to the Admiralty, or what may be the differences between the noble Duke at the head of the Colonial Department and the noble Lord upon the subject of the administration of the Colonies. The Italian question is now centred in Sardinia and in the King Victor Emmanuel.

Sir, that Sovereign was very severely handled by the hon. and learned Baronet the Member for Dundalk (Sir George Bowyer), who made a huge catalogue of charges against him. Now, I may say that upon public grounds there were few men in this House who had more occasion to censure Victor Emmanuel for the transactions of last year than I had. I looked, and still look, upon the annexation by France of Savoy and Nice as a most serious infringement upon the established law of Europe. I was the more induced to take up that question in company with my hon. and learned Friend (Mr. Kinglake), because we felt that, while it affected the interests of the country, it was also a severe blow to the independence and neutrality of an ancient and cherished republic. That was why I strongly advocated the cause of that country against the policy of the King of Sardinia, and I feel that that conduct must still cause him considerable uneasiness, especially when we find in an order of the day issued at Naples, General Cialdini telling the world that the Sardinians are fighting under the Cross of Savoy. Why, the Cross of Savoy no more belongs to the King of Sardinia than to me. But he is responsible for an act which I am sure he must still regret, and which he may probably have occasion to lament. But there is one point in connection with that annexation to which I will, with the permission of the House, refer for a moment. There has recently been a meeting in Switzerland of Generals, headed by the most distinguished man in that country, who was himself a military instructor to Louis Napoleon when the latter was in exile; and the words of General Dufour on that occasion will show the feeling that prevails in that country. He said:—

> "Switzerland, although so well supplied with natural defences, is nevertheless, comparatively speaking, of so small and limited an extent, that without compromising her existence she cannot take part in European wars. Neutrality, therefore, is not only a necessity but the very element of its vitality. Happily, that neutrality is at the same time in the interest of the Powers which neighbour Switzerland, and this has been the opinion of men best qualified to form one from their experience in military strategy, such as Napoleon and the Archduke Charles."

It is the act of Victor Emmanuel which has affected the neutrality of that ancient Republic, and upon that ground I shall never cease to condemn the policy of Victor Emmanuel and the French Emperor. But, when I see Victor Emmanuel now at the head of the Italian movement, I am not so mean-spirited as to grudge him success in his great undertaking. I do rejoice to see him in the position which he now holds, —the guardian of the unity of Italy, and called upon to fulfil a task than which there never was a nobler, and which I fervently hope he may bring to a speedy and successful termination. He has to do with men of different ideas; and I can do no better than quote the noble words of Count Cavour to Baron Schleinitz in November last:—

> "Europe ought not to lose sight of the fact, that the Sardinian Government is in Italy the sole conservative power capable of raising a rampart against the revolutionary element and of subduing it. We are Italy, we act in her name, but we are also the moderators of the national movement. We are the representatives of the monarchical principle, which in Italy had disappeared, convulsed by popular vengeance."

That was a noble expression on the part of Count Cavour of his policy and that of his King, and a vindication to Europe of their position. And who has that King now to deal with? He has to deal with a people who have been ground down by the effect of successive revolutions, who have been fettered by the triple bond of tyranny, ignorance, and poverty—for ignorance is poverty, and tyranny is both. These men, who have been so ground down, are now seeking to emancipate themselves, to enrol themselves among the nations of Europe, to acquire possession of their national heritage. Is not this a noble aspiration? Is it not an effort deserving the moral support of the people of this country?

Sir Robert Peel

Sir, allusions have been made to the partial disturbances and disaffection that have been manifested in some districts of the country. No doubt there have been disturbances in Calabria, and on the borders of the Roman States; but, I ask any one, is it to be wondered at that a people whose lives have been poisoned by the long continuance of their miseries should, even in the moment of victory, almost doubt of the reality of their success? But I am happy to say that that success is no dream, no fanciful vision, no ideal scheme of a few hot-headed conspirators; it is a reality—a real Italy—gained by the unaided exertions of the people and the heroic deeds of a man who is not a pirate, as he was called by the hon. and learned Member for Dundalk, but one whose undoubted patriotism and undaunted valour have elicited the applause and the admiration of mankind. At length, I am happy to say, liberty is dawning upon Italy. Lord Malmesbury recently advised the Italians to "trust to themselves and to no one else for their liberty." That is true. I have myself seen the Austrian *préfets* and the mannikin despots who ruled over the small States of Italy, and I have often, when observing how magnificently nature had embellished that land, asked myself—

> "Does she always intend that a tyrant shall print
> The footsteps of slavery there?"

No! Italy is breaking her shackles and rallying round a constitutional Sovereign and the standard of liberty. That is a noble destiny for a nation. She will have many difficulties to contend against; one of them I will name, and it is one to which I wish to direct the attention of the hon. and learned Gentleman (Sir George Bowyer). We must recollect that the movement now going on in Italy is not merely a result of political feeling; the regeneration of Italy has a higher cause. Were it merely a political movement, even now I should doubt of a full amount of liberty being realized. And why? Because, over and over again, political movements with the plea of nationality have been organized, and have failed. But the present movement for the regeneration of Italy is also a religious movement. The political and religious impulses are acting together. Dull ignorance and the mummeries of superstition are giving way before the broad features of religious toleration. That will be a great blessing. The right hon. Member for Limerick County (Mr. Monsell) who is not exactly an advocate of the Protestant Alliance, but rather to be regarded as a friend to monastic asceticism, observed to me the other evening, during the discussion, that an attempt to open a Protestant chapel in Bologna had been prevented by the people rising against it. Well, it is just that spirit of fanaticism the Italians are trying to annihilate. What recent decrees, I ask, have most excited the admiration and the gratitude of the people of Italy? The decrees that have broken up the monastic institutions and nunneries. Those institutions are unserviceable to civil society, and can only exist upon its destruction, or upon the want of it. Those decrees have been received by the people of Southern Italy with the greatest applause.

But, Sir, I admit there is a difficulty in the consideration of this Italian question—a difficulty that may cause serious inconvenience before it is settled. That difficulty is not at Gaeta; that fortress has fallen, and South Italy is entirely free. I admire the chivalrous conduct of Francis II. in the last days of his political existence, or rather in the last gasp of his political agony; for what agony can be greater to a King than to be despised and rejected by his subjects? I admire the spirit the King of Naples showed at the last, and I only regret he did not give to his people the benefit of the better part of his character at an earlier period. But Gaeta has fallen, and the Italian difficulty is not there. Nor is it at Venice. Prince Napoleon in his speech treated the question of Venice in a remarkable manner. He said, "It is the great misfortune of the age." What do we see at Venice? Venice is not Austrian—it is certainly Italian; but it is trampled under foot by Austria, and held in subjection by 10,000 bayonets, by a race foreign to Italy in language, sympathies, and feelings. Do not tell me that this state of things can last. Venice may be trodden down and ground into the dust, but they cannot destroy her nature, nor change her from what she is. Venice is Italian!

"States fall, arts fade, but Nature doth not die,
  Nor yet forget how Venice once was dear,
The pleasant place of all fest'vity,
  The revel of the earth, the masque of Italy!"

That is what Venice was; what is she now? See her "in her voiceless woe;" see her palaces crumbling into ruin! For in Venice there are none of those marks of improvement the hon. Gentleman opposite says he saw in the States of the Pope. No; you will find in Venice a melancholy and a *tristesse* most painful to observe. But, yet, what I have often told Italians I now repeat:—"Wait! Italians, wait! Do not be in a hurry to take Venice, and the necessities of Austria and the public opinion of Europe will give you Venice without purchase and without blood." Yes, I have heard of offers to purchase it. But, with the force of 200,000 men in and around Venice, I do not believe the condition of the finances of Austria will permit her to hold it long. Therefore, the chief Italian difficulty is not at Gaeta nor at Venice, nor is it at Messina. It is true Messina still holds out. The hon. Gentleman opposite (Mr. Hennessy) appears to derive some satisfaction from that circumstance, but I think General Fergola, who has disregarded the summons of Cialdini, had better accept it with honour, while he can do so with dignity. It is impossible that Messina can hold out when the heights behind the town are in the hands of a General like Cialdini. The chief difficulty of Italy is at Rome. Rome is the real difficulty and the obstacle to the consolidation of Italy. And I ask the hon. Gentlemen opposite, do they know what is the present condition of Rome? The Popes, not satisfied with being priests, have resolved to be Kings. But that union of temporal and spiritual power, which once constituted the strength of the Papacy, has become the cause of its weakness. Enlightened Roman Catholics, from the time of Dante to the present day, have condemned and denounced the temporal power of the Pope. I was reading the other day the works of a learned Italian, in which I came across the following sentence from St. Bernard, in allusion to the temporal and spiritual power of the Papacy, which assumes the character of prophecy in its application to events now passing at Rome — "Si vous tenez les deux Pouvoirs vous les perdrez tous deux." What is the condition of the city of Rome? For eleven years it has been in the hands of the French; for eleven years French bayonets have propped up the temporal power of the Papacy. The hon. Member for Dundalk says that if the Sardinian soldiers were taken away from the South of Italy the people would welcome back the King of Naples, and carry in Francis II. and his family on their shoulders. I do not know what the consequence would be if the Sardinian troops were withdrawn from the territory of Naples, but this I know, that if the French troops were to leave Rome the first blast of popular indignation would immediately and without delay sweep away the Pope and the whole college of Cardinals. The temporal power of the Pope has been defended in this House. We are told that we exaggerate the facts stated against it, and that the Roman States are better governed than any other part of Italy. But how is it that all Italian feeling and sympathy are opposed to that temporal power? This is the reason:—The Papacy as it exists in Italy is an institution of the middle ages, and, like all other monastic institutions, must yield to the course and progress of events. The hon. Gentleman opposite (Sir George Bowyer) smiles; but I think we may well smile with pity and contempt when we listen, as I have done, to assertions of the doctrine — the blasphemous and damnable doctrine, as the Church of England calls it—that gives the Pope the power to absolve the people of other States from the oath of allegiance to their Sovereigns. That power it was attempted to exercise against Victor Emmanuel. The thunders of the Vatican were prepared; why were they not launched? Why was not the threat put into execution? Because they would have roused the execration of all Italy, and have fallen impotent without effect on the head of that Sovereign. Talk about ecclesiastical government! Why the bigotry of the Church of Rome cannot be disputed. For centuries it has condemned not only the writings but the liberties and lives of thousands of men of literature and science. It has done it from the time of Galileo to the present day. It is to be wondered at, therefore, that in this moment of trial and difficulty so little harmony, so little sympathy should appear to exist between the throne and altar of Popedom between the Bishop of Rome and the Roman people.

If, in the course of my observations on these Italian questions I have not alluded to my own experience, perhaps the House will allow me to do so on the subject of the bigotry of the Church of Rome. It was only the other day, when travelling through the South of Spain, that I had an opportunity of putting myself in communication with two men who have been giving proof of the truth and honesty of their moral convictions by suffering for their faith in the Gospel of Christ. One of them had been committed to prison for eleven years, and the other was on the point of being adjudged the same punishment. Their names are worthy of being recorded; and, therefore, I shall give them —they are Alhama and Matamoros. Those two men I saw myself, and they were the victims of the bigotry of the Court and of the power of the priestcraft. Their sole fault was that they had in their possession a copy of the Holy Scriptures which they read in communion with others of the same faith as themselves. There is the bigotry of the Church of Rome! My heart bled for Matamoros. He was in a prison not larger than a few feet square. When I saw him he was suffering, but he was courageous. When I urged him to remain firm in the faith which he had adopted, he replied that such was his intention, and that he looked to this free country, England, for that sympathy which would alleviate his sufferings. This is the bigotry of the Church of Rome which has existed for generations. It has interfered with the emancipation of the human mind by choking and stopping up the avenues of human knowledge; but it is time that those anomalies should cease. The Reformation has commenced in Italy. I believe that the desire for civil liberty in that country is united with a strong desire for religious freedom, and that that which has already been accomplished in Germany, in England, and in Scotland, has been commenced in Italy. I say that the Reformation is growing apace in Italy, in spite of the Court of Rome, and in spite of the bishops. This accounts for the zeal of the Church of Rome to stop the march of Italian revolution which it perceives is every day sapping the foundations of priestcraft and priestly intolerance; but, Sir, the great movement has gone on, and I may be permitted to express my hope that as that system of progress which checks superstition and religious intolerance continues to take still deeper root in the minds and affections of the people, so it will contribute to the promotion of their material development and the future happinss of Italy. These are my feelings on Italy, and I have not exaggerated. I believe I have spoken the truth with regard to the bigotry of the Church of Rome and the intolerance of its conduct; and I believe the Italians will do well to separate themselves from that conduct, and turn from idle tales to the blessings of religious liberty. Gentlemen opposite accuse the foreign policy of the noble Lord the Foreign Secretary; but I assert that the noble Lord could not have acted, as the Foreign Minister of England, otherwise than on a policy of non-intervention, coupled with the expression of those sentiments to which I have before referred. The Italian people will be worthy of our sympathy and encouragement so long as they continue to display the firmness and moderation which have characterized their conduct throughout this great crisis—for none will dispute that they have hitherto acted with a wisdom and moderation of which the history of the world presents few if any examples. I have now to apologize to the House for having trespassed on its notice at a greater length than I had intended; and I would ask them to let the question itself plead my apology for any warmth which may have characterized those remarks. And, in conclusion, the best hope I can utter—the best wish I can entertain—is one which is echoed by thousands and tens of thousands of people throughout the Italian Peninsula, and which is felt, almost universally, by the people of this country, —it is that the present occasion of revolution may not close without affording to Europe and the civilized world the glorious spectacle of a united and contented Italy, with a reformed and invigorated priesthood.

THE CHANCELLOR OF THE EXCHEQUER: My hon. Friend who has just sat down, and who always addresses the House with a manly force and vigour, has given us a just and eloquent appreciation of the position of the King of Sardinia; and he has also declared, and declared with truth, that my noble Friend the Secretary for Foreign Affairs has, in regard to the Italian question, pursued a national policy—a policy than which none other would have been tolerated by the people of England. If this debate had been confined to criticisms of the King of Sardinia, or if it concerned only the policy of my noble Friend, I, for one, should have remained silent, because I think that policy is one which commands approval far beyond the limits of party connection—far beyond the walls of this House—far beyond class or interest. I believed it is stamped with approval throughout the body of the people of England, from the greatest to the least. But my hon. and learned Friend the Member for Dundalk (Sir George Bowyer) following in some degree the line marked out by the hon. Member for the King's County, but likewise extending the subject of debate, has raised a great issue. He held the other night solemn language. He told us in terms of, I have no doubt, great sincerity that we ought to lament our foreign policy—that it was founded on injustice and could not prosper, and that the cause which we favoured in Italy was the persecution of righteous Governments. He rang the changes on the law of nations, public rights, established authority, and legitimate possession. These phrases came round in our ears throughout his address almost like the chimes of the clock which at last sound in our neighbourhood; but I must say that they did not strike on my ears quite so musically. My hon. Friend, however, raises a very broad issue, for he implies and asserts that those events which we and the people of England look to with a mixture of wonder, astonishment, and admiration, are nothing but the result of unworthy intrigues carried on by an unprincipled King and a cunning Minister; and the issue which he has raised is that the people of Italy were not an oppressed people, but a people attached to their Governments. The hon. Member and those who think with him tell us that there existed under those Governments a beneficent and benignant system, always wisely administered, and in respect of that Government which is, above all others, solemn, for it has the solemn sanction of religion, Members of the House are ready to assure us that it was carried on in the spirit of that religion itself. I wish to try, in the face of this House, and by reference to unquestionable sources, whether those allegations of the hon. Gentleman (Sir George Bowyer) are true, as I am sure the hon. Baronet believes them to be; or whether they are baseless shadows, the creations, not of his imagination, but proceeding from impure sources—fictions of those who in Italy have made it their unhappy work for years and for generations to trample down the liberty and happiness of the Italian people. Why, what is the case of Naples, as so well put by my hon. Friend the Member for Southwark (Mr. Layard) in that speech which he addressed to us the other night—a speech warmed by a generous enthusiasm and characterized by well established truth? My hon. Friend said that the case of Naples is that of a country where perjury is the tradition of its Kings. We who would not trust the son of James II., cannot wonder that the Neapolitans say they cannot trust a King of Naples without reference to the source from which he sprung. It is needless to to go back very far—to refer to the days of Ferdinand IV.—to see that violence and fraud — two things each bad separately, but horrible in their combination — were the engines of the Government of Naples. Let us begin with the time of the late King. Is it not on record that if ever a man was perjured in the face of Heaven and earth the late of King of Naples was that man? Did he not in February, 1848, confer a Constitution on his people, and ratify it with a solemn oath? And did he not, after the bloody struggle of the 10th of May, in that same year, again ratify that Constitution? I shall read his oath on that occasion. He says—

> "With reference to our sovereign Act of the 29th of January, 1848, by which, concurring with the unanimous desire of our most beloved subjects, we have promised, of our own full, free, and spontaneous will, to establish in this kingdom a Constitution, conformable to the civilization of the times, whereof we then indicated, by a few rapid strokes, the fundamental bases, and reserved our ratification of it till it should be sent out and arranged in its principles, according to the draught which our present Ministry of State was to submit to us within ten day's time; determined to give immediate effect to this fixed resolution of our mind, in the awful name of the Most Holy and Almighty God, the Trinity in Unity, to whom alone it appertains to read the depths of the heart, and whom we loudly invoke as the judge of the simplicity of our intentions, and of the unreserved sincerity with which we have determined to enter upon the paths of the new political order, having heard, with mature deliberation, our Council of State, we have decided upon proclaiming, and we do proclaim, as irrevocably ratified by us, the following Constitution."

And in most solemn terms that terrible oath was repeated in the face of Europe. What has become of that Constitution? Why, it was trampled underfoot. And that which it is difficult to convey to the mind of those who are assembled in this House, or in any other place in this country, is that the case of the Government of Naples is not the case of a Government guilty of particular actions wrong in this or that respect, but that of a Government built up and founded on the denial and destruction of law. In the first place, the Constitution so solemnly sworn to was shamelessly set aside and violated; but, in the second, it is to be remembered that, even though the Constitution had never existed, the whole course of the Government of Naples, so far as regards its relations to the people was lawless from first to last. I heard an hon. Gentleman in this House speak the other night with horror of the principles of 1789. I will not enter into any disquisition as to the comparative merits or demerits of one period or another of the great French Revolution, but I suppose the hon. Gentleman meant to speak more particularly of the agonising transactions that took place in 1793. Amid the flood of evils which that period let loose on Europe the most pernicious is undoubtedly the system of modern police. That, the worst fruit of the great French Revolution, was embraced and hugged to the very heart by every Government in Italy; and it was by means of that police, substituted for good political government, and superseding the whole course of law and order, that the subjects of the King of Naples were doomed to live in an atmosphere of lawlessness, where it was not this law or that that was violated, but where the ruler's principle was that right had no existence, and where the reign of wrong and violence was universal. That was the position of the people of the Two Sicilies during the reign of the late King, and especially after the Revolution of 1848; for from that period, and after the solemn and awful oath to which I have referred, their condition was altered greatly for the worse. We now come to the accession of Francis II., and it is painful to speak of one so young and so unhappy; but certainly if ever there was a human being, young or old, who marred and spoiled his own destiny, it was that miserable monarch. It is all very well to claim consideration for him on account of his courage; but I confess I feel much more admiration for the courage of the hon. Member for Dundalk (Sir George Bowyer) and the hon. Member for the King's County (Mr. Hennessy), for I think I would rather live in a stout and well-built casemate listening to the whizzing of bullets and the bursting of shells, than come before a free assembly to vindicate such a cause as that which those hon. Gentlemen have espoused. I, for one, do not hesitate to say that when Francis II. ascended the throne, he did so under circumstances unusually favourable. Let me do justice even to the previous King of Naples. He proved himself a man of great practical ability, and he certainly exhibited political courage. His cause was founded on wrong, but he made good his ground in the face of Europe, and he left his son in a position to make concessions without having them imputed to alarm. If it had been the policy of that son to govern with even decent moderation; if he had had one single spark of human sympathy in his composition, had he endeavoured to soothe even one sorrow among the millions of sorrows of his oppressed subjects, he might have been King of Naples at this day, and Italian unity would still have been a dream. But short as was his peaceful possession of the throne, short as was his possession of it at all, even that short time did not pass by without giving rise to the most frightful revelations. I doubt not there are Gentlemen in this House into whose hands fell a publication that appeared in Paris, and which shortly after, from some mysterious cause, was not to be found at any price—I mean a pamphlet published in the French language, and entitled *La Torture en Sicile.* This pamphlet bore the name of its author, M. Charles La Varenne, and it contained names, dates, places, and particulars relative to transactions that every person interested in the character of the King of Naples, in the slightest degree, must have desired to see qualified, or denied. But no portion of those statements has ever been denied; and having myself heard and seen something of Naples in former times, I am bound to say that all the horrors that I saw and heard, fade and pale by the side of the revelations which that pamphlet disclosed. It seemed to me as if, in passing from an older sovereign to a younger one, instead of any relief, instead of the momentary relaxation to be hoped for, everything was made more rigorously repressive, and the long roll of crimes, for which the day of retribution was at hand, was made longer still.

But if this was the condition of the Kingdom of Naples, what shall we say with regard to the States of the Church? I cannot, however, speak of the States of the Church, without desiring to draw a broad and clear distinction between the personal character of Pius IX. and the effects of the miserable and execrable system of which he has been the instrument and the victim. I am ready to admit that he is simple, gentle, refined, and possessed of every personal quality and accomplishment that could tend to draw towards him the feelings of veneration that belong to his office. But when we speak of the system with which he is identified, I must tell the hon. Member for Dungarvan (Mr. Maguire) who will probably follow me in this debate, that it is impossible for him, by gathering carefully together all that was so sedulously shown to him of the hospitals and charities of Rome, to set aside the broad, the damning facts that establish the indictment against the Papal Government. We had last year an official document presented to us, emanating from Rome, which the great leading journal in this country rather irreverantly termed "a prolonged shriek;" and when we consider the epithets with which that document was studded, the terms "atheists," "anarchy," "revolution," a "combination of all the vices," &c., applied to those who opposed the Government of the Pope in the Romagna, it is difficult to describe it by any other term. Now what was the Government of the Pope in the Romagna? I hold in my hand authentic documents relating to the Austrian occupation of the Romagna for twelve years. What does that occupation mean? The evils of all foreign occupations are bad enough, and these Austrian occupations are not generally thought to have been mitigated by any peculiar kindliness or refinement in the character of Austrian soldiers. But what are we to say of any Government—above all, of a paternal ecclesiastical Government—which could hand over to the officers and the Austrian soldiery the common administration of justice? Is it possible by any epithet that language can supply to convey a picture more terrific than this—that the Austrians, whose feelings towards Italy have always been that of a conquering and dominant nation towards a conquered and subject race, and who now come in, forsooth, as the defenders of order and religion—that not their great officers merely—their Radetsky's and Lichtenstein's—but their colonels, their majors, and their captains should have delivered into their hands, ignorant as they are, the common administration of justice? I have in my hands the proofs of what I state. Here are sixteen men ordered to be shot. It is not for a political crime: here is a long list of robberies and two rapes; the result is that sixteen men are ordered to be shot, whether rightfully or wrongfully we cannot tell; it is improbable that they were all concerned in the two rapes; and I also notice, with surprise, the extreme youth of these persons, for their ages only average 22 or 23, and one was only 18; but the point to what I wish to call the attention of the House is, that to these Austrian soldiers was intrusted the ordinary administration of justice. But I do not rely mainly on cases like this. I hold in my hand examples of the management by the Austrians of political cases. Here is an example in the case of the brothers Donati, shot in 1851. The man who ordered them to be shot, and who, I presume, was responsible for their trial—that is, who judicially ordered them to be shot—I do not mean the man who obeyed the orders of justice, but the man who was their judge and signed their sentence was an Austrian major. The crime of these two brothers was stated to be that they had received assassins or criminals into their house. Does anybody, knowing the state of Italy, and the condition of the people, groaning under a military occupation—nay, more. does anybody, knowing the state of Italy with respect to the habits of the brigands and the ineffective means which the people would possess to defend themselves against them, not see that it is an odious and a monstrous system which enables a soldier, a major in the Austrian army, to shoot the subjects of the Pope upon the plea that they have received brigands, or, as they call them, assassins into their house? A man named Gherrardi, having been tried by a major, was shot for the same reason in 1856; another, Gian Castelli, after trial by a captain, was shot in 1855. Four more, whose cases I have here, were upon the same, I must say, most vague and general plea of reception of bad characters, shot by order of a captain. Another, Randi, was, in the year 1851, shot by order of a captain; and another, named Borghi, was shot upon similar grounds by order of an officer of similar rank. These things did not occur in time of war, they did not occur during the revolutions of 1848; they occurred through the long course of years from 1848 to 1859, and never was there a period in Italy when the disposition of the people to rebel—the disposition, I must say, to vindicate by resistance the claims of outraged humanity—was, for the moment, at least, more effectually subdued. And does my hon. Friend (Sir George Bowyer) really think that a state of things like this was to be endured by a population such as that which inhabits the Romagna; and does he really think that any Government, even if it were compelled to submit to the monstrous evil of occupation—when, surely, it should abandon the cant and hypocrisy of declaring that its people are fondly attached to its dominion—ought to deliver up into the hands of a foreign soldiery the whole judicial machinery of the country, upon which the peace and private happiness of individuals and families depend? I must confess, Sir, that it appears to me that the whole doctrine upon which the Papal sovereignty has of late years been supported is so intolerable that the man who could acquiesce in it—I mean the Roman or Italian who could acquiesce in it—would be nothing but a worm fit to be trampled under foot. A people of States so oppressed might, under ordinary circumstances, have some hope of relief: but what says the most eloquent champion of the Papal sovereignty, M. Montalembert? He says that—

> "It is a great mistake to suppose that the Papal sovereignty is a sovereignty over 3,000,000 of Italians to be disposed of by the Pope. It is not to be disposed of by the Pope. Every one of the 200,000,000 Roman Catholics has a right and a vested interest in the maintenance of the Papal sovereignty."

And, therefore, the people who inhabit the States of the Church have not even so much hope left as this, that if the Pope and the Cardinals are favourable to them they may have some chance of relief. No! every Roman Catholic all over the world is to presume to deal with their feelings and their destinies, and to assert a political right to establish dominion over them. This I must say appears to me to be a doctrine, if possible, more monstrous than that upon which the laws of Draco were founded. But my hon. Friend, the Member for Dundalk, followed the hon. Member for Southwark (Mr. Layard) and said that he had dealt in a multitude of allegations which were all equally worthless; that he could not possibly occupy the time of the House by entering upon a discussion of them all, but that he would select one for confutation, and he added *ex uno disce omnes*. By that summary, convenient, and comfortable process my hon. Friend got rid of the indictment presented by the Member for Southwark. The statement which he selected for confutation was this, that at the capture of Perugia a number of women were wantonly killed by the soldiery. Says the hon. Member for Dundalk: "I saw two gentlemen who were eye-witnesses, and they assured me that there was no such thing." I have not got to quote two gentlemen who were eye-witnesses, but I have to quote the printed account of one gentleman who was officially responsible, for he was the Papal officer on the spot. The paper from which I am about to quote is the report of that Papal officer to his superior in Rome. His name is Monani, he was sub-intendant of the district, and he reports to his Excellency the Intendant-General Agostini, in Rome. We have heard something about foreign mercenaries, and a comparison was drawn between the foreigners whom England has at different times employed to make up the paucity of her men—a policy, perhaps, doubtful enough—but a comparison was drawn between them and the foreigners in the army of the Pope. This reporter, who, I must say, seems to do his duty honestly, but, who, of course, does not make the case too bad, says: "The enthusiasm of the troops in attacking the city was indescribable, especially that of the foreigners and gendarmes." Their enthusiasm in assaulting the city was something beyond the average of the rest of the soldiers. Having mentioned that there were certain barricades he goes on—I will read it as accurately as I can in English. "The soldiers then passed over these barricades. They took by assault the houses and the convent, where they killed and wounded all they could, not excepting some women"—*alcune donne*—"and, proceeding forward, they did the same thing at the inn in the Borgo San Pietro." This is the case on which my hon. Friend undertook to confute the hon. Member for Southwark (Mr. Layard), and with respect to which he thought that confutation would be so easy. Why, Sir, this is the precise assertion in terms that was made by the hon. Member for Southwark, because it was not the accidental death of women in the moment of assault, but it was the wanton and deliberate murder of women distinctly testified to by an officer of the Papal Government. [Sir GEORGE BOWYER: Read, read!] I have read. [Sir GEORGE BOWYER: Nothing about "wanton."] I do not find here the word "wanton." I admit that. I find that the troops when they had got into the town killed all they could, including women as well as men. Now, Sir, unfortunately there is, at least there was, a deplorable solidarity among the Italian Governments, and as sometimes in a miniature you see represented with the greatest force the features of the countenance, so there was one of the smallest of these States, the most insignificant of these Governments, which perhaps presented the fullest and truest development of the system —I mean the Government of a Sovereign to whom no allusion has been made by my hon. Friend the Member for Dundalk, the late Grand Duke of Modena—one of those whom, of course, we ought to regard with pity, and even with veneration, as a righteous ruler driven out from his States by the contemptible intrigues of Victor Emmanuel. Well, Sir, here are again a set of original documents. Perhaps the hon. Member will say that they are forgeries. [Mr. HENNESSY: Hear, hear!] I have never seen the original manuscripts, but I hold in my hand the published book, and no contradiction of that book has to my knowledge or belief ever appeared. Let us have a few specimens of the mode of governing in that country which was above all others a paternal State, which was the pet State of the Austrians, and was steadily supported and uniformly countenanced by the Pope. The Pope, who has the thunders of the Vatican ready to launch at the head of Victor Emmanuel, and to brand his crimes, never had any words except those of courtesy and kindness for the Duke of Modena, to whose deeds I am about to refer. These are documents, of a great number of which I have not been able to make myself master, but I think that the specimens which I shall give you will be sufficient. The first which I shall cite was written in the year 1853, a time of profound peace. It does not mention whether the persons referred to were criminal offenders, but I have no doubt that they were. This document is signed "Francesco," and dated "Reggio, May 22, 1853," and is addressed to the Minister "*di Buon Governo*," which I may translate the Home Office, although my right hon. Friend the Home Secretary, who I am glad to see is not in the House, would not thank me for the comparison. The decree refers to a batch of 254 criminals, and orders that they shall all be sent to another prison, and then continues, observing that about one-third of them, who have received but very slight sentences from the tribunals, are to finish their sentences within the current year, "we decree by our Sovereign authority that none of them"—eighty or ninety—"shall be restored to society until they shall have given a proof of reformed conduct in the place where they are to be confined, and shall have acquired some trade." This is the system of government with regard to the security of the people as respects their personal rights. [Sir

GEORGE BOWYER: The offence?] The document does not state the offence. My case is that they were offences that had been tried and judged not by Italian juries but by Italian judges; not persons of opulence and station, like those of this country, but receiving pittances not sufficient for a moderate livelihood, and holding those pittances at the absolute will of the Crown. The Duke of Modena said, "I see that these sentences expire within the year, and, therefore, I decree that the imprisonment of the whole shall be prolonged until the parties shall individually give satisfactory proofs of reformation." Again a young man of 17, named Granaj, of Carrara, was found guilty of murder or manslaughter. The law of Modena does not permit capital punishment under the age of 21. After the trial the Duke of Modena sends forth an edict declaring that notwithstanding the law the young man shall be executed. [Sir GEORGE BOWYER made an observation which was not heard.] The hon. Gentleman seems in some degree acclimated. In another edict I find that the Duke is nauseated by reading three judicial sentences, and his reason is that the crimes are so lightly treated that the punishment is worth nothing at all. The Duke is even more nauseated by finding that previous good conduct has been alleged on the part of the criminals. The third thing that nauseates him is that a man named Felice Libbra, who had been the accomplice of some criminal, should be let out of prison when he had exhausted the whole term of his imprisonment. In this case the Judges were rebuked and a new trial was ordered. I do not wonder that a smile of incredulity passes over the lips of hon. Gentlemen. It ought to do so. It would be wrong that in this age and in this part of the world one should be too ready to believe that such things could take place. But I quote official documents, which I offer for the inspection of hon. Gentlemen opposite. I have told the House of the case of a criminal who did not come under the operation of capital punishment, but in whose case the Duke made an *ex post facto* law for his execution. Here comes a converse case of a law of remission that is not allowed to be retroactive The Duke, writing to one of his Ministers, describes his affliction relative to the case of some criminals who were entitled to the operation of a mitigating law, and he issues an edict addressed to his "Dear Cocchi," its object being to declare that the mitigating law shall not be applicable to that crime. Here is another case in which one citizen was killed and others were wounded in a row between the townspeople and the military at Carrara. The order to fire was given, not by the commander of the troops, but by a soldier, without the order of the commander, who was on the spot. The Duke of Modena issued a public edict, stating that, having looked into the case, he was of opinion that the soldier was perfectly justified in firing without the order of his commander, who, he added, probably deserved a rebuke for not having given the order to fire. I will trouble the House with one more document, and if ever there was a document that deserves to be transmitted for the study of posterity it is this. It is a letter of congratulation addressed by the Duke of Modena to his Minister of the Interior. I will state its purport in English. The Duke states that, having examined the list of those admitted to philosophy and the superior faculties in the University from 1848 to 1853, "we have remarked with genuine satisfaction the decreasing number of admissions." He says that these admissions had previously gone to an excess most pernicious to society. "We recognize that these results are owing, not only to the method of examination and the firmness of the professors, but particularly to the firmness of the Minister of the Interior who is persuaded of the evils that flow from an excess of students and doctors. Wherefore we exhort him, as well as all the professors, to continue always in this salutary path of reducing more and more the number of those who are to be admitted to the faculties and philosophy, and particularly to the faculty of law, which still continues in excess." This is followed up by a positive decree that there shall only be two examinations in the University, that only 150 students shall pass the first, and 80 the second. This is to me a novel view of civil service examinations.

I am afraid I have tired the patience of the House in dealing with the case of these Italian Governments. Now let me say one word as to the yearning of the Italians for political unity. I am ashamed to say that for a long time I, like many more, withheld my assent and approval of those yearnings. I asked why they were not content to pursue locally there local reforms? But there is the most conclusive evidence that the time has now come when Italian unity can be no longer regarded as a term —as a thing to be desired—it is now a thing at hand. And I would ask who have been its main promoters? My noble Friends who sit near me have done something. The influence of England is acknowledged, and it is felt by the Italians that England has done something to promote the great and noble object they have at heart. Let us do justice to our neighbours over the water. We may criticize the annexation of Savoy. We may disapprove the still stronger case of the annexation of Nice. We may be lost in astonishment at the proceedings before Gaeta. But after all these deductions have been made—and they are serious deductions I admit—Italy acknowledges with one voice that she owes a heavy debt of gratitude to France. But it is not our neighbours nor Victor Emmanuel and Count Cavour—with regard to whom I wonder at the extravagant compliments paid to them—who have been the doers of this wondrous work. They have helped it forward; but why have they had such wondrous power to help it forward? Because wherever the name of Victor Emmanuel is mentioned it has a charm from one end of Italy to another, because he has set that rare example in Italy of a true and loyal King—I mean a King to whom a compact with his subjects is a sacred thing, to be maintained through life and until death. Count Cavour will bear any criticism, either here or elsewhere, and I do not anticipate the public judgment when I say that the name of that man will take a place in the list of those who have deserved well of Italy. There are few indeed whose influence on their time or their country has been greater in its power or more successfully directed to benefit that country. But the House will permit me to say that it is not any of these who have made Italian unity what it is—namely, a prospect not far from being realized. There are others who have more contributed to this unity—those who have resisted all moderate and reasonable reform—the Kings of Naples, the series of Popes, the Emperors of Austria. These are they who have forced forward, and not simply helped forward—have forced on the cause of Italian unity. How is it possible that when the subjects of the King of Naples found themselves put down by military power they should not seek that resource which nature itself teaches, of helping themselves, and becoming stronger by union with others? How is it possible that, when the Government of the Pope is carried on upon the principle we have heard to-night, that the question is not to be settled between Sovereign and subject, but that every Roman Catholic throughout the world is to have a voice in maintaining it, and a greater voice, indeed, than those who are under the Papal sceptre—how is it possible that the subjects of the Pope should not seek for strength wherever they can find it to meet such an unnatural combination? Above all, it has been the conduct, the doctrines, and policy of Austria that have laid broad and deep the foundations of Italian unity. When I speak of Austria I draw a wide distinction between Austria in Italy and Austria beyond it. Beyond Italy I wish her well with all my heart, and regard her as the mainstay of the peace and order of Europe. But in Italy I hold it my bounden duty to say that it has been her unhappy and miserable task to be the instrument of carrying affliction to a people, not for her own benefit, but with a result imperilling her own existence as a State. It is Austria that has made Italian unity. What was the course taken by Austria on acquiring her Italian provinces? Did Austria hold that Italy was a mere accidental aggregation of States each one of which might be dealt with by itself apart from the others? No; Austria was the first that denied that doctrine. She denied it in her alliances all over Italy. She denied it when by arms and treaties she provided for perfect unity in the spirit and principle of government from one end of the Peninsula to the other. We know how Austria succeeded in that policy. She had Piedmont at her feet, and after the peace drove her into the desired system by the threat of fresh territorial demands. She had Tuscany at her command. She had a treaty with Naples, by which the King was bound, in the most stringent terms, to sanction no institution that was not in conformity with those of the Austrian dominion. Is it possible to have fuller or more striking testimony to the strong power of unity pervading the feelings of the Italian people than in the fact that Austria based her entire policy on the recognized necessity of assimilating the whole spirit of Government in every State in the Peninsula, and of bringing it under the influence of one moving Power? It is the Powers hostile to Italy who, in the mysterious counsels of Providence, have been the means of compelling the people, now in this crisis of their history, to forget those local feelings with which they were strongly imbued. Every jealousy, every petty tradition, every narrow local view have been merged in one desire—a desire which has arisen from the overpowering necessity of moral self-preservation. That is the desire which the people of England have been viewing with united prayers for its prosperity and success. As it has begun so may it go forward. Never were changes so great and important effected with so little to raise a blush on the cheeks of those who promoted them. They recall to my mind the words with which Mr. Fox greeted the first appearance of the French Revolution, when he said that it was the most stupendous fabric that had ever been erected on the basis of human integrity in any age or country of the world. Sadly, indeed, was that prophecy falsified by subsequent events from causes which were not then suspected; but I believe the words were not far from the truth at the time when they were spoken; and whether they were or not, they are the simple and solid truth in their application to Italy. For long years have we been compelled to reckon Italy in its divided state—Italy under the friends of the Austrian, Italy the victim of legitimacy, Italy with a spiritual sovereignty at its centre—to reckon it one of the chief sources of difficulty and disturbance in European politics. We are now coming to another time. The miseries of Italy have been the danger of Europe. The consolidation of Italy, her restoration to national life—if it be the will of God to grant her that boon—will be, I believe, a blessing as great to Europe as it is to all the people of the Peninsula. It will add to the general peace and welfare of the civilized world a new and solid guarantee.

MR. MAGUIRE: I am conscious, Sir, that I labour under a great disadvantage in attempting to address the House immediately after the right hon. Gentleman. I also feel that the cause which I advocate is the unpopular side of the question; but I, nevertheless, trust to obtain a patient hearing from the well-known spirit of fair play which distinguishes an assembly of English gentlemen. At the outset, I desire distinctly to declare that I am no apologist of Neapolitan atrocities, if any such be really proved to exist; but in saying this much, I must guard myself from endorsing the accusations which have been brought by the right hon. Gentleman, the Chancellor of the Exchequer, and other hon. Members against the late King and the young King of Naples. Neither, I wish to state, do I approve the Austrian occupation of portions of Italy. I wish sincerely that it may be brought to a close, but only in such a manner as may really promote Italian freedom and prosperity. The right hon. Gentleman has held up the late King of Naples to the execration of his hearers as a deep-dyed perjurer, who violated the solemn oath which he had voluntarily pledged to his people. But did the right hon. Gentleman give a fair version of the facts? What was the real state of the case? The late King of Naples did, no doubt, solemnly grant a constitution to his people. But what was that constitution, and how was it received? No doubt he gave a constitution, and swore to maintain it; but the extreme party, who are the curse of Italy, and the most fatal enemies of her liberty, were those who destroyed it, and not the King. The constitution granted provided for two Chambers, analogous to our House of Commons and our House of Peers. This was the nature of the constitution to which the King pledged himself. But how was it received? The very day, if I mistake not, before the Chambers were to have met—before this free Parliament was to have assembled—the extreme party met, and put forward their own programme; and amongst its features was the extinction of one branch of the new constitution—they declaring that they would have a Chamber of Deputies, but not a Chamber of Peers. The matter was taken up by the clubs, and the cry was re-echoed by the mob, who raised barricades in the streets, and set defiance to the royal authority. A collision took place between the King and his people, or rather a section of his people; and the result was that the constitution which was offered and granted by the King, and which was foolishly rejected by the people, was never offered again, and, of course, never confirmed. I put it to the candour of the right hon. Gentleman whether, under these circumstances, the King, by the course which he pursued, was guilty of that awful perjury which he so impressively laboured to demonstrate to the House? I am no apologist for police excesses, whether under the reign of the late or the present King of Naples; but I ask, has the young King received fair play from the Colleagues of the right hon. Gentleman? From the moment he came to the throne he has been railed at and scolded by the noble Lord, the Foreign

Minister; — from the moment the noble Lord assumed the office of schoolmaster to the Princes of Italy he has done everything in his power to crush that youthful Monarch. When he offered concessions these concessions were ridiculed and treated with contempt; and when he was making the last struggle for his kingdom, the "moral" influence of the English Government was added to the power of his dishonest assailant. With the Duke of Modena, and the mode in which he governed his dominions, I have nothing to do; but I confess I am deeply interested in the fortunes of him who so nobly graces the Chair of St. Peter at this moment; and, as a Roman Catholic, I am deeply interested in the maintenance of the temporal power of the Pope, against which the right hon. Gentleman has addressed his eloquent denunciations. I was prepared to expect that the right hon. Gentleman would have made out some case to show why the Pope should be robbed of his temporal possessions; but he contented himself with a few *quasi* facts respecting Austrian occupation of the Romagna, and such epithets as "execrable" and "abominable" as descriptive of the character of the administration of the temporal government of the Papal States. The cases stated by the right hon. Gentleman were given as proofs of outrages committed by Austrian troops at Bologna; but if they were inquired into more closely, I believe it would be found that robberies, assassinations, and other atrocities by brigands, were frequent and rife in the districts in question, and that nothing but military force and summary punishment could put an end to excesses which were made the constant theme of accusations against the temporal authority of the Court of Rome. I do not think that the right hon. Gentleman has made out his strong charge of atrocity on the part of the Austrian troops, or mismanagement on the part of the Papal Government. Count de Montalembert has been misrepresented, and not very fairly, by the right hon. Gentleman. M. de Montalembert never said that the Catholics of the entire world had a greater interest in the government of Rome than the people of the Papal States; but he did say, that in which the Catholics of every country sympathised, that Catholics throughout the world were deeply interested in the maintenance of the temporal power of the Pope, through which he would be in a position to exercise his spiritual functions with greater freedom and more perfect independence. During the troubles of 1848 and 1849, when the Pope was in exile, addresses from all parts of the world, expressive of the same Catholic sentiment, were received by the Holy Father. These addresses poured in upon him from even the most remote countries of the earth, from the very borders of human civilization—proving that the heart of the Catholic world was stirred to its depths when any attempt was made to destroy that power which the hon. Baronet, the Member for Tamworth (Sir Robert Peel), has characterized as "one of the inventions of the Middle Ages." Any statement more ridiculous or absurd has never fallen even from the lips of that hon. Baronet. I was in Ireland when this debate commenced, and it was on my way to London that I read a report of it on yesterday. The hon. Member for Southwark (Mr. Layard) made a speech on that occasion, and I respectfully ask the attention of the House while I refer to some facts and figures to prove that there was not one tittle of justification for several of the statements of that hon. Gentleman. The hon. Gentleman asserted that material progress was discouraged in the Papal States, and alluded to the scarcity of railways as a proof. He also pointed to its deficient cultivation, as another proof of misgovernment, and he triumphantly asked — "Is not the neighbourhood of Rome a desert?" I have passed on two occasions through a considerable portion of the States of the Church, and I might state my own opinion with respect to their condition from personal observation; but I shall not ask the House to rely on my authority. I prefer hon. Gentlemen should rely on the testimony of many eminent men who are thoroughly acquainted with Italy; and they stated—what can be corroborated by many Members of this House—that there are parts of the Papal States as highly cultivated as any portions of the civilized world. Along the shores of the Adriatic, in the Marches, near Ancona and in that direction, there is not any part of Italy which is more flourishing and prosperous. There is not, I assert, a more highly cultivated or beautiful district than that which I mention — and yet it is governed by the Pope. But the hon. Gentleman asked—Was not the neighbourhood of Rome a desert? My answer is—it is a desert, in appearance; but it is now what it was in the sixth century, as described by Gibbon. That author described its condition in these words—"The Campagna of Rome was speedily reduced to the state of a dreary wilderness in which the land is barren, the waters are impure, and the air is infectious." And yet what has existed for a period of 1,200 years is triumphantly quoted by the hon. Gentleman as a conclusive proof of Papal misgovernment! The real fact in reference to the Campagna is that it is the pasture ground for an immense district round Rome. It extends about 350,000 acres; some 50,000 are fit for or are occasionally devoted to tillage. It annually feeds—at least it did in 1857—30,000 cows, 1,800 buffaloes, 8,000 bullocks, 3,500 brood mares, and 260,000 sheep. It produces annually 2,000,000lbs. of cheese, 800,000lbs. wool, and 200,000 skins. It supplies the Roman and other markets with an abundance of meat. It also produces an enormous amount of young cattle, and a fine breed of horses, which are sold in all parts of Italy. I have frequently heard it stated, and on one occasion by a Roman who was himself engaged in agriculture, that the proprietors and renters of the Campagna would not let it out for tillage, which they rather discouraged, because they made more money of it by pasturage; and that is one reason, amongst others—such as the insalubrity of the air—why no effort is made to make it appear otherwise than it does to the eye of a stranger. During a considerable portion of the year it has all the appearance of an arid desert, while during another period it is as bright with verdure as the meadows in this country, or even in Ireland, which is so famous for the vividness of its emerald hue. The hon. Member for Southwark endeavoured to show, by contrasting the few railways in the Papal States with those in the North of Italy, that railway enterprise was discouraged by the Pope's Government. In reply to his assertion, I beg to quote for his benefit the following passage from an article which appeared in *The Times* newspaper of the 28th of March, 1847—

> "The spectacle of an Italian Prince, relying for the maintenance of his power on the affectionate regard and the national sympathies of his people—the resolution of the Pope to pursue a course of moderate reform, to encourage railroads, to emancipate the press, to admit laymen to offices in the State; but, above all, the dignified independence of action maintained by the Court of Rome, have filled the Austrians with exasperation and apprehension."

The writer in *The Times* (and everybody knows that that newspaper was never a great supporter of the temporal power of the Pope) here states that the Pope was even then an encourager of railway enterprise; and I assert that from that day to this he has never changed his policy with respect to this element of modern material progress. But what is the fact? The Pope has freely granted concessions for railways, which concessions are somewhat analogous to our Acts of Parliament authorizing the construction of railways; but in some instances mere schemers and adventurers have got hold of these concessions, and have made them articles of barter and sale. They have frequently got into the hands of those who only meant to make money by trafficking in them, and who never carried out, and never meant to carry out, the pledge which their obtainment implied. I could mention the names of persons who held an eminent position in the financial world who were jobbers and traffickers in these railway projects. By such means and by such men much obloquy has been cast upon the Pope and his Government, and he and his Government have been held accountable for a state of things for which they were and are wholly and entirely irresponsible. The hon. Gentleman said that one line of railway—I suppose that from Rome to Civita Vecchia—was thirty miles long; but if he had said forty-six miles long he would have been nearer the truth; and in reference to this particular railway I may state why, amongst other reasons, its opening was delayed. Its stone-work—its bridges and water-courses—were constructed not by native workmen, but by strangers; and so badly constructed were they, that the Minister of Public Works compelled the Company to rebuild eleven bridges and thirty-four water-courses. Besides the railway to Frescati, other railways are in progress of construction; and when the Pope made the tour of his dominions, in 1857, he saw the line to Ancona in a state of forwardness. That line had been in a special degree supported by the Pope and by the leading members of his Court. When the railways now in progress, and for which concessions have been granted by the Papal Government, are completed, Rome will be connected with Naples on the south, and Tuscany on the north; and while the line to Civita Vecchia already links Rome to the Mediterranean, another which is in progress will link it with the Adriatic. In considering this matter, it should be borne in mind that from the nature of the ground surrounding Rome, serious difficulties had to be overcome in order to meet railways from Naples and from Tuscany; and also the smallness of the resources of this poor country should be taken into fair consideration when an attempt is made to contrast it with other and more flourishing and wealthy states. With regard to the electric telegraph, not less than 614 miles of telegraph traversed the Papal States at the end of 1858, although at that time it was but a recent invention; and at the present moment there may be nearly 1,000 miles of electric telegraph in the Pope's dominions. These facts are, I think, a fair vindication against the charges made by the hon. Member for Southwark when he alleges that material progress is systematically arrested in the Papal States. Pius IX., who is said to be such an enemy of progress is a financial reformer and a free-trader. In 1854 and 1855 he made large changes in the tariff, from which considerable commercial prosperity ensued. From 1829 to 1858 the customs of the Papal States actually doubled in their amount; and this without any increase in taxation, but simply from an increase of trade—which increase principally occurred in the years subsequent to the change in the commercial tariff made by the present Pope, and as the natural result of his wise and liberal measures. Then, again, the Pope endeavoured by a system of competition and rewards to stimulate the industry of his people. Every year an exhibition of industry is held in the Capitol; and in the year 1857 a sum of 17,000 scudi—a large sum in such a country and in such a state—was distributed in rewards for the encouragement of wollen manufactures. Other industries are also stimulated by rewards, such as planting valuable trees, and new inventions. As another proof of progress, I may mention that there has been of late years a marked improvement in the shipping of the Papal States. These States, I must of course admit, are comparatively poor and insignificant, with a very few good ports, and some miserable creeks; but still, although the figures might well excite the derisive pity of a Liverpool merchant, they do exhibit a marked and steady improvement. In 1850 the number of vessels belonging to the Papal States was 1,595, with 29,084 tonnage; but in 1857 the ships had increased to 1,847, and the tonnage to 33,471. And within the same period the tonnage of ships entering and leaving the ports of the States had increased by 257,681 tons. I shall now glance at the finances of the Papal States which we are assured have made no material progress. The Chancellor of the Exchequer, at least, will acknowledge that the condition of a country is, as a general rule, fairly represented by the state of its finances; and if we track the history of the Papal dominions, it will be found that when peace and tranquillity prevailed, the finances became every day less embarrassed, and in time exhibited the happy result of a balance in favour of the Government. From 1815 to 1830 there was tranquillity in the Papal States, and at the end of that period there was a balance in the Exchequer. There were disturbances in 1830 and 1831, mainly caused by the effects of the French Revolution which placed Louis Phillippe on the throne, and there was the terrible Revolution which terminated in the flight of the Pope and the Roman Republic. The result was what might have been expected—great financial embarrassment, through the obstruction which the state of the country offered to all trade and business. That Revolution also left a legacy of 7,000,000 scudi of worthless paper money. The Pope returned to his capital in 1850; and notwithstanding the condition in which he found his capital—notwithstanding the legacy of these 7,000,000 scudi of worthless paper money—by good management on the part of his Government, aided by even a brief period of peace and tranquillity, there was in 1858 a balance of 140,000 scudi in the Papal Exchequer. The interest in the foreign loans was diminished in one year by no less than 251,388 scudi. To one item of the Papal expenditure attention ought to be called. So anxious was the Pope not even to seem to rest his power upon the support of foreign bayonets, that from the moment he returned to his capital in 1850 he resolved to have an army of his own, and in the years 1856, 1857, and 1858, he devoted the seventh of the entire revenue of the country towards the formation of such a force. The revenue in 1858 amounted in round numbers to 14,000,000 scudi; and of this a little more than 2,000,000 scudi were devoted to purely military purposes. It has been said that Rome groans under a priestly tyranny—under a proud and splendid ecclesiastical court, which is lapped in luxury—and that the people are crushed under the load of their taxation. What is the fact? I have an unimpeachable authority on this subject—the Count de Rayneval, who wrote to his Government from Rome in May, 1846. He says—

> "The taxes remain much below the mean of the different European States. A Roman pays the State 22 francs annually, 68 millions being levied on a population of 3,000,000. A Frenchman pays the Government 45 francs, 1,600 millions being levied on a population of 35,000,000. These figures show demonstratively that the Pontifical States, with regard to so important a point, must be reckoned amongst the most favoured nations."

But there has been a reduction since then; for in 1858 the taxation per head was but 3 scudi, 72 baiocchi—that is 20 francs, or 16*s*. English money. And the property tax amounted to 1 scudo, 35 baiocchi on every 100 scudi—or about 1⅓ per cent. It has been alleged that the Papal Court is lapped in luxury, and that the Cardinals live in the midst of profusion and splendour, while the people have to pay for all this extravagance. What is the fact? The entire expenditure for the support of the Government and the Court does not exceed—did not in 1858 exceed—the small sum of £125,000. It may be interesting to know who and what are supported and provided for out of this enormous sum. Among them are the Holy Father, the College of Cardinals, the Ecclesiastical Congregations, the offices of the Secretaries of State, the Diplomatic body, Religious ceremonies, maintenance of the Government palaces, museums and libraries connected with them, pensions of members of the Papal Court, and provision for casual expenses; also, the Guard of Nobles, the Palatine Guard, and the Swiss Guard. The whole of these expenses are defrayed by the sum of 600,000 scudi, or £125,000, which is not larger than the revenue of a moderately rich Duke in this country. It has been said that most of the offices in the Papal States are monopolised by ecclesiastics. I flatly contradict the assertion. There were, in the year 1856, not more than 124 ecclesiastics holding purely civil offices, while the number of laymen holding similar offices was 6,854. Even in the purely religious associations or congregations there were two laymen employed for every ecclesiastic. No doubt the Secretary of State and some other superior officers were ecclesiastics; but was that extraordinary? The Roman Government is an ecclesiastical Government. [Mr. LAYARD: Hear!] Yes, it is an ecclesiastical Government, and it must stand or fall on its merits. But it will not fall because it is thundered at by the hon. Member for Southwark or the hon. Baronet the Member for Tamworth, or because it is prophesied at by the hon. and learned Member for Marylebone. When the lay element predominated what happened? Was not Count Rossi at the head of a purely lay ministry? The hon. Member for Southwark never condescended to say a word about the murder of Count Rossi the lay Minister of the Pope. An entirely lay ministry, as well as a free press and a free Parliament, failed to satisfy the revolutionary clubs of Rome; and on the very threshold of that free Parliament, granted to his people by the Sovereign who is now hunted by the Foreign Office, and spewed at by every caterer for a rabid constituency, the lay Minister of the Pope was struck to death by the hand of an assassin. The hon. Baronet the Member for Tamworth said that the temporal power of the Pope was an invention of the Middle Ages. That is certainly a new fact for me. Has the hon. Baronet ever read Gibbon on this subject? I shall quote a few lines from Gibbon on this question of the temporal authority of the Papacy, which I think will prove that the same power which the Pope now exercises was held by and guaranteed to his predecessors in the eighth century. Gibbon says—

> "Her ancient patrimony of farms and houses was transferred by their bounty into the temporal dominions of cities and provinces; and the donation of the Exarchate was the first fruits of the conquest of Pepin." * * * * *
>
> "Its strict and proper limits were included in the territories of Ravenna, Bologna, and Ferrara; its inseparable dependency was the Pentapolis, which stretched along the Adriatic from Rimini to Ancona, and advanced into the midland country as far as the ridges of the Apennines." * *
>
> "This temporal dominion is now confirmed by the reverence of a thousand years; and their noblest title is in the free choice of a people whom they had redeemed from slavery."

This is a conclusive proof of the monstrous absurdity which I have heard for the first time this night. No doubt it is the policy of the present Government to destroy the temporal power of the Pope. It is, unfortunately, the momentary madness of the French Emperor to do the same. In the pamphlet with which the whole agitation commenced, and in the speech delivered a few days since by Prince Napoleon, the same desperate and fatal policy is endeavoured to be carried out. But there lived a greater man than Napoleon III., or than

Prince Napoleon, though he has married the daughter of the King of Sardinia. The First Consul, who was undoubtedly the greatest man of his age, held a different opinion with respect to this same temporal power, from that which is now held by his relatives in Paris, or by the noble Secretary for Foreign Affairs and his Colleagues in London. These are his words, quoted by M. Thiers, in the *History of the Consulate and the Empire:—*

> "The Pope is out of Paris, and that is well; he is not at Madrid, nor at Vienna, and it is for that we tolerate his spiritual authority. At Vienna, at Madrid, the same could be said. Do you believe that, if he were at Paris, the Austrians and the Spaniards would consent to receive his decisions? We are then, too, happy that he resides away from us, and that, in residing away from us he does not reside with our rivals."

It is quite true the conduct of Napoleon the Emperor was different from the language of Napoleon the First Consul; for he changed his policy, and sought to tyrannise over the Pope, Pius VII., to whom he addressed a remarkable letter in 1805. It is valuable now, as it shows the use that was attempted to be made of the Pope, and the danger of undue influence near the Papal throne; but the reply given by the Pope, who was then at the mercy of the conqueror of Europe, ought to inspire sympathy in the minds of English gentlemen for the successor of that illustrious Pontiff—

> "All Italy must be subject to my laws. Your situation requires that you should pay me the same respect in temporal, which I do you in spiritual matters. You are Sovereign of Rome, but I am its Emperor. All my enemies must be its enemies. No Sardinian, English, Russian, or Swedish envoy may be permitted to reside at your capital."

The Pope thus replied—

> "Your Majesty lays it down as a fundamental principle that you are Sovereign of Rome. The Supreme Pontiff admits no such authority, nor any power superior in temporal matters to his own. There is no Emperor of Rome. It is not thus that Charlemagne treated our predecessors. The demand to dismiss the Envoys of Russia, England, and Sweden, is positively refused: the Father of the faithful is bound to remain at peace with all, without distinction Catholics or heretics."

The right hon. Gentleman, the Chancellor of the Exchequer, and the hon. and learned Member for Marylebone have both assured us that there is now an end to the temporal power of the Pope—an end, in fact, to the Papacy. Have these Gentlemen read history in vain? If they will only look back a little they will find that this temporal power has been in far greater danger within the last one hundred years and that it has yet survived. The French Directory endeavoured to destroy the Papacy. Napoleon endeavoured to make it his instrument, and to subjugate it to his will. Pius VI. lost every foot of his dominions. He was carried off a prisoner from Rome, hurried from fortress to fortress, and died a captive. Yet the temporal power of the Pope was not at an end, nor was the Papacy destroyed. His successor Pius VII. was elected at Venice, and not in the Vatican. He was also borne off a captive from Rome, and by a general of Napoleon's. This was in 1808, when the tricolour floated from the Castle of St. Angelo amid the peal of French cannon, and the Emperor was proclaimed King of all Italy; and still the temporal power was not at an end, nor was the Papacy destroyed. The States of Europe united against his oppressor, and that despot was crushed. Pius VII. was restored to his dominions amid the rejoicings of his people, and under his rule the Papal States made great material progress, the practical test of which was that in the year 1830 there was a balance in the Papal Exchequer. Pius IX. was obliged to seek safety in flight. His palace was assaulted, his person was in danger, and the then Members for Marylebone and Southwark might have then prophesied that the Papacy was at an end. It was not at an end; and that which has existed for a thousand years will not yield to base machinations, vile intrigues, dishonest artifices, and wicked calumnies. I thoroughly believe that the Providence of God for wise purposes watched and watches over the temporal power of the Pope. It is necessary to the free exercise of his spiritual power and authority; and so long as that is dear to millions of Catholics throughout the world, I have no fear that, however for a moment it may appear to mortal eyes to be destroyed, it will not be built up again more strongly than ever. This is my firm belief, and the belief of the majority of Catholics throughout the world. As the Pope, in his temporal capacity, has been represented as a tyrant, and his Government "execrable," it is only fair that the real state of the case should be known, and should be again made clear. The impulse to liberty in 1848, and which has produced so much as is genuine of the present spirit in Italy, was given from the Vatican. When Pius IX. ascended the throne in 1846, he did so as a reformer. Pius IX. has a large heart, full of sympathy and compassion, and replete with the most generous emotions. He determined to win his people to his throne and person, and link them to him by words of love and affection. He granted an amnesty, and flung open the prison door. He then gave to his subjects a free Parliament, a free press, and lay administrators. He was remonstrated with by wise and wary statesmen in his council, but he was too full of generosity and confidence, and he disregarded their cautious advice. He gave to his people, as I said, free institutions—a free Parliament—an assembly such as had not met in Rome since the time of the ancient Senate—a free press, and a lay administration. No doubt, he alarmed the despotic Governments of Italy and Europe by the daring character of his concessions; and it was remarked at the time by an eminent statesman, Cardinal Gizzi—"Pius IX. will certainly fall, but he will fall with honour, because he will do so in giving free institutions to his people." It was a true prediction, for Pius IX. did fall, and the free institutions broke down; for the revolutionary clubs excited the populace into a state of frenzy, and the press, to which the largest freedom had been granted, became licentious in its attacks alike on the throne and altar. [Mr. LAYARD shook his head.] Does the hon. Member mean to say that I state what is untrue? If he does I can easily confute him, for I have read passages from the writers of the Roman press at the period, and I assert that they wrote in the spirit of a Red Republic, that they preached the wildest revolutionary doctrines, doctrines which led the way to the overthrow of the liberty which the Pope had granted, and which eventually merged everything in a chaos of anarchy and confusion. What a requital for this free Parliament and lay administration, that upon the very threshold of this free Parliament the lay Minister of the Pope should be slain by an assassin in the open day! Who can truly say that the Pope did not make a fair trial of his reforms? M. de Montalembert alludes eloquently to the unrequited gifts of the Pope in these words. [After reading a passage from a pamphlet published in 1856, Mr. Maguire continued] —The Pope then did make a fair trial, and how were his reforms received? Ungratefully—with violence, murder, open insurrection—by the noon-day assassination of an enlightened minister, and by a daring attack upon his palace and his person. I ask was the Pope when he returned from Gaeta, to which he had been compelled to fly, so enamoured of risk and revolution as to make the experiment a second time? Why he ought to be branded as a madman if he had been rash enough to adopt the same line of policy again. Well, then, I affirm that, instead of being assailed as he has been as the enemy of free institutions, the Pope ought to be held up as the apostle of liberty, and the munificent granter of freedom to his people. Now, as to the determination of Pius IX. to render his Government independent of foreign bayonets. All Catholics desired to see the Pope independent of France and Austria; but they also knew that the power of France and Austria was absolutely indispensable after the revolution of 1848 in order to repress further attempts, and to allow things to settle down into repose. The Pope was sincerely anxious to surround himself with a native army, or an army composed of natives and subjects of Catholic and friendly States. In 1858 he had succeeded in raising an army of about 17,000 men, and he hoped soon to have it increased to 20,000, which would have been sufficient for the protection of peace and the maintenance of tranquillity. But the Pope has been taunted here as well as elsewhere with having called "mercenaries" to his standard! Does such a taunt come well from that bench, or from any part of this House? Does it come well from England? What did you do when you were entering on the Russian war? Did you not then enlist mercenaries? What did you do in India? Did you not enlist mercenaries there also — turning against the natives of that country every savage tribe that you could lay hold on or seduce to your side? Did not England employ foreign mercenaries against Ireland—Germans—"Hessians"—whose very name is abhorred in that country to this day? Did she not employ these foreign mercenaries to put down the people of Ireland some sixty years since? And yet we hear the Pope taunted with having employed mercenaries for the purpose of maintaining the tranquillity and independence of his kingdom! The native soldiers of the small army brought together by the Pope were systematically corrupted by the efforts of the secret societies; and if he were to have an army at all, he should obtain men from the Catholic Cantons of Switzerland, from Austria, Belgium, and other countries. This army, it must be remembered, was raised, not for purposes of aggression on other States, but for the purpose of maintaining order, and putting an end to that state of things which had been so often condemned in this House—the presence of the troops of France and Austria in the dominions of the Pope. But the virtuous King of Sardinia was indignant with the Pope for having enlisted mercenaries—for striving, in fact, to render himself independent of foreign bayonets. The Pope arms himself to defend his territories against the attacks of revolutionary bands. What does the King of Sardinia do? At the very moment the Pope is thus protecting his dominions, this gallant King sends him an imperious message—"Disband your mercenaries;" but without giving time for an answer to this insolent demand, the King, who has no sympathy with revolutions and robbery, sends one of his ablest generals with a powerful army to aid the revolutionists and crush the infant army of the Pope commanded by General Lamoriciere, who struggled in vain against the force and the treason of this King, whose acts and whose deeds are the theme of fulsome eulogy. I do not know of a more infamous act than this. I believe that the history of the world can scarcely afford an example of greater injustice, and iniquity, than was manifested in the conduct of the King of Sardinia in his wanton and causeless attack on a friendly Sovereign who was merely defending his dominions from the revolutionary bands. All the acts of that King are of a piece, from the first to the last—from the sale of his birth-place, the cradle and home of his ancestors—to his treacherous attack on the Pope and the King of Naples. It is true the hon. Baronet, the Member for Tamworth, is not willing to forgive the King of Sardinia, against whom he and the hon. Member for Bridgwater (Mr. Kinglake) hurled so much denunciation last year. Now, every act of the King of Sardinia and the Emperor Napoleon is of a piece. The Chancellor of the Exchequer expressed a kind of indignation at those who in these days ventured to talk of national law and the rights of nations; but these, if I mistake not, are founded upon the principles of justice, morality, and right. Now, what are to govern nations but the very same principles which ought to govern individuals—the laws of justice, equity, and fair dealing? If this be not so, and if a new code and doctrine are to be set up, then we must be prepared for revolution and outrage, and to stand by while the strong crush the weak. Was conduct ever more perfidious than that of this gallant King? He allowed Garibaldi to form his revolutionary troops under the very eye of the Government—he permitted a revolutionary expedition to sail from his shores—and this while he affected to deprecate the designs and objects of the revolutionary party. Garibaldi, who acted, it was said, against the wishes, or in defiance of the wishes of the King, actually used the flag of Sardinia. If this were so — and it is stated triumphantly this evening—why did not the King repudiate Garibaldi openly, and denounce the outrage upon his flag? But no, the chivalrous monarch would only repudiate Garibaldi in case he failed; but the moment he succeeded in his enterprise that moment the chivalrous monarch came forward to take advantage of that which a short time before he affected to deprecate. He professed to deprecate the invasion of the Papal States, and he even pretended that his object in taking an active part was to crush revolution; but, instead of attempting to crush revolution, he crushed the army of the Pope who was resisting the revolutionary force by which his dominions were assailed, and he did so without any provocation whatever. Such conduct as this was a violation of all justice and morality. But the noble Lord justified it in a most extraordinary manner. The noble Lord would not take on himself to say whether the assumption of the championship of the liberties of Italy—in other words, of the revolution—by the King of Sardinia were right or not; but having once resolved on taking up that position, every act which he did in furtherance of his original intention was a necessary act, and consequently a justifiable one. Therefore, because Victor Emmanuel had conceived the iniquitous idea of robbing friendly Powers of their States, every act he did, or was compelled to do, in furtherance of his iniquitous intention, was justifiable and proper. Was there ever heard such public morality as this? England—through its Government and its Press—applauded the conduct of the King of Sardinia, and why? because it was a Catholic monarchy that was attacked—because it was the head of the Catholic Church that was assailed. I believe, as if it were a revelation from Heaven, that Protestant bigotry is at the bottom of the whole of it. On my soul I believe that the spirit of Exeter Hall and the Protestant Alliance has animated the diplomacy of the Foreign Office. I believe that the Minister who abandoned Reform and sold the Reformers, selected this anti-Papal crusade as a good card—the same card which the noble Lord played in 1851, when he wrote the Durham letter. It is a desperate attempt on the part of a shaky Administration to prop up their falling power by pandering to Protestant hate of Catholicity. What has the Pope done that he should be robbed of his dominions with the sanction of the Foreign Office? I deny that the people of the Papal States have risen against the temporal authority of the Pope. I assert what has been done has been done by revolutionary agents, by secret societies, by the connivance of the French Emperor, and by the active aggression of the King of Sardinia, and that the mass of the Pope's subjects are true to him at heart. The right hon. Gentleman (the Chancellor of the Exchequer) and others had endeavoured to represent the Pope, his Government, and his generals as monsters, because "a few women" were accidentally shot at Perugia. Much has been said of this "massacre" of Perugia. The delicate feelings of the noble Lord (the Foreign Minister) were dreadfully shocked; yet the Foreign Secretary approved the bombardment of Canton, when red-hot shot was poured into a populous and defenceless city. [Mr. B. OSBORNE: Why, he voted against it.] True, so he did—but why? I now recollect that the noble Lord made the bombardment of Canton an occasion for the display of his unfriendly feeling to the noble Lord, the present Prime Minister. I should have remembered how the noble Lord seemed to have sworn to trip up his noble Friend on the first favourable opportunity. At any rate the Government of that day and the House of Commons sanctioned the bombardment of Canton—the firing of red-hot shot into one of the most densely-populated cities in the universe; and yet you are now horrified when you hear that thirty or forty people have been shot in a fair stand-up fight in the streets of Perugia! Let me put a case. Suppose to-morrow there was a rebellion in Ireland. ["Oh!"] Well, perhaps it is dangerous to go so near home. Suppose, then, a rebellion in India. Suppose that your army has to attack a rebellious city. British soldiers, with the full approbation of the Home Government and of the country, would shoot down every one of the enemy who showed himself upon the walls; they would batter down those walls, and blow in the gates; and if barricades were erected in the streets, they would kill their defenders: and if they were fired upon from the windows of houses, they would enter those houses, and put their assailants to the bayonet. Now, in Perugia, after the action, some of the Papal soldiers were opposite a hotel, when a shot was fired from one of the windows which killed a drummer-boy, who was then certainly as defenceless as unoffending. Other shots followed. Of course, the soldiers did what all soldiers would have done under the same circumstances—they rushed in and killed those who fired the shots. No doubt, in moments of excitement, exceptional cases of apparent cruelty may have occurred; but I defy any man honestly to say that a massacre was perpetrated in Perugia. Great God! is the Pope the only Sovereign who must not defend his dominions? And is General Schmidt to be stigmatized as a ruffian and a mercenary because he faithfully serves a legitimate monarch who is protecting his states from anarchy; while Cialdini, who is carrying out the unscrupulous policy of his master, and that darling Pianelli, who issued his ferocious orders to slay without mercy, are applauded? When the noble Lord and his colleagues and supporters taunted the Papal troops with acts of cruelty they ought to recollect that in India there was such a practice as blowing men from the mouths of the cannon. That is peculiarly an English invention. Neither the French nor even the "brutal" Austrians have practised it. To this country belongs the entire honour of this humane punishment. Nothing could be more unfair than the manner in which the Pope and the King of Naples have been hunted down by the English Government. The young King of Naples was not allowed time to institute reforms; but when he did so he was laughed at for having granted them. English policy is most unfair, because it is not really a policy of non-intervention, and because everything that could be done has been done to damage the Pope's cause, and to back up the robberies of Sardinia. It is true, the Government of England has not actually sent bayonets, or cannon, or soldiers to attack the Pope or the King of

Naples; but the whole "moral" weight of the English Government, represented faithfully in the Foreign Office, has been flung into the scale against those friendly sovereigns. And, let me ask, is Italy really improved by the changes which have taken place? The correspondent of *The Times*, as well as writers in other journals even more strongly in favour of revolution, declared that anarchy, confusion and corruption were rampant there; while Mr. Elliott, whose testimony the Foreign Minister cannot question, writing on the 15th of October, and speaking of Naples, said that malversation and corruption and oppression were more prevalent and deep-seated than they had been at any previous period. These are the very words of Mr. Elliott. Here are a few passages from the despatches of Mr. Elliott. On the 15th of October Mr. Elliott writes regarding the state of the country—

> "Malversation, corruption, and oppression are greater at the present moment than they have been at any previous period."

On the 9th of November he admits that

> "The corruption which has prevailed in every branch of the administration of the Dictatorship has far surpassed anything that was known even in the corrupt times which preceded it;" and he adds, "after having bestowed two kingdoms upon his Sovereign, General Garibaldi's last days at Naples have been embittered by the sense of neglect and of ingratitude."

In fine, on the 17th of the same month, Mr. Elliott says—

> "This gloomy view is caused chiefly by two considerations; first, the universal corruption prevailing throughout the country, and the absence of all public morality; and secondly, the conviction that there is not a hearty or general desire for the success of the annexation."

On the 23rd he writes—

> "I regret to have to call your Lordship's attention to the barbarous announcement of General Cialdini's determination to put to death all the peasants he finds in arms, in support of him whom they have the right to consider their legitimate Sovereign."

Now it has been said that the utmost enthusiasm for annexation existed among the people. That is a palpable untruth. No doubt, the violent and revolutionary party, and those who have nothing to lose and everything to gain by change, may have exhibited this alleged enthusiasm. But how was the free vote of the Neapolitans taken on this question of annexation? Here is the evidence of Mr. Elliott, who writes on the 16th of October:—

> "The vote is to be taken by universal suffrage, and although not avowedly by open voting, it is so arranged that what each man does will be known, and public opinion brought to bear on him. In fact, both the terms of the vote, and the manner in which it is to be taken, are well-calculated to secure the largest possible majority for the annexation, but not so well fitted to ascertain the real wishes of the country."

Many people voted under the threat of the dagger, and I utterly deny the general feeling is in favour of annexation. The Neapolitan vote was the affair of Savoy and Nice over again. Splendid things had been said of a united Italy; but you might just as well talk of a united Continent—of a united Europe. It is absurd to speculate upon it, for there can be no such thing. The Italian nationalities are as distinct as nationalities in any part of the world—as France is from Spain—as England is from France. Naples and Sicily, Tuscany and the Papal States, have no real sympathy with Sardinia. The Southern Italians entertain a feeling of aversion, almost amounting to contempt, for the unpolished people of the North. All the Southern States have each their proud memories, their glorious traditions, their distinct and separate individuality; and it is idle to suppose that they will ever really consent to be merged as mere provinces of that which they regard as a barbarian state of the North. How are they to be held in unity? Is it by the sword—the sword of Sardinia? Italy—united Italy—will soon break to pieces, and it may happen that ere long we shall learn that the same power which recently acquired Savoy and Nice has endeavoured to acquire some portion of Southern Italy as his share of the spoil. I deny that the King of Sardinia is entitled to respect or consideration; on the contrary, I contend that he deserves the execration and contempt of every honest man, because of his flagrant violation of those sacred principles upon which the stability of states and governments and the independence of nations rest. Gentlemen were indignant at having Garibaldi described as a pirate. But, according to the law of nations, what else could he be considered? And if he had been captured by the King of Naples, by what known law could his execution be forbidden. I shall say nothing harsh of General Garibaldi. He is, at least, a gallant soldier, and throughout these transactions he has shown himself single-minded, though a fanatic, for he has returned to Caprera as poor as he left it. [SIR GEORGE BOWYER: Gammon!] My hon.

Friend thought this "gammon"; but certainly, in my opinion, Garibaldi has come better out of the contest than any of those who fought on the so-called national side. Compare him with the King of Sardinia! This gallant King watched his proceedings, allowed him to assume his flag without repudiating him, took advantage of his victories, and then basely dismissed him, and this conduct of the King of Sardinia towards Garibaldi has sunk deeply into the minds of the Italian people. Some noble and generous words have been attributed to the King of Sardinia which he never wrote, for Victor Emmanuel is one of the stolidest stupids in Europe. He has, combined with this stupidity, the morality of a moss-trooper and the temperament of a he-goat. Yet this is the King whom the noble Lord and the Chancellor of the Exchequer laud as the saviour of Italy! It is, Sir, a curious fact that scarcely any man, however great, has ever assailed him who sat in the chair of Peter, or laid violent hands on the possessions of the Church, without eventually suffering for it. The present Emperor of the French —now speaking by the mouth of Prince Napoleon, the hero of several battles which he never fought—wishes to divide Rome into parts, one part for the Pope, the other for the King of Sardinia—who is to protect the Pope and the independence of the Church! What happened to the Great Napoleon who laid his impious hands on the sacred person of the Pope? He died an exile and a prisoner, and his proud heart broke beating against the bars of his island cage. The present Napoleon is a far different man. He is not great. He is a subtle schemer, little more. His power is not so secure as his flatterers represent it to be. His throne and dynasty rest on a volcano, and but a thin crust separates him from the fire which rages beneath. Every one knows what drove him to Italy. It was the fear struck into his heart by the infernal machines of Orsini and Pierri; it was their bloody fingers pointing from the scaffold to Italy which directed him there; and he is now pursuing a course which will alienate from him the affections of a large mass of his people. The Bishop of Poictiers may be denounced and prosecuted for nailing him to the cross—yes; but no bishop would have dared to write what he has written of the Emperor if he did not know that he was representing the feelings of a great body of the people of France and of Europe. If he persevere in his course let him beware, or his end may not be so honourable or so glorious as that of the prisoner of St. Helena. It is certainly no compliment to the Conservative to be told that the King of Sardinia is the representative of Conservative power in Italy. Conservatism is not, according to my reading—and I am not a Conservative —based on fraud, hypocrisy, robbery, and an open violation of the laws which govern nations. Conservatism holds its own, while it endeavours to advance and improve it; but it does not trample on every holy and sacred principle of right and justice. I wish Italy to be happy, but she cannot be happy under the iron rule of a king who has no sympathy, who can have no sympathy, with the mass of his people, if such they can be called. I may give one fact, which will indicate how absurd is this dream of a united Italy. In 1831, there were disturbances in the Papal States, and in certain provinces the Pope's authority was at an end for a time. The province of Spoleto was in the hands of the revolutionary party, and a self-elected Committee set up a Government with a Foreign Minister, a Minister of the Interior, and the usual staff of high officials; but the sphere of its authority narrowed day by day, for every city in the province set up its own government and had its own Home and Foreign Ministers. The same thing happened in the province of Perugia. If this were the case with cities in the same province, how could States which differed from each other as much as France and England be expected to coalesce together and form one nation? I deny that the King of Sardinia has given municipal institutions to his new subjects. The Papal States have long enjoyed municipal institutions, jealously cherished by the very smallest communes; and so far from Victor Emmanuel being the granter of free institutions to his own subjects, Pius IX. is the author, to a large extent, of the constitution which Sardinia now enjoys. The first impulse to the Italian liberty came from the Vatican. Last year the noble Lord opposite rather abused the Pope, and the Chancellor of the Exchequer did the same. To night the right hon. Gentleman eulogised the Pope personally; and, some nights since, the noble Lord, whose designs are as transparent as glass, adopted the same tone with respect to the Holy Father. "Why don't you, good, amiable, benevolent gentleman," said the noble Lord, "why don't you surrender your embarrassing temporal power, and quietly place yourself under the protection of the honest and loving King of Sardinia?" Yes, the noble Lord was anxious that the lamb should place itself in the power of the wolf whose red jaws are open to devour it. But the Pope will not take the noble Lord's advice. The Pope knows that the Prime Minister and the Foreign Secretary are the two worst enemies of the Church of God, ("Oh, oh!") or, not to offend Protestant prejudice, I will say of the Catholic Church, in the world. Count Cavour is not worse; the King of Sardinia is not worse. The noble Lord who inflames the passions and prejudices of his countrymen, who stimulates revolution and justifies sanguinary spoliation is worse than the wretched instruments who are working out, not the designs of Providence, but, as I believe, the wishes of the Evil One. But the noble Lord will neither intimidate nor cajole the Pope. He is not so simple, so utterly "green," as to be bamboozled by the clumsy artifice of the noble Lord; and in his present misery and agony of mind—for his crown is indeed a crown of thorns—he attributes much of his suffering to the machinations of the English Government. These began in 1846 and 1847, when a now deceased relative of the noble Lord's was mixed up in them; and the same spirit of intrigue, the same tampering with peoples, exciting peoples against their lawful sovereigns, and stirring up revolutions, is still at work. This may be popular in England—yes, but it will not go down in Ireland; and let not hon. Gentleman despise the power which Ireland can exercise in the conflict of parties. The recent election for the county of Cork has been mainly decided on the noble Lord's foreign policy, and while only 2,500 persons voted for the Liberal candidate, who would have supported the noble Lord, nearly 7,000 voted for his opponent. The Irish Attorney General, a gentleman of the greatest distinction at the bar, of almost matchless eloquence, and of the highest private character, is now in want of a seat; but I venture to say that if that estimable gentleman would go down and contest the city of Cork just now—so disgusted are the people with the noble Lord—he would not have the slightest chance against even the vilest Orangeman in Cork. This pandering to Protestant prejudices has entirely alienated the people of Ireland from the noble Lord. At one time, too credulously trusting to his professions, they had been his ardent admirers; but now they abhorred him, for the untruthfulness of his policy, for his want of candour, for his malignant attacks on the Pope, and for his systematic course of conduct which has for its object the destruction of the temporal power of the Pope. That temporal power may be momentarily struck down, but it will be raised up again. In spite of English opposition and Foreign Office diplomacy this will inevitably happen. If the Pope were driven from his palace to-morrow and his capital given to the King of Sardinia, you would see his Holiness restored to his dominions and people before two years had passed. There are Catholic Sovereigns and nations interested in the spiritual independence of the head of the Catholic Church, and they will not sanction the annihilation of a power which assists to maintain it. There are those—and they sit on both sides of this House—who believe that if they destroyed the temporal power of the Sovereign Pontiff, they would also destroy the Papacy. I deny it. The Papacy is beyond your reach, and above your enmity. Let not the frequenters of Exeter Hall and the supporters of the Protestant Alliance believe in the alleged Italian reformation—let them them not imagine, because Italy is now in a fever, that Protestant principles are about to triumph there. Every feeling of the people is against them, and and when Father Gavazzi was haranguing or lecturing in several places, he had to be protected from their indignation. I believe the King of Sardinia in some respects closely resembles the author of the English Reformation; and, if circumstances favoured the parallel between him and his great prototype would probably hold as to the number of wives he would give to the axe. But, Sir, be that as it may, it is not in the power of Victor Emmanuel to change the religion of the Italian people; nor is it within that of the King of Sardinia, the Emperor of the French, and the English Government combined, to finally destroy the temporal power of the Pope, or to put an end to the Papacy.

Mr. ARTHUR RUSSELL said, that having passed a few months in Italy during both the present winter and the last he ventured to detain the House with a few remarks. Everything that he had heard, seen, and observed in that country, had led him to exactly the same conclusion as that arrived at by his hon. Friend the Member for Southwark (Mr. Layard). He had conversed with Italians of many classes, and with many priests, who had arrived at the conviction that the time had come when the temporal power of the Pope should cease. The hon. Baronet, the Member for Dundalk (Sir George Bowyer), attributed the great national regeneration they had witnessed in Italy entirely to the intrigues of Count Cavour, and the judicious distribution of bribes. If that view was really correct, and if it was true that the Neapolitan army and navy had been entirely destroyed by the offers of Sardinian gold, he must say that the Neapolitan army richly deserved its fate. So, also, with the revolution in Tuscany. If it was actually brought about by half-a-dozen Sardian agents, who imposed themselves on the people in such a manner as to prevent them for nearly two years from raising a finger to regain their national independence and recall their beloved Grand Duke, then that people must have richly merited its fate, and those Sardinian agents had only shown that they were really statesmen who deserved to govern the country. He had the pleasure of meeting the hon. Member for the King's County (Mr. Hennessy) in Italy, and he believed it would not be unfair to say that that hon. and learned Gentleman went to Italy with his mind fully made up—that he went only to collect information unfavourable to the Sardinians and the national cause, and that might be damaging to the foreign policy of Her Majesty's Government. He (Mr. Russell) endeavoured to introduce the hon. Member to some of the National party at Rome, whom, no doubt, he would call the Sardinian emissaries; but, although the hon. Member listened to them, it was doubtful whether any impression had been made upon his mind, as he had not made the slightest reference to those interviews. The hon. Member went to Rome, not as a judge, but as an advocate, and he seemed now to wish only to attribute everything to the influence of the Foreign Office. He (Mr. Russell) thought the hon. Member overrated the powers of the Foreign Office, although it would be very gratifying to his own feelings to believe that his noble relative had contributed to bring about the great results lately achieved in Italy. The hon. Member for Southwark (Mr. Layard) quoted some extracts from a pamphlet written some years since by the hon. Baronet, the Member for Dundalk (Sir George Bowyer); but it would not be fair to charge that hon. Baronet with inconsistency, for when that pamphlet was written the Pope was a Liberal, a Reformer, and an Italian patriot, and the hon. Baronet was bound in honour to be also a Reformer and an Italian patriot. The day was not far distant, perhaps, when the Pope might again become a patriot and a Liberal, and then every one would be delighted to find the hon. Baronet restored to his former opinions. All the hon. Gentlemen who had spoken against the Italian cause imported their religious feelings into the debate, and, therefore, they were not impartial judges. The hon. Member who had spoken last (Mr. Maguire) had quoted statistics to show that the temporal government of the Pope was not so bad as it had been represented. But it was not a commercial question merely. Supposing that the Members for Ireland had a national grievance to complain of, they could not accept as a satisfactory answer that the Customs returns showed so many pigs had been exported. The truth was that this was a profitless discussion. All internal questions affecting Italy might safely be left to Victor Emmanuel and his Parliament. One question, indeed, did concern that House, and that was the foreign policy of the Government; but the result of the debate would be to prove that that policy did really express the sympathies of the country, and was in harmony with its interests.

Mr. MONCKTON MILNES: Sir, as it has been my lot upon many occasions during the last twelve years to bring under the attention of the House the condition of Italy, and the struggles that were taking place in that country, I may be permitted, at this supreme moment of the Italian movement, to express my earnest congratulations, and to say, that whatever hopes I had formed of the rapid progress of Italian liberty have been accomplished beyond my most sanguine expectations. It is impossible not to feel, from the fervid eloquence we heard in the early part of this evening, and the chivalrous devotion of the small band of Members opposite, that we are in totally different positions, because all that we have said has been proved, all that we had hoped for has come to pass; and it is, therefore, our duty to treat these champions of a fallen cause with forbearance and respect. I have always felt upon one part of the Italian question—the Roman question—that it became us Protestants to approach it with humility; to understand that a very large body of Christian men throughout the world view the question in a totally different aspect; and that we should make every allowance for their feelings and opinions. Therefore, upon that part of the Italian question I will only make one remark. It appears to me that the advocates of the temporal dominion of the Pope have made this fatal blunder—they have confounded the question of property with the question of sovereignty. Upon the question of property, be it corporate or individual, you may talk of spoliation, of robbery, of injustice, if you please; but the question of sovereignty is a question that lies between the Sovereign and the people; and for you wholly to ignore the existence of the people, and to say that for the advantage of the Catholic world generally the people are to submit to a distasteful rule, and one which they think it is degrading to submit to—that is a position which is not consistent with national rights nor the principles of common humanity. I will only say that whether the settlement of that particular question is to be found in a joint occupation of the Holy City by the French and Sardinians, or in a change of opinion on the part of the respected person who now holds the sovereignty, it is not for me to say; but I do hope that question will be solved in a way which will do least injury to the feelings of the Catholic world. The main object of the hon. and learned Gentleman in originating this discussion is to abuse the foreign policy of the noble Lord, and especially what he calls our intervention in Italy. Now, as to the foreign policy of Her Majesty's Ministers, there was a saying of Prince Talleyrand's, a short time after the inauguration of the new policy of non-intervention. He was asked by some one, "What is non-intervention?" He replied that, as far as he could understand, non-intervention was a metaphysical expression, which meant pretty much the same as intervention. As long as Europe forms a great corporation, with common objects and interests, it is impossible for a great country like this to remain entirely apart from the rest of the world. We must intervene with our feelings and the moral force of our sympathies, although we abstain from an intervention which would require the expenditure of English money or implicate English honour. That is just what the noble Lord seems to have done. I do not say that his course has been entirely uniform or consistent, but I say that, taking the whole course of his policy, and considering the varying circumstances of the world from time to time, it has been a policy for which no Englishman has cause to be ashamed. The question of Italy is approaching its solution. Each day brings us news of events which tend to obliterate all distinctions of States in Italy; and the hon. Gentleman opposite will soon have no opportunity of quoting statistics of one State or another, or of speaking of the Sardinian debt or the Neapolitan debt, but all will be merged in one united Italy. But I do not, indeed, believe that all the difficulties of the Italian question have received a solution. Such a great historical event as the unification of Italy must be accompanied by vicissitudes. The municipal or federal feelings that have been alluded to must find expression, and the difficulties of the King and Count Cavour begin in the hour of their triumph. I think it is important that the feeling of the House and the country should be fully understood in Italy, that the Italians may know that they will have our support in their perilous path to national liberty; that in all their difficulties they will have our sympathy; and that upon all constitutional questions they will have our example to guide them. Whatever course the will of Providence may prescribe—be the accomplishment of this great object immediate and rapid, or be it slow and deferred—England does believe in her inmost heart that a great nation has arisen in whose birth she has felt great interest, whose progress she will follow with sympathy and anxiety, and whose firm establishment she believes will contribute to the benefit of Europe.

MR. ROEBUCK: Sir, there is no person who feels more acutely than myself the responsibility which attaches to a person who speaks on a great question like that which now occupies the attention of the House. The influence of this House is so important, every word that is pronounced in debate here is echoed at the uttermost parts of the earth; and, no matter how insignificant may be the individual, his words contribute in some measure to the effect produced. What I shall now say will, I fear, be unpalatable to many here; but not holding any office under the Crown, and not being connected with any party, I give expression to my own opinions alone, and let the world judge what they are worth. It appears to me that many Gentlemen who have addressed this House have mistaken the object with which we are now discussing this question. What we want to learn is not so much what has occurred in the past as what the future shall produce. We want to know how the Government of this country ought hereafter to act concerning Italy. To the extent that the answer to this question depends on what has passed we are justified in referring to the past; but so much lies in the future that we may well pass by the petty discussions with which we have been entertained, leaving to future history the disputes between the followers of Garibaldi and the followers of the Pope. We are here as legislators to determine in what way the great influence of England shall be directed in coming years. I shall look on this question simply as an English one. I believe that what is for the interest of England is for the interest of the world. Her influence is so great and so good that what conduces to her welfare conduces to the welfare of the world; and, therefore, I say, I address myself to this great question simply as an Englishman. Now, I want to know what ought to be the policy of England; and for that purpose I ask myself what ought we to wish Italy to be, and what are the steps that we ought to take in order to bring Italy to that condition. I at once confess that I am for what is now to be considered "an united Italy." That is an expression which I know excites discontent in some minds; but when I come to describe what I mean, perhaps it may not be so offensive. I want to see Italy under one Government from the bottom of the Peninsula up to the Mincio. I want it not to be held by any foreign Power, but to be wholly Italian. Entertaining this view, I have to ask myself of what nations Italy is composed, and what are the nations round and about Italy. I find in the north-west a great Power — namely, France; I find in the north-east another great Power—Austria; and still further east another great European Power — Russia. All these countries were to be borne in mind in considering the state of Italy. What are the hopes which ought to exist in any rational mind of accomplishing an united Italy? To the present hour that is a consummation which has never been effected. Excepting under the leaden despotism of the Empire of Rome Italy never could be considered in any way as one. Under the Republic she was many; and in the great days of her existence there were separate Powers throughout Italy. Before, then, we can hope for an nited people, we have to conquer all the feelings of local and municipal rivalry. But is there no other disturbing force? We have been told, with all that vehement eloquence which so distinguishes the Chancellor of the Exchequer, that France has done great things for Italy. Yes; France has done great things for Italy; may France not have done great things for herself? Has not France advanced towards the crests of the mountains which surround Italy, and can she not, when she chooses, pour her soldiers down on the plains, and put an end to your expectations of an united Italy? At the present moment is there not a wedge driven between the north and the south by 40,000 Frenchmen quartered at Rome? You have to get rid of them. You have also to create some counterpoise to the power of the Emperor of the French before you can expect, not merely an united Italy, but a self-governed Italy—one which shall be a nation for itself, and not a vassal of France. It has not been my fate to appear in the character of one who lauded the Emperor of the French. I have to look at his conduct with regard to Italy; and in this House, where to-night we have certainly heard some very remarkable statements, and some very hard language has been used — I hope I may be permitted to express in respectful terms my opinion — even though it should affect so great a potentate as the Emperor of the French — I have no faith in the Emperor of the French. I do not believe that with the Emperor's will there will be an united and independent Italy. And I warn the two noble Lords who sit on the Treasury Bench, in order that they may not be tools in his hand in making Italy his vassal, and in increasing the power of France, which is even now imminent on her border, which is hanging on the crests of the Alps, and which has 40,000 men in garrison at Rome. I warn them that they may not be instrumental in uniting Italy to France. Italy a vassal of France would enable France to domineer over Europe. Mark how you step; be very cautious how you tread, lest you should be led into that path. I pass now from the north-west to the north-east. The Italians hate the Germans. When France ruled Italy, the Italians hated the French. It is a very common opinion now-a-days, and it is one which the French Emperor has approved, that we are to listen to what is called universal suffrage, and to be guided by popular opinion as to the government of States. Is England in a condition to acquiesce in that opinion? Does England adopt that principle? Shall we give up the Seven Islands in the mouth of the Adriatic? If we listen to the hon. Member for Dungarvan shall we adopt this course with regard to Ireland? Should we have been able to do so in Canada some years ago. Should we have been able to do so in India not many months ago? I say, therefore, this is not a principle that can be adopted by English politicians. The only parts of Italy held by Germany are Venetia and the Quadrilateral. I press on the noble Lord opposite and the noble Lord at the head of the Government—and I do so in consequence of what was said by the Chancellor of the Exchequer—the danger of the course they are pursuing in endeavouring to extrude Austria from her dominion in Venetia. ("Oh, oh.") I am very well accustomed to that dismal sound, but I must have something more than that sonorous "Oh, oh!" — I must have an answer. And what I am asking for, and what I am endeavouring to discover, is some counterpoise to the power of France — some counterpoise to her interference in Italy, which shall prevent the Italian people from becoming the vassals of France, so that Italy shall not be made an instrument against England, and on the consideration of the interests both of England and Italy, I say it is our duty to prevent the expulsion of Austria from Venetia at present. I know this is an unpopular view. Oh, I have no doubt of it. It has been my fate very often to bring forward unpopular ideas in this House; but the curious thing is, that what was unpopular when I first mentioned it, has become the creed of this House. (*Laughter.*) I will mention a particular case. The hon. Member for Leeds (Mr. Baines) is laughing; but it was before his time. In the year 1835 I made certain propositions with regard to our colonial rule; and I recollect the time when I was considered a traitor and not an Englishman for doing so. I want to know whether there is a single word which I then uttered, a single demand which I then made for the colonies, which has not been granted; and whether you have not adopted in your colonial policy the very rule which I recommended, and which was so unpopular at the time? When such a change has taken place on an important point in the views of the noble Lord the Minister for Foreign Affairs may I not hope that—unlike the Member for Brighton (Mr. White), who meets me with a sonorous "Oh!"—he will listen to my arguments, and, possibly adopt them? We have made an alliance with France; and I will ask any man who has studied the history or the geography of Europe whether our natural continental ally is not Austria. But it said that Austria is at the head of the despotism of Europe. Austria was at the head of the despotism of Europe; but Austria is now a constitutional Government. There is a great prophet come among us, and that prophet is the Member for Southwark. (*Laughter.*) He laughs at the idea; but I want to know whether our conduct to Ireland before 1829 was not quite as bad as that of Austria to her subjects? In 1829 we changed our policy, and from that time to this our policy has been different. I believe Ireland is well governed now; but I believe that our policy before 1829 was bad, was cruel, was unjust. Well, then we changed, and Austria has changed, and the Constitution which she has granted to her people is as liberal as our own. [Mr. White: Hear!] I am not a nervous man or I do not know what might have been the effect on me of that very melodious cry of the hon. Member. I say that on paper the constitution of Austria is as liberal as ours; and what is it that makes me believe that that policy will be persevered in? The interests of Austria—the interests of the House of Hapsburg. If Austria attempted to depart from it—if she were to attempt to go back to the old days of 1849—the House of Hapsburg would disappear from Germany, the Austrian throne would be overturned, the whole Empire would be split up into parts, and we should see the various nations around aggrandized by her dissolution. No one knows better that this is the case than do the leading men of Austria. They have told me so. The policy of England ought to be to support Austria because she has no interests opposed to those of England. The hon. Member for Southwark talks of the Austrians—the brutal Austrians. I want to know, when you set soldiers against a besieged town, is there any country in Europe whose army is not brutal? What do you say of Badajoz—what do you say of St. Sebastian? I say that if you put soldiers before a town, and they take it by assault, there is no crime that is not committed, no brutality that is not perpetrated, nothing shocking to humanity that does not occur; and among the nations that ought to blush by reason of such deeds is England. I know many here will say I am speaking against England. There is no man who hears me speak but does not know that from youth upwards I have always been called a thoroughgoing John Bull. I am not a big John Bull; but I am a John Bull. My sympathies are with my country; and I believe I have all the prejudices, all the peculiarities, and all the faults of my countrymen. [Mr. WHITE: Hear, hear!] I think I have read of some Roman orators who were accustomed to have fighters by their side. Others had persons to make gestures. The hon. Member's interruptions remind me of the services performed by those assistants, but I am pretty well hardened, and I can bear these things. I was asking the House to listen to my argument in respect of our policy towards Austria when I was interrupted by the hon. Member, and, going back, I should wish to remind the House that the Austria of the present time is not the Austria of the past, and that it is our interest to support Austria. All our interests are coincident with hers. She exports corn, wool, wine, and hides—all of which we desire—but she does not export manufactures, and would gladly receive our manufactures in return for her produce. And be it remarked that Austria has no desire to compete with us, not merely in commerce, but in war. She builds no ships to be the rival of our navy. She does not keep the world alive and disturbed by her aggressive policy. We have made friends, or attempted to make friends, of those who do all these things. Why should we not address ourself to that great Power of the Continent which would be our friend in difficult times? Besides, Austria lies between Russia and Western Europe; and depend upon it that the words of the First Napoleon are dangerously prophetic—"Europe will be either Republican or Cossack." The time will come when the attempt will be made to make her Cossack; the time is now hovering over us when we are threatened with an alliance between our ally and Russia. I am now speaking frankly to this House, and I am speaking words which I think the noble Lord the Secretary for Foreign Affairs will say are worthy of consideration. An alliance between France and Russia is threatened—is predicted—from day to day; and let me tell the House that such an alliance is not for our benefit. We shall have to cast about us for friends, and I think the friend on whom we ought to rely, and on whom we can rely, is Austria. And let me tell the hon. Gentleman the Member for Southwark that the Austrian nation have feelings which lead them to wish for the good-will of this country. Their children are brought up to esteem and love English literature, and let me tell the House that that is a mighty link between two nations. You cannot go into a house in Austria in which, if there be means to accomplish it, there is not a teacher of the English language. The literature of England is a literature which they all appreciate and admire, which they all love; and let me tell the House that that literature has diffused throughout Austria that desire for freedom and self-government which has arisen throughout that country. This has not been done in an hour, or a day, nor in the life of a man, but gradually English ideas and English aspirations have permeated throughout the country; and if the English Government will now show her friendship and protect her against aggression, we shall in turn find in her a hearty supporter and a willing protector; for a protector we may need against the aggression of Russia or France. Italy cannot afford such an alliance, for she cannot protect herself. Returning then to Italy, do not the Italians want some counterpoise? The Member for Southwark talks about Charles VIII. Did he not go from the Alps to Rheggio? What is to prevent Napoleon III. from doing the same thing? Will any man tell me that 40,000 Frenchmen might not march from one end of Italy to the other? Does any man believe, I ask, that the [filibustering—to use an American term—army of Garibaldi would have been successful in Italy if they had had a single regiment of French soldiers to oppose them? I admit that great things have been done by Garibaldi; and here is my answer to all that has been said by the hon. Members for Dungarvan, for Dundalk, and for the King's County. They say that Victor Emmanuel and M. Cavour, and the noble Lord, robbed the Italian potentates of their dominions. Not so. They are not the men who have done it. The bad rulers of Italy have done it. When Garibaldi landed in Naples with his few hundreds of soldiers, while the King had a large army, if that army had been faithful and brave, could he possibly have succeeded against them? No, it was the instinctive feeling of the Neapolitan people —their detestation of their monarchs—their determination, on the first chance that occurred, to throw off the odious rule. Garibaldi succeeded because the rulers of the country were unworthy to rule, and that is the whole secret of his success. But if he had been opposed to Austrian or French troops, do you think the result would have been the same? And if he were now, as the hon. Member for Southwark suggests, to attack Venice, with the same means that he attacked Messina, this I shall prophesy, that he would be hanged in a week. What I state is perhaps unwelcome; but the truth is often unwelcome. And if what I have said to-night is in time to have any effect, I believe that effect will be wholly in favour of England. Her power, her dominion of the sea, her influence over men's mind and intellect are her greatness and her glory. To maintain this position is now in the hands of the two noble Lords opposite. They are the rulers of the destinies of this great country. On their heads will rest the responsibility for what is now being done. If they make Italy merely the vassal of France they will have done no good for England or for the world. But if Italy is made really free, independent, and united—free from spiritual as well as temporal despotism—they will have done that for which their names will be hailed by posterity, and they will deserve and receive the thanks of the whole world.

MR. SOMERSET BEAUMONT said, he had intended to say a few words in vindication of the policy of Her Majesty's Government with respect to Italy; but he found the House so unanimous in favour of that policy, that it required no support from him. That policy was one of non-intervention, and he had never yet heard it stated how the Government could have acted otherwise. For instance, he had heard the Government blamed for not preventing the landing of Garibaldi's forces on the mainland of Naples. But what would have been the consequences of such an interference? The King of Naples would not the less have fled, and then there must have been a joint occupation of the country by English and French troops; but such an occupation, however consistent with French schemes, would not have been consistent with the policy of Great Britain. The policy of the English Government had been truly national; and, at the same time, had been for the advantage of Italy. There was no need for him to dwell on the mismanagement of the old rulers of Italy, for, in fact, they found defenders nowhere but in this House; and it was certainly an extraordinary thing that the House of Commons, the home of liberty, should contain three such able apologists of the system pursued by the Neapolitan Government. When he was lately in Naples he could hardly find a single supporter of that Government. With regard to the new Government, however, he believed that its difficulties hitherto were nothing to what they would be in future. It was a comparatively easy thing to get rid of bad rulers; the difficulty was to create among the people the elements of public life; and, much as he hoped to see the day when the Neapolitans would prove themselves independent and self-reliant, he was bound to admit that that day seemed for the present to be far off, and that in Naples, at least, there was great political inertness and apathy. It would be time enough for Italy to talk of forming alliances when she had consolidated her empire and organised her army. He hoped Her Majesty's Government would continue to watch over the interests of Italy, and caution her against the officious friendship of a neighbouring Power, and that she would become accustomed to political and public life, and take her place as a great and independent nation.

MR. MONSELL said, he had risen several times earlier in the evening and endeavoured to catch the Speaker's eye, because he had wished to express his views at some length. At that late hour it was impossible that he should do so, but he would throw himself on the indulgence of the House while he addressed it for a few moments. The first point that struck him was that he had never heard a foreign debate in that House involving great national interests in which so little reference was made to the great principles of international law and international justice as had been shown by those Gentlemen who defended the policy of the Government. The hon. and learned Member for Marylebone (Mr. James) had confined himself to the endeavour to make out that the revolution in the Neapolitan States was promoted by the great majority of the Neapolitan people. What might have been the state of popular feeling when the hon. and learned Member was there he could not say; but it was a fact beyond dispute that at the present time the Sardinian Government was most unpopular among the Neapolitan people, and that its only supporters were to be found among those to whom places had been given. As to the Abruzzi no difference of opinion could exist, for then an insurrection was being vigorously carried on by the peasantry; and, whilst it was said that the people were unanimously in favour of the present order of things, it must be remembered that an army of 60,000 Piedmontese was required to keep the people in order. He did not say this from any want of sympathy for the Italian people, but because it was his solemn conviction that the liberties of Italy would never be accomplished by any attempt to unite people who differed more from each other than did the French and English people. He desired to see the Italians rise from the depths of degradation to which they had sunk, but that could only be accomplished by allowing each people, after their own kind, to develope its own civilization. With the views of the hon. and learned Member for Sheffield (Mr. Roebuck) he had no sympathy whatever. There was the strongest possible feeling on the part of the Italian people against the system of Austrian rule. That system was established by the arrangement made in 1815, and was among the chief causes of the miseries of Italy. The present apparent unanimity in Italy had risen almost entirely from that cause. But on the other hand, those were mistaken who imagined that the national feeling of the different Italian States was not strong. It might sleep for a while, or be crushed, but it would most certainly rise again, and Italy would never again have the opportunity of what he might perhaps call her resurrection if the present opportunity were lost by allowing the Sardinians to coerce the Italians into a combination that was most distasteful to them. Were this permitted troubles precisely similar to the present would arise. With regard to the speech of the right hon. Gentleman, the Chancellor of the Exchequer, he would ask what it amounted to, considered in relation to the foreign policy of the Government. He described the trials that had taken place at Modena, and the scenes that occurred during the Austrian occupation of Bologna, but these were matters that had no direct bearing on the question before them. He remembered well the doctrine put forth by the late Sir Robert Peel in the last speech he delivered—namely, that we ought to treat the smallest States with the same consideration that we gave to the most powerful. His right hon. Friend in his vehement denunciations frightened Gentlemen on the benches opposite when he said that those who defended the King of Naples had more courage than the King of Naples had. With reference to what had fallen from the hon. Member for Tavistock as to the feeling of the Italian people regarding the Roman Government, he must say that his experience differed from that of the hon. Gentleman. At the end of the year he was at Rome. It was the custom of the Pope at that season to go to one of the churches of Rome about a mile and a half distant from his palace. He (Mr. Monsell) was present on the last occasion, and, though accustomed to Irish enthusiasm when their affections were called forth in any way, never had he seen such a demonstration of affection as was shown towards the Pope by all classes of the people who crowded the streets. He would say one or two words on the question of international law in relation to the invasion of the Papal frontiers. At the time when General Cialdini had declared his intention of invading the Roman territories the French Emperor sent a telegraphic message from Marseilles to the Duke de Gramont, saying that the French Government would oppose the entrance of the Sardinian troops into the Papal States, and that message was sent from Rome to Ancona. General Cialdini said that he understood the matter better—he knew what was the feeling of the Emperor of the French, because he had had an interview with him. On the 22nd of October M. Thouvenel sent a despatch to the different Courts of Europe, which did not appear in the blue books before the House, explaining that it was true that such an interview did take place, and stating that what General Cialdini said on that occasion on the part of the Cabinet of Turin was that if great disturbances occurred in the Roman States it would be necessary for the Piedmontese to enter those States in order to protect the temporal Government of the Pope, and to go on into the Neapolitan territory to fight a battle against the revolutionists. In spite of that despatch, which he was surprised did not appear in the blue book, the noble Lord had given his approval to the course which was being pursued by the Sardinian Government. He asked any gentleman whether there ever was in the world an act of greater treachery than that which the Government of Sardinia had committed? He knew he was addressing a body of men whose sympathies were not with him; but he felt sure that their sense of honour would revolt against such conduct as this, notwithstanding that it had received the approbation of Her Majesty's Government. After all, in forming precedents we ought to remember that they might be used against ourselves, and after the course which had been pursued in this instance we might at a future time find it very difficult to oppose the entrance of the Russians into Wallachia and Moldavia, or that of France into Belgium. Those Powers would point to the principles on which we had acted, and it would be impossible for us to stand upon the strong moral ground which we had hitherto occupied, of saying that we were the defenders of right, honour, and justice, and that for no prejudice or desire of our own would we sacrifice those great principles.

Lord JOHN RUSSELL: At the close of the second night's debate upon the Question of going into Committee of Supply, it is very difficult to say what is the real question which hon. Gentlemen upon different sides of the House have raised. Upon this occasion I can perfectly understand that Gentlemen, either in opposition or supporters of the Government, may take the Ministry to task for their foreign policy, and may say, as they have a perfect right to say, "Before we go into Committee to give any Supply to Her Majesty we must have explanations with regard to the policy which the Government have pursued." But the hon. and learned Member for the King's County, the hon. and learned Member for Dundalk, and my right hon. Friend who has just spoken, have in fact raised a totally different issue. They have raised the issue in the first place whether the Government of the King of Sardinia is a better Government than that of the late King of Naples, or better than that of the Pope; and, in the secon dplace, whether, seeing that in their opinion the Government of the King of Sardinia is not so good as that of the Pope or of the King of Naples, Her Majesty's Government were justified in giving support to the King of Sardinia against the Pope and the King of Naples. To the whole of that question I might answer "Your representation of the policy of Her Majesty's Government is an entirely mistaken one." I might even grant the first proposition. I might say, "The Italians are extremely wrong to prefer the Government of the King of Sardinia; it is, no doubt, perfectly clear—you have made it clear to demonstration—that the Government of the Pope is much more enlightened, and the Government of Naples far more humane than is the Government of the King of Sardinia;" but after all, I should say that does not touch the policy of Her Majesty's Government, which has been that we would not interfere by force to prevent the Italians from choosing the Government under which they would live. That has been, and is, the policy of the Government, and not a policy of supporting the King of Sardinia against any other Sovereign or State whatever. My right hon. Friend who has just addressed us has, indeed, referred to the approbation which I expressed in the name of Her Majesty's Government of the entrance of the Sardinian troops into the States of the Pope, and into those of the King of Naples. For that, no doubt, we are responsible; but that, again, I say, is a question for the Italian people themselves to decide; and that is what I said in the despatch which has been so often alluded to. If the people of Naples preferred, as they evidently did prefer, to be governed by the King of Sardinia, and to be relieved from their existing Governments, it appears to me, looking to numerous precedents in the history of Europe, that they were justified in making that election, and that we should not have been justified either in expressing disapprobation, or in preventing them from changing their Governments. The right hon. Gentleman refers to Belgium, and says, "Would you allow French troops to enter Belgium?" Why, we did allow French troops to enter Belgium; and not only that, but we made it a matter of convention that they should enter that country. And why? The people of Belgium had risen against their Sovereign with whom we were bound by every treaty of alliance; they had broken the Treaties of Paris and of Vienna, by which all Europe was bound; and it was because they had done this that we allowed a French army to go into Belgium in order to prevent the Sovereign from enforcing the dominion against which they had rebelled. Therefore, this is not a matter without a precedent. And, as I have mentioned this instance, look how it bears upon another question which the hon. Member for Dungarvan (Mr. Maguire) has raised to-night. He said that the Government of this country have such a hatred against the Pope that they are ready to support any persons who will overthrow his dominion. He says they cannot bear the Pope, and, therefore, because there was an insurrection against him, they immediately took the part of the rebels. My first answer to that must be that all the persons, that all the great bodies who are fighting in Italy, are Roman Catholics. There is no Protestant Power which is directly concerned in the question at issue there. It is a contest of Roman Catholics against Roman Catholics. It is a contest not on any matter of faith, but upon a matter of temporal power and Government. But, in the next place, I shall reply that, in the instance to which I just referred, we, making myself responsible, but more particularly my noble Friend near me (Viscount Palmerston), who is supposed to be inspired by the Evil One quite as much as myself, took the part of a Roman Catholic people who wished to establish Roman Cotholic institutions, against a Protestant Sovereign who was accused of making them too Protestant, and of attempting on account of his prejudice in favour of the Protestant religion to overthrow their Roman Catholic institutions. Well, then, I think that that accusation, at least, will fall to the ground. I will now touch upon the question, which, I must say, I think is hardly one for the House of Commons, but which yet is the question to which we have devoted two nights' debate—namely, whether the people of Italy have been right or wrong in overturning the Government of the King of Naples, and that of the Pope in the greater part of his dominions? Upon that subject I must say that, after all I have heard, it seems to me that a Government more abominable and more degrading to the people than those of the Kings of Naples have never existed in the world. Look at what the young King who has just lost his throne was led by evil councillors to do. We have lately heard a good deal said against the King of Sardinia on account of a certain pension paid to the mother of one Milano who attempted to assassinate the late King of Naples. That, at all events, is no fault of the King of Sardinia, because his lieutenant at once abolished that pension. When the late King of Naples came to the throne he found a number of persons who had been put in prison because they were supposed to be the accomplices in this crime, or to have some knowledge of the attempt of that soldier who endeavoured to be an assassin. It was represented to the King, and by the English Ambassador among others, and a petition was also presented to the King by the persons thus imprisoned, setting forth that they were altogether innocent of the crime laid to their charge. They said, "If there is any evidence, bring us to trial; let witnesses prove that we are guilty, and we are ready to submit to any punishment the Court may decree." But the Government of the King of Naples said "No; we will not bring you to trial." The persons accused replied, "If you will not bring us to trial let us go free." "No," said the Government; "it is possible you may be guilty although there is no evidence to prove it. We shall endanger the safety of the King if we let loose those who may possibly be guilty, and you must therefore stay in prison for the rest of your lives for the imaginary crime." That was the way in which justice was administered in the Kingdom of Naples. Take another instance. As my right hon. Friend (the Chancellor of the Exchequer) stated, the whole Kingdom of Naples was governed by the police. There were a number of persons, principally of the middle orders, who were called "suspected." They were hampered in every way; they were not allowed passports to go to the next town; they were not allowed to leave the country, or to bring up their sons to the learned professions. If one of these persons said, "I have a clever son who has a disposition for the law," or another said, "I wish to send my son to a medical college," they were not allowed to do so. About 100,000 persons were thus watched by the police, and were not allowed the use of those liberties which the subjects of the greatest despotisms are permitted to enjoy. At length a decree appeared declaring that this surveillance was at an end. But the Minister of Police sent a secret order to the police that these persons were still to be kept under "inspection," and were not to be allowed to do the things previously forbidden without the matter being reported to him. That shows the perfidy of the Government. They were not only tyrannical in their overt acts and destroyed the social life of the country, but they concealed what they were doing. Well, these things naturally sank into the minds of the people. and when they saw the opportunity of freeing themselves from such a torment it was no wonder they gladly availed themselves of it. I now come to the case of the Pope and the Legations. The very worst character that a Government can have is that they neglect the things they ought to do, and do that which they ought not to do. Well, that is exactly the fault of the Roman Government. The first thing a Government ought to do is to protect life and property. The Roman Government afforded no protection to life and property. A man could not travel in the Romagna in safety. One gentleman told me he was about to sit down to dinner in his country-house, when a band of robbers carried off everything in the house, and he determined — wisely, as I think — never to live in his country-house any more. Some young men who committed offences against ecclesiastical discipline were punished, but the only remedy against robbers and murderers was that military tribunal to which my right hon. Friend the Chancellor of the Exchequer has alluded, and which, evil and oppressive as it might be, was only an indication of the insincerity that prevailed. With regard to those things which the Government of the Pope did do, one of the greatest abuses a Government can commit is to prevent a man from using those faculties that God has given to him, and refusing to permit them to worship Him according to the dictates of their own conscience. That, however, was the whole business of the Roman Government. Every care was taken that men should not use those faculties which God gave them, and should not worship according to the dictates of their conscience. Thus the Roman Government forbade that with which a Government had nothing to do, and did not do that to which the people were entitled. If these were the faults of the Government what wonder that the people should at once and gladly receive another Government? I should like my right hon. Friend the Member for Limerick (Mr. Monsell) to account for the fact that when the Austrian garrison left Bologna there was no question about carrying on the Government on behalf of the Pope. The Cardinal who governed there, as the representative of the Pope, left Bologna as soon as the Austrian garrison took its departure. There were no Sardinian troops, or, so far as I know, Sardinian agents in Bologna, but there was a general resolution on the part of the people, the moment the Austrian troops left, to declare that the Papal Government was at an end and was dissolved. In like manner, every one knows that if the French troops were to leave Rome, as the Austrians left Bologna, exactly the same consequences would ensue, and the temporal Government of the Pope would be at an end. Then, the real question is not whether the Sardinian Government is preferable or not to these Governments, but, these Governments being thus distasteful, not to say abhorrent, to the people, was it any business of the English Government to say, "However much you detest your Government and prefer to live under the King of Sardinia—however much you may wish for Italian unity—we, the English Government, are determined to oppose your wishes and to employ the force of England to prevent you from obtaining your independence?" Was that a course that any English Minister would take, or that this House would approve? It is not necessary to prove that the King of Sardinia's is a good Government; but I see with great pleasure that an Italian Parliament is assembled, that persons duly elected by the provinces of Italy have taken their seats, and that they have met to carry on a Constitutional Government in which freedom of conscience and political liberty may be completely enjoyed. The hon. and learned Member for Sheffield (Mr. Roebuck) says we ought to consider what is our policy, and ought to prevent the expulsion of Austria from Venetia. There, again, is a question for the people themselves. I should be very glad to see that Power maintained, because I quite agree with my hon. and learned Friend that during many contests in Europe for two centuries past we have often contended in the same cause, and against the preponderance of other Powers, with Austria. I agree with him that Austria is a great, regular, and Conservative Power in the middle of Europe, that tends to preserve many of the political and social advantages which Europe enjoys. With regard to Venetia, it is true, as my hon. and learned Friend says, that Austria has adopted a representative Constitution. It is for those who are summoned as representatives of the provinces of Austria to decide what their policy shall be; but I believe it will be found so difficult to retain the affections of the people of Venetia, and that the Austrians garrisons are so costly that it is not for the interest of Austria to continue making such heavy sacrifices as the preservation of Venetia requires. I think, therefore, that it would be better for Austria herself that Venetia should be governed according to her own wishes and aspirations. But I never can lay down the principle, as the hon. and learned Gentleman seems to wish, that this country should go to war for the purpose of maintaining the Austrian dominion in Venetia, if it should be shown that the people of Venetia are opposed to that dominion.

MR. ROEBUCK said, he never suggested such a course; he suggested that persons coming from other parts of Europe should be prevented from attacking the Austrian dominions.

LORD JOHN RUSSELL: With regard to a war of aggression that is a different matter, upon which when the time comes it will be sufficient to enter. But with regard to the general question we remain on the same ground we have always taken. We have never interfered to prevent Italy becoming an united country. The right hon. Member for Limerick says that the people of Italy detest one another so much, and are so separated, that they never can form one country. It is for them to decide that. If their mutual hatreds are so great they will not fail to find expression in the Parliament of Turin, and separation will probably be the result. But, having known something both of Spain and Italy, I should say that the hatred which exists in Spain between one province and another—between Castile and Andalusia, or between Valencia and Arragon—is far more bitter than that which is to be found in Italy. Yet Spain has been governed for a long period by one monarch; and any jealousy or dislike that may exist between the people of neighbouring provinces has never been urged as a ground for constituting a Federal State or that there should not be one Castilian or Spanish monarch. In like manner if the people of Italy can get over their jealousies and dislikes, let them form one united people. Unfortunately for the Italians there are objections to that course from very opposite quarters and of the most opposite character. France is disposed to think that it would be much better for her to have a number of weak separate States in Italy than one strong State exercising a pressure on the South as unpleasant as the pressure on the North. Germany, again, fears that an united Italy would be sure to take part against her with France. Now, it seems to me to be rather hard on the Italians, who have not yet constituted an united Italy, and are free to choose their policy, to bring such objections against them, and to assume that they will adopt this or that disagreeable line of policy. I believe that when they are united they will look solely to the interests of Italy, and will go to war for or against France, or perhaps remain neutral, just as may seem most beneficial for their country. Although I hold that we were not only not at liberty to interfere ourselves, but were bound to use our influence to prevent others from interfering in the affairs of Italy, I do not disguise the great satisfaction I feel at the prospect which is opening before that country. If it be a crime to wish that the people of Italy should be free to use the intellect with which it has pleased Providence to endow them, and to tread, as our own nation has done, the path of constitutional liberty, then it is a crime of which I must plead guilty. I should heartily rejoice in that result. It appears to me to be no obstacle to their progress that in no former period of history has Italy been united. It was because Italy was disunited that three centuries ago a great Power found it easy to subdue her province by province, using the jealousies of each against the other as the means of destroying their independence. What is more natural than that the Italians, having found by experience the effect of their jealousies, should now be anxious to discard them and try if union will not restore them to independence? Having thus answered the observations made in relation to the general subject, I shall not enter into all the particular accusations which have been made against myself on this subject. They are of the most conflicting character. The hon. Member for the King's County charges me with extreme partiality for Austria; the hon. Baronet, the Member for Dundalk, charges me with a settled design against Austrian interests and a desire to see Austria dismembered. I can assure the hon. and learned Gentleman that his accusation at all events is unfounded. Austria occupies a most difficult position at this moment, but it is my earnest wish, as it should be of every Englishman, that she may so reconcile the various parts of her monarchy as to satisfy the wishes of her subjects, and maintain her place as a great and stable Power in Europe. That, however, is also a question in which we cannot interfere; and it must depend on the wisdom of the Austrian Government whether, within the next three months, that State re-establishes her position, or whether she takes a step that may be injurious, if not fatal, to the recovery of her influence in Europe. I rejoice to observe the strength lately acquired by constitutional parties in almost every country of Europe. After a long interval we see in the Senate of France a revival of liberty of speech which is really quite delightful. One gentleman with a great historic name, the Marquis de Larochejaquelein, has delivered a speech abusing the policy of England; but I perused it with no less pleasure on that account, being satisfied that free discussion must, in the long run, after, no doubt, much bickering and mutual accusation, tend to promote greater confidence and amity between the two nations. In Austria and Hungary representative assemblies have been summoned. In Prussia there have been signs of greater independence in a Chamber which has hitherto seemed almost a mockery of a representative assembly. I hope that the unfortunate occurrence which has lately taken place at Warsaw will lead to the recovery by the Poles of some of the ancient privileges of which they were deprived after the events of 1831. On almost every side, indeed, we witness the progress of constitutional liberty; and an ancient and classic land of freedom like our own cannot but rejoice in the success of principles to which we are so much attached. In all these matters my object, as one of the Ministers of Her Majesty's Government, has been to follow, not a party policy, but a national policy; and I believe I have succeeded so far that the country generally affirms the policy Her Majesty's Ministry have pursued. Although my administration has elicited a good deal of criticism from the party in Opposition I do not understand that they venture to condemn it; and I trust and believe that the great majority of my countrymen approve a policy which is favourable to the liberty of Italy, and to the interests of Europe.

Mr. WHITE said, he had not intended to take any part in this debate; but after the direct reference which had been made to him by the hon. and learned Member for Sheffield (Mr. Roebuck) he must say a few words. The hon. and learned Member had told the House of his efforts on behalf of the oppressed Canadians of former times, and declared that the country had been converted to his opinions. If the nation had changed the hon. and learned Member had assuredly changed also, seeing that he could not now extend his sympathies to the down-trodden people of Venetia, groaning under a manifestly worse tyranny than was ever suffered by the Canadians. The sentiments that the hon. and learned Member used to utter strongly contrasted with those to which he now gave expression; and it was said in the City, no doubt untruly, that gilded saloons and converse with Archdukes and Archduchesses accounted for the change. It was even said that the hon. and learned Member came from Vienna with a lucrative contract in his pocket. ["Oh!"] He begged pardon of the House, but thought it justice to the hon. and learned Member to state what was said in the City about him. Even on commercial grounds it was the interest of England to advocate the liberty and unity of Italy; for, once let Austria be driven out of Venetia, and the French depart from Rome, and there would be no country in the world such good customers to England as Italy, excepting the United States of America.

Mr. LINDSAY then moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."

Mr. AYRTON said, his hon. Friend's object was, as he understood, to know when his own Motion upon the paper respecting iron and wooden ships of war would come on, and he was under the impression that it was necessary for his purpose to prevent this discussion closing tonight. This, however, appeared to him (Mr. Ayrton) to be a mistake; and if the Government would say that his hon. Friend should not lose his opportunity probably the Motion would be withdrawn.

Viscount PALMERSTON said, if his hon. Friend would allow them on Monday to take a Vote for the men and their pay he would have an opportunity on a subsequent occasion of moving his Motion. It would be a very great convenience if they were allowed to take a Vote for the men on Monday.

Sir STAFFORD NORTHCOTE asked whether it was the intention to take a Vote for the number of men for the army as well on Monday?

Viscount PALMERSTON said, it would be convenient, perhaps, to do so; but at all events it was desirable to take the Vote for the navy.

Mr. LINDSAY said he would withdraw his motion for adjourning the debate on the understanding that, before the Votes relating to the construction of ships and the expenditure of the dockyards were taken, he should have the opportunity of bringing forward his Motion in reference to those subjects.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Supply *considered* in Committee.

House *resumed.*

Committee report Progress; to sit again *this day.*

POOR LAW RELIEF (IRELAND).

SELECT COMMITTEE.

Upon the Motion to nominate the Select Committee upon this subject, to consist of Mr. Cardwell, Lord Naas, Mr. Herbert, Lord Claud Hamilton, Mr. Monsell, Sir Edward Grogan, Mr. Waldron, Mr. Quinn, Mr. Cogan, Colonel Forde, Lord John Browne, Mr. Maguire, Mr. Gregory, Mr. George, and Sir John Arnott.

Motion *agreed to.*

Mr. BUTT moved as an Amendment—That the Committee on Poor Relief (Ireland) do consist of twenty-one members; that Mr. Knight, Mr. Hennessy, Mr. Pollard-Urquhart, The O'Donoghue, Lord Dunkellin, and Mr. Butt be added to the Committee. His object was, he said, simply to give hon. Members an opportunity of saying whether they were satisfied with the constitution of that Committee.

Mr. SPEAKER ruled that the Amendment was out of order, and could not be put.

Mr. BLAKE complained that the Committee had not been selected with fairness. He thought there were too many landlords on it.

Mr. CARDWELL said, that any hon. Member who read the list of names would concur with him that there were plenty of Irish borough Members on the Committee. It was constituted with perfect fairness.

Motion made, and Question, "That the Committee do consist of Twenty-one Members."

Put, and *negatived.*

Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at half-past Twelve o'clock.

HOUSE OF LORDS,

Friday, March 8, 1861.

Minutes.] Public Bills.—1ª Charitable Uses; Qualification for Offices.
3ª Statute Law Revision.

METROPOLITAN RAILWAYS — DISPLACEMENT OF POPULATION.

QUESTION.—NOTICE OF MOTION.

The Earl of DERBY said that he called their Lordships' attention a few nights ago to the displacements which the metropolitan railways now projected would introduce among the labouring classes. His noble Friend, the President of the Council, objected to referring this question to a general Committee, as he thought it might interfere with the position of those measures, irrespective of their merits. He now found that two Select Committees had been appointed for Monday next to take into consideration two several groups of metropolitan railway schemes, and he hoped there would be no objection to direct those ordinary Committees, if not by a formal Instruction, at least by an intimation, to inquire into and report upon the number of houses inhabited by working men likely to be displaced by them, and whether there had been any attempt made to provide other habitations instead. If there were no Instructions necessary he hoped the Committees would attend to the feelings expressed in their Lordships' House.

The Duke of NEWCASTLE said, that his noble Friend the President of the Council thought that there was no necessity for any such Instruction, because, under a Standing Order, passed some years ago, a return containing the information desired by the noble Earl was always presented to these Committees. If, however, it was thought necessary that a special Instruction should be given, it would be better that the noble Earl should give notice of his intention to make that Motion on a future day.

Lord REDESDALE said, that it was true that such a return as the noble Duke had mentioned was presented to these Committees; but they had no power to act upon that return, or to require the railway companies to raise money to erect houses in the place of those which might be displaced.

Lord STANLEY of ALDERLEY remarked that it was not easy for the Committee to entertain the question, and it would be better to give notice if the noble Earl intended to move for such Instruction.

The Earl of DERBY understood that in former cases Instructions had been given to Committees to report as to the amount of displacement, and the provision that had been made for it. He now gave notice that on Monday next he would move that an Instruction should be given to the Committees to the effect he had mentioned.

THE EARL OF SHELBURNE observed that it would be unjust to require the metropolitan railway companies to make provision for the displacement caused by their lines unless they required the provincial companies to do the same.

THE DUKE OF SOMERSET said, that the best provision the railways could make would be to carry the labouring classes at a low rate to the outskirts of the town; and the Committees could enforce such a clause without any Instruction from their Lordships.

House adjourned at half-past Five o'clock, till Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 8, 1861.

CIVIL SERVICE ESTIMATES. QUESTION.

MR. ADDERLEY said, he wished to ask the Secretary to the Treasury, Whether the recommendations contained in the Report of the Committee of last Session on Miscellaneous Expenditure are being attended to in the present preparation of Civil Service Estimates, especially the abolition of the Miscellaneous Number 7, and the statement in the Estimates of unexpended balances; and the preparation of Estimates for new works under Number 1?

MR. PEEL said, that the recommendations contained in the Report of the Committee of last Session on Miscellaneons Expenditure had been attended to, but the Committee did not recommend the abolition of the Miscellaneous No. 7 contained in the Estimates, though as many of the Votes as could be conveniently transferred would be placed under other heads of expenditure.

THE FORTIFICATIONS AT PORTSMOUTH.—QUESTION.

MR. WYLD said, he would beg to ask the Under Secretary of State for War, Whether, in building the Fortifications at Portsmouth, any defects have been discovered in the piling or other works executed by the contractors?

MR. T. G. BARING said, that some piles without their proper iron-shoeing had been driven by contractors at Portsmouth. Measures would be taken to deal with the case, and, of course, to remedy the defect.

POOR LAW BOARD.—QUESTION.

MR. BEECROFT said, he wished to ask the President of the Poor Law Board, Why the Poor Law Board does not cause to be carried out by Boards of Guardians their instructions to remunerate Poor Law Medical Officers?

MR. C. P. VILLIERS said, he had some difficulty in answering the Question, because the hon. Member assumed as a fact that which he (Mr. C. P. Villiers) did not know to be the fact. The remuneration of Poor Law Medical Officers proceeded on the same principle as the Government Salaries in all other offices, or, at any rate, he was not aware of any difference. He was not aware of any correspondence which had taken place between Poor Law Guardians and the Poor Law Board on the subject.

RAILROADS IN CEYLON.—QUESTION.

SIR WILLIAM GALLWEY said, he rose to ask the Under Secretary of State for the Colonies, Whether instructions have been issued to the Governor of Ceylon to form into a Special Fund, distinct from the general Revenue of the Colony, any sum accrued or accruing from the Duty on the Export of Coffee, imposed for the purpose of guaranteeing the cost of the Railroad to Kandy; and whether such fund is to be reserved exclusively for the defrayal of engagements in connection with the original Contract for that Railroad, or for the formation of any other Railroad which may be undertaken in substitution for it?

MR. CHICHESTER FORTESCUE begged to say that instructions had been issued to the Governor of Ceylon to form a special fund for the purpose adverted to by the hon. Member, and since that time sums of money had been paid into the Oriental Bank on account of that fund.

AFFAIRS OF NEW ZEALAND. OBSERVATIONS.

MR. CHICHESTER FORTESCUE said, he would make an appeal to the hon. Member for Tavistock, with regard to his Motion on New Zealand. The fact was, the papers giving full information as to the late events were now in the printer's hands, and were being pressed forward. They were, however, very voluminous, and had been delayed for the purpose of adding important matter which had arrived by the last mail. He would, therefore, put it to the hon. Baronet, whether it would not be advisable to postpone his Motion until the papers were in the hands of Members.

SIR JOHN TRELAWNY replied that he was willing to postpone the Motion for a short time.

NAVY—THE ADMIRALTY—SIR BALDWIN WALKER.—QUESTION.

SIR JOHN PAKINGTON: Sir, I rise to put a Question to the noble Lord the Secretary of the Admiralty, of which I have given him private notice. I have this morning received a letter from a gentleman at Devonport, who is well known to me, and who, I think I may venture to say, would not have made me any statement which he did not believe to be strictly accurate. My object in putting the Question is to ascertain from the noble Lord whether the statement which I have received is true; and, as I think it necessary that it should be understood with the utmost precision, if the House will permit me, I will read it—

"Devonport, March 7.

"Dear Sir,—It appears the Admiralty telegraphed to the authorities here to despatch the *Avon* to intercept the *Narcissus*, with a view to recall Sir Baldwin Walker.

"The Port-Admiral replied that the *Himalaya* was under steam, and being a very fast vessel, whether it would not be better to send her out to look after the *Narcissus*.

"The Admiralty answered 'No, send the *Avon*;' showing they have no wish to recall Sir Baldwin Walker. The *Avon* is a mere tub."

I merely wish to ask my noble Friend is that statement true?

LORD CLARENCE PAGET: Sir, in reply to the question of my right hon. Friend, perhaps the best thing I can do is to quote the telegrams that have passed on this subject between the Admiralty and the Port-Admiral at Plymouth. I must, however, premise these by saying that the *Himalaya* has been under repairs in the Dockyard of Devonport; that her cylinders have been very defective, and that it was very doubtful whether she might not require new ones. This explanation will make the telegrams more intelligible—

"March 5.

"From Plymouth to the Admiralty.—The *Himalaya* has gone out on her trial.—(Received at 11.42 a.m.)

"To Plymouth.—Send the *Avon* to the southward of the Eddystone to endeavour to intercept the *Narcissus*. Make the officer the bearer of an order to Sir Baldwin Walker to repair to Devonport.—(Sent 11.52 a.m.)

"From Plymouth.—The *Himalaya* is just returning into the Sound. Shall she also proceed in search of the *Narcissus*?—(Received 1.21 p.m.)

"To Plymouth.—Why does she return so soon? What is the state of the weather?—(Sent at 1.38 p.m.)

"From Plymouth.—I have signalized to the *Himalaya* to know why she has returned. In answer to a question previously asked whether trial was satisfactory, she has signalized, 'Cannot report until to-morrow morning.' Weather, moderate and overcast; wind, west by south.—(Received 2.24 p.m.)

"From Plymouth.—The *Himalaya's* trial is concluded, but officers cannot report until cylinders have been examined inside.—(Received 2.44 p.m.)

"To Plymouth.—The *Himalaya* need not be sent in search of the *Narcissus* in addition to the *Avon*.—(Sent 3 p.m.)

"From Plymouth.—The *Avon* proceeded under steam at 3 p.m.—(Received 3.30 p.m.)"

Those were the telegrams received on that day. On the day following this telegram was received:—

"March 6.

"From Plymouth.—Examination of the *Himalaya* concluded. The hull appears perfectly sound; the after cylinder is so defective that the ship could not proceed to sea without incurring serious risk. Written report will be sent by post.—(Received 11.27 a.m.)"

SIR JOHN PAKINGTON: I wish now to put the question which I asked yesterday, and which the noble Lord said he could not answer without notice. I want to know whether there were not other steamers—fast and powerful steamers, one of them being the *Jason*—in Plymouth harbour, at the disposal of the Admiralty, at the time they sent out the *Avon* to bring back Sir Baldwin Walker?

LORD CLARENCE PAGET said, he could only say that, under all the circumstances, the Admiralty considered that the best vessel that could be sent was the vessel which could be sent to sea at the shortest notice, and that vessel was the *Avon*. He regretted those constant and unremitting attacks on the Admiralty made it necessary for him to go particularly into the circumstances of the case. The *Avon* was ordered to go out into the Channel to cut off the *Narcissus*, not to follow her. No vessel lying at Devonport could possibly have followed, with a chance of catching her, a smart-going steam-frigate like the *Narcissus*. The order given to the *Avon* was to cut her off, and she had endeavoured to do so. If the right hon. Gentleman wished for further information he could inform him that he had seen the log of the *Penguin*, tender to the *Narcissus*, who had started with that ship, and had put into Plymouth for shelter, and it appears from that log that the *Avon* must have been very close to her, but the weather being overcast she failed to make her out.

Mr. CONINGHAM said, he wished to know whether the Government admitted that it was impossible to bring back Sir Baldwin Walker?

Sir JAMES ELPHINSTONE said, he looked upon this as a matter of very great importance. On Friday night several Members called upon the Government to recall Sir Baldwin Walker. (*Cries of* "Order!") He would conclude with a Motion, in order that he might be in order. Sir Baldwin Walker was then in Yarmouth Roads, where the *Narcissus* lay till 10.30 on Monday morning, when she proceeded to sea. The weather was then such that he was satisfied no man would have proceeded to sea of his own free will, especially with a new ship, a fresh ship's company, and new rigging; and the inference he drew was that Sir Baldwin Walker had been forced to go to sea, and with orders not to be caught.

Lord CLARENCE PAGET said, he rose to order. The hon. and gallant Gentleman's statements were totally unfounded. Sir Baldwin Walker had no such orders from the Admiralty.

Sir JAMES ELPHINSTONE said, he wanted to get at the bottom of this transaction. He wished for more information.

Sir GEORGE GREY said, he rose to order. The time for asking questions had not passed, and till then no statement could be made by any hon. Member.

Sir JAMES ELPHINSTONE said, he intended to conclude his remarks by moving the adjournment of the House. The question was very important, and it behoved the Admiralty to clear the question up. The House were about to appoint a Committee to inquire into the doings of the Admiralty. Sir Baldwin Walker had been Surveyor of the Navy for something like twenty years, he had been concerned in two reconstructions of the navy, and he knew more of that branch and of the working of the Admiralty than any other man, and yet he had been sent out to the Cape of Good Hope just before that Committee began their inquiries. The labours of that Committee would, in his opinion, be perfectly futile without the assistance of Sir Baldwin Walker. He would ask whether Sir Baldwin Walker had not been forced to sea on this occasion at a time when a ship would not naturally have proceeded to sea during the late heavy gales of wind, and whether the ordinary means of getting Sir Baldwin Walker back had not been neglected. If the *Himalaya* had one of her cylinders defective that would not disqualify her from proceeding to sea for a day or two, though it was a reason why she should not start on a long voyage. The *Avon* was an old paddle-wheel tub, one of the slowest vessels in the navy, and in very heavy weather all she could do would be to get a little southward of the Eddystone, off the Lizard, and there stop. The House was also entitled to know why the *Narcissus* was allowed to pass Hurst Castle after Friday, when it was understood distinctly that Sir Baldwin Walker was to remain. Until Monday morning the *Narcissus* lay in Yarmouth Roads, and it would have been easy to communicate with Sir Baldwin Walker, without whose evidence the labours of the Committee would be useless. Moreover, if the Admiralty were really anxious on the subject they might yet succeed in bringing back Sir Baldwin Walker by sending a vessel to Madeira. He begged to move the adjournment of the House.

Mr. CONINGHAM seconded the Motion.

Mr. LINDSAY said, the hon. and gallant Member for Portsmouth had on Friday expressed a desire that Sir Baldwin Walker should be kept at home. The noble Lord the Secretary to the Admiralty then said that the Government had no objection to that course. The only person, however, whom the noble Lord could consult was the hon. and gallant Member (Admiral Duncombe), who had moved for the appointment of the Committee, and that hon. and gallant Member distinctly stated that he did not think the evidence of Sir Baldwin Walker would be required before the Committee. The noble Lord, having no other one to consult, did not then take any steps to detain Sir Baldwin Walker; but two nights afterwards the right hon. Gentleman the Member for Droitwich (Sir John Pakington) expressed a strong opinion that Sir Baldwin Walker should be detained, and even went so far as to say that the Committee would be a total failure unless he was detained. Other hon. Members spoke to the same effect, and then the Government adopted every means in their power to stop Sir Baldwin Walker. He must say he was surprised at the number of telegrams that had passed to and fro on the subject, and he doubted whether even the *Himalaya* could have overtaken the *Narcissus.* The Admiralty, he believed, took the only course that was practicable, and he could tell Gentlemen that it was not so easy a matter to intercept a vessel at sea. Looking at the matter in an impartial spirit he was of opinion that the Admiralty had done everything in their power to carry out the wishes of the House, and the reflection which had been cast upon the noble Lord was not in the slightest degree warranted.

Mr. HENLEY said, he wished to put a question to the gallant Admiral (Admiral Duncombe) who had moved for the Committee. Now that the House had been informed of the fact that Sir Baldwin Walker had escaped he asked whether his hon. and gallant Friend would be kind enough to postpone the nomination of the Committee till Monday or Tuesday? He had agreed to serve on the Committee, but he wished to have time to consider whether he ought now to serve on it or not, having great doubts whether the Committee could be of any public utility. They must remember that this was no ordinary Committee, but one which would have to undergo great and lengthened labour; and the question with him was, whether, in the absence of Sir Baldwin Walker, its labours would be of any use?

Admiral DUNCOMBE said, that he had not the slightest objection to postpone the appointment of the Committee for the convenience of hon. Members. His desire, however, was that as the House had decided to have a Committee, no unnecessary delay in its nomination should take place. Some delay had already taken place in consequence of the Motion brought forward the other evening by the hon. and gallant Member for Portsmouth. He was in doubt whether his hon. and gallant Friend (Sir James Elphinstone) having carried his Motion for a Committee on another subject, would be able to serve on the Admiralty Committee. He found that his hon. and gallant Friend would still be able to serve on the Committee, and he was desirous that as little further delay should take place as possible. He should be sorry if anything prevented his right hon. Friend (Mr. Henley) from serving on the Committee, as his presence upon it would be of the greatest possible importance. He must say that he thought a great stalking-horse had been made of this matter of Sir Baldwin Walker. He had already stated, and he was still of the same opinion, that the presence of Sir Baldwin Walker before the Committee was not necessary. Sir Baldwin Walker had been fully examined before the Dockyard Commission, and the Report of that Committee, comprising Sir Baldwin Walker's evidence, would be laid before the House immediately; and nothing would be easier than to refer that Report to the Committee which had been appointed to inquire into the Admiralty. That Report contained every tittle of evidence Sir Baldwin Walker could give upon the matter. Every one who had heard his gallant Friend examined before the Committee knew that he did not make a very good witness. Sir Baldwin Walker was so very anxious and so over careful of every word he uttered, that he was not so good a witness as people might suppose. The evidence which the gallant officer gave was in print, and, therefore, much more valuable to the Committee than his re-examination would be. It was evident that the Admiralty had made one mistake —in not putting the *Avon* under the command of his hon. and gallant Friend the Member for Portsmouth, for his hon. and gallant Friend (Sir James Elphinstone) said nothing would have been easier than to have cut off the *Narcissus*—naval officers sent on special orders were, however, he thought, usually active and diligent, and he felt satisfied that if it had been possible the duty would have been accomplished. When he understood that the Government acceded to his Commission, and that Sir Baldwin Walker would be detained to give evidence before it, if the Committee thought it necessary, he expressed an opinion that the public service demanded that the gallant Admiral should leave this country and repair to his station as rapidly as possible. Sir Baldwin was appointed to his command before the Committee was thought of, and, as the Cape of Good Hope station had been without a commander for six or eight months, he could not allow the public service to suffer from any supposed necessity for the presence of that individual.

Lord CLARENCE PAGET: I am only going to say one word in answer to the hon. Baronet (Sir James Elphinstone).

I stated distinctly that the Admiralty had not either publicly or privately given any order to Sir Baldwin Walker to get away as soon as he could, so as to avoid any chance of being stopped. Sir Baldwin's orders were sent to him on Wednesday, 27th February, and he did not leave until Saturday the 2nd March. There has been no further communication with him, and the first knowledge of his whereabouts was a letter from him received at the Admiralty on Tuesday last, stating that he was under way, and had left Yarmouth Roads within the Needles on the morning of the 4th. It is a totally inaccurate assertion that the Admiralty desired to force him off. It is equally inaccurate to state that the Admiralty, when they had the opportunity of stopping him in Yarmouth Roads, failed to do so.

Sir JOHN PAKINGTON: Sir, I should not have taken any part in this discussion but for the speech of the hon. Member for Sunderland (Mr. Lindsay) who seems to have an inaccurate recollection of what has taken place in connection with this matter. I would remind him of these facts — as long ago as the 15th of February I spoke to the hon. Gentleman the Secretary to the Treasury, and also to the noble Lord the Secretary to the Admiralty, and expressed my strong opinion that the evidence of Sir Baldwin Walker was necessary for the Committee, and that I hoped he would receive the earliest possible intimation that it was necessary for him to stay and be examined. When I explained to the House the reason why I had given up the intention of moving for the Committee, I also explained to the House why, in my opinion, it was of importance that Sir Baldwin Walker should be examined. Nothing further occurred until Thursday in last week, when the hon. Gentleman the Member for Portsmouth, in moving his Resolutions relative to the Admiralty, made a strong statement of the importance of Sir Baldwin Walker's evidence. I followed, and repeated my opinion to the same effect. The noble Lord the Secretary to the Admiralty then gave a pledge that if it were the wish of the House of Commons Sir Baldwin Walker should be detained.

Lord CLARENCE PAGET: I really must correct the right hon. Gentleman.

Sir JOHN PAKINGTON: I have stated nothing that is not correct. The next night my right hon. Friend (Mr. Henley) repeated his strong opinion that Sir Baldwin Walker ought to give evidence. On both occasions these opinions were received by the House in the manner in which it is the habit of hon. Members to express their concurrence. There was the wish of the hon. Gentleman (Sir James Elphinstone), that of my right hon. Friend (Mr. Henley), and my own, all strongly declared, against which no strong opinion was expressed, except by the hon. and gallant Gentleman (Admiral Duncombe) who told the noble Lord he did not wish to detain Sir Baldwin Walker. This occurred on Friday night, and on Saturday morning Sir Baldwin Walker went to sea. Late on Monday evening I felt it my duty to call the attention of the Government and of the House to the circumstances under which Sir Baldwin Walker was sent to sea, and what occurred then? The noble Lord the Secretary to the Admiralty, in answer to an appeal made to him by myself and others, pledged himself that night to take steps which should secure the recall of Sir Baldwin Walker. The noble Lord the Prime Minister followed, and his expression was "immediate steps shall be taken." We have now heard from the noble Lord the manner in which that twofold pledge was redeemed. Nothing was done that night. At nearly twelve o'clock next day a telegram was sent down to Devonport, and an order was given that the *Avon*, notoriously the slowest vessel in the service—at least one of the slowest—should be sent after the Admiral, while two or three of the most powerful vessels in the service were at the disposal of the Admiralty. This the noble Lord forgot or he would never have said that the Government had done all they could to secure the return of Sir Baldwin Walker.

Mr. BENTINCK said, that occasional discussions of this kind were very good things, and no doubt were very refreshing; but it appeared to him, at all events, that fair play should not be lost sight of, and that a proper understanding of the case should be arrived at. He confessed it appeared to him that a great misconception existed in the minds of several hon. Members in respect to this matter. In the first place, his noble and gallant Friend the Secretary of the Admiralty was distinctly charged then and had been charged on a former occasion with having broken a pledge he had given to that House. Now, he (Mr. Bentinck), having been present at all the discussions that took place on this subject—having attended to them carefully, and having been one of those nominated to serve on the Committee—felt, perhaps, a special interest in the matter; and he was bound to say, so far as his opinion went, he thought that the charge against his noble and gallant Friend was totally unfounded.—[An hon. MEMBER: There was no such charge.]—He begged the hon. Member's pardon. A charge was distinctly made, unless his ears deceived him, that his noble and gallant Friend had broken his pledge to that House. He again repeated, as far as he was able to understand the facts of the case, that such a charge was without foundation. He would tell the House why he thought so. It was true that an appeal had been made to his noble and gallant Friend on the subject of the Admiralty detaining Sir Baldwin Walker; and, as he understood, his noble and gallant Friend said he would assent to that appeal if it were the wish of the House. But his noble and gallant Friend afterwards consulted the hon. and gallant Admiral the Member for the East Riding of Yorkshire (Admiral Duncombe) on the subject, and it was the opinion of that gallant officer that the presence of Sir Baldwin Walker before the Committee was not necessary. Now the suggestion made from that (the Opposition) side of the House was not followed up by any distinct Motion or recommendation on the subject; and it, therefore, appeared to him that his noble and gallant Friend was entirely exonerated from the charge of having violated any pledge. But there was another point upon which he thought a misconception had arisen. Hon. Members supposed that Boards of Admiralty were not as cognizant of sea-going matters as they ought to be. His noble and gallant Friend had been charged, and the Board of Admiralty likewise, with having trifled with the House, after having undertaken to recall Sir Baldwin Walker. ("Hear, hear!") He had no doubt but that the hon. Gentleman who had just cheered so loudly was fully acquainted with the details of a chase of this kind down the Channel. But the case was simply this. Hon. Members had gone on harping on the fact that the *Himalaya* had not been sent after the *Narcissus.* The reason, however, for not having done so had, he thought, been distinctly shown by his noble and gallant Friend. It was true as had been stated that the *Avon* was a very slow steamer. But he believed that any man who was commonly acquainted with the subject was aware of the fact stated by his noble and gallant Friend—namely, that as the object of sending out the *Avon* was not to chase the *Narcissus*, but to cut her off, if only three knots an hour could be got out of her, she would be just as competent to do that duty as the fastest vessel in Her Majesty's Navy. ("No, no!") He hoped that the hon. Member who differed from him in that opinion would distinctly show that what he said was wrong. He again repeated that the slowest tub that ever left the shores of Great Britain was just as competent to the discharge of the duty assigned to the *Avon* as the fastest steamer that ever swam. It appeared, too, from the log of the *Avon*, that so far from her not having been fast enough, she was actually dodging in the track of the *Narcissus* at the time the *Narcissus* passed Plymouth, but from the state of the weather she was unable to sight her. He asked what would be the use of sending out a vessel that steamed twelve knots an hour if a vessel that only steamed seven knots was fully able to arrive at her destination in time to effect her purpose. That entirely disposed of any suspicion that the Admiralty had not done all that could have been done under the circumstances. He concurred in the opinion expressed by the hon. and gallant Member for the East Riding of Yorkshire that there was no necessity for Sir Baldwin Walker's examination. He did not, however, think it necessary to go into that question. He was of opinion there was a total misconception of the whole question, and he should be glad to hear any hon. Member attempt to show that he was wrong in his impressions of the facts of the case.

MR. CONINGHAM said, that it was very important that the House should not lose sight of the real question, which was whether it was necessary that Sir Baldwin Walker should appear before the Committee, and whether the House expressed a desire the other evening that that gallant officer should be detained. He had heard the whole discussion, and went home with the conviction that Sir Baldwin Walker's progress to his station would be stopped. When the position which Sir Baldwin Walker had held was considered, it seemed like trifling with the common sense of the House to send abroad on the eve of an important investigation respecting the navy the man who by his practical knowledge could give the most important evidence to clear up disputed points, and he was of opinion that the Government were bound to produce him as a witness.

MR. COCHRANE said, he felt himself

incompetent to speak upon the qualities of steam-vessels. He could not, however, but express his regret that at the very time when a Committee of inquiry was being appointed, the hon. Member for Portsmouth should have made observations tending to raise doubts as to the veracity of the Admiralty.

Sir LAWRENCE PALK said, he could not but express his surprise that the noble Lord the Secretary of the Admiralty should require the opinion of the House of Commons upon what his sense of duty ought to have instructed him. Recollecting how eager a reformer of abuses at the Admiralty the present noble Secretary to that Board used to be, he should have thought that the noble Lord would have made every effort to bring all the evidence possible before the Committee. He was convinced that the opinion out of doors would be that fair play had not been exhibited towards that House, and that the Admiralty had managed to get rid of one who might have proved a very inconvenient witness for them.

Mr. PAULL remarked, that the House ought to receive a distinct intimation from the Government whether or not they really intended to recall Sir Baldwin Walker.

Sir JAMES ELPHINSTONE said, he wished to say a few words in explanation. The gallant Admiral (Admiral Duncombe) had made a statement which seemed to impute to him (Sir James Elphinstone), in his observations that evening, an intention of reflecting upon the character of the commander of the *Avon* as an efficient seaman. He begged to say that he had intended nothing of the sort. On the contrary, he thought if it were possible for the *Avon* to have intercepted the *Narcissus* she would have done so under the guidance of her commander.

Motion made, and Question, "That this House do now adjourn."

Put and *negatived.*

On Motion "That the House at rising do adjourn till *Monday* next"

MEDICAL SERVICE IN INDIA.
QUESTION.

Sir STAFFORD NORTHCOTE said, he rose to ask the Secretary of State for India, Whether he has received a Memorial from Surgeon Major Hochin, of the Bombay Presidency, complaining of the discrepancy in the date of the two Royal Warrants for the Royal and the Indian branches of the Medical Service respectively, whereby two Surgeon Majors of the Royal Army, Messrs. Inglis and Fraser, have been placed above twenty Medical Officers on the Bombay Establishment of much older standing in the Service than themselves: and whether he proposes to take steps for rectifying this inadvertence?

Sir CHARLES WOOD was understood to say that no such document had been received.

BUSINESS OF THE HOUSE.—QUESTION.

General PEEL said, he wished to ask a question in reference to the order of business on Monday, in consequence of the appeal made by the noble Viscount at the head of the Government to hon. Members who had given notices of Motion on going into Committee of Supply. The noble Viscount expressed a hope that the number of men for the marine service and the army would be taken on Monday. Now he (General Peel) had given notice of a question on going into Committee of Supply upon the Army Estimates. Although the question might appear at first sight a simple one it, nevertheless, involved a most important point in reference to our army expenditure. He, therefore, felt it absolutely necessary to submit his question before going into Committee of Supply on the Army Estimates. He wished to ask, Whether the Government would take the Army Estimates on Monday or Thursday?

Lord JOHN RUSSELL said, that the Vote for the number of men for the army would be taken on Thursday, and the similar Vote for the navy on Monday.

The CHANCELLOR of the EXCHEQUER said, he was given to understand that it might probably be necessary to take some Votes on account for the naval service on Monday.

THE INDIAN ARMY.—QUESTION.

Colonel SYKES said, he would beg to ask the Secretary of State for India, What arrangement is being made for the medical charge of Her Majesty's Native Troops in India, regular and irregular, to ensure the language of the patients in hospital being understood by the European Medical Officer prescribing for them; and what number of European Officers were for the future to be attached to each of Her Majesty's Native Regiments in India, regular and irregular? Under any arrangement there would still be a large number of Native troops in India, and he regarded it as of the utmost importance that the hospitals provided for their accommodation should be placed in charge of competent and experienced medical men. Every Sepoy officer knew that the most ludicrous and even dangerous prescriptions had been given to native soldiers in hospital from utter ignorance of the native languages by the European doctor. But not only did native patients suffer from the inexperience of surgeons recently from Europe, but so did the European soldiers. Everybody knew that all tropical climates had peculiar diseases, which required a peculiar treatment, and which could only be learned from a lengthened residence in the country. To place European troops, therefore, in the hands of medical men who had not local experience, was not less impolitic than wanting in humanity. He trusted, therefore, there would be maintained a local Medical Service for India, where there must always be an army of 200,000 men, European and Native; but he entertained grave doubts whether this would be done, for a plan, it was said, was about to be adopted, which he could only characterize as a lust for centralization for the sake of power and patronage. The second part of his question was also of great importance. It was proposed, he believed, that in future there should never be more than six European officers in a Native regiment. Now all officers who had served with Native troops on field service, in a line of battle or the storm of a breach, knew that their efficiency and amenability to control was in the ratio of the number of European officers with them. The reduction, therefore, of the number of European officers with a Native regiment to six would, in his opinion, be attended with lamentable results.

Mr. CRAWFORD said, before the right hon. Gentleman answered the question he wished to put to him one of a kindred nature. The House was aware that there was a considerable number of Natives of India residing in this country for the purpose of going through a medical education, with the hope of getting introduced into the medical service in India by the process of open competition. Great consternation had been produced among those persons by a statement made by the right hon. Secretary for India some days ago. They were apprehensive that, whatever their attainments might be, they would in future be debarred from entering the medical service in India. He hoped that the impression which prevailed among them was without foundation, and that the right hon. Secretary of State would inform the House that in future all the services in India would be open to all the Natives of India without distinction of cast or creed.

Sir MINTO FARQUHAR said, he would also beg to ask the right hon. Baronet, the Secretary of State for India, whether, in future, upon the appointment of Officers of the Local or Line Regiments in India to the new Staff Corps, or any Civil employment, they will be struck off the strength of their Regiments, and whether the vacancies so caused will be filled by the Officers next in succession in their respective Regiments; and whether there is to be any distinction between the Services in this respect? It appeared from a letter which he had received from India, that the general impression there was, that when an officer was appointed to the new staff, promotion would go in the regiment. He was afraid, therefore, that a statement recently made in "another place"—pointing, as it did, to a different conclusion—would cause much dissatisfaction in India. Hitherto the great complaint had been that officers were constantly detached on civil and staff appointments, and that their regiments had suffered in consequence. It was evident from what had been said in "another place," that the same practice was to be continued. The result must inevitably be great inconvenience in regiments, and a serious injury to the whole service. He wished to know, whether the two armies were to be placed upon the same footing in this respect?

Mr. VANSITTART said, he also wished to ask the right hon. Baronet, the Secretary of State for India, whether it is his intention to introduce any Bills relating to India during the present Session; and, if so, whether he has any objection to state the nature and objects of such Bills? He hoped the House would permit him to offer a few very brief remarks. It would be in the recollection of the right hon. Baronet that, on the 9th of February, 1860, he did himself the honour to submit a string of Resolutions relative to India, which embraced the opening up of the Legislative Council by increasing its numbers and powers; the abolition of the Supreme Councils at the different Presidency towns; and the amalgamation of the Supreme and Sudder Courts. These last two measures had been strongly recommended by successive Committees, and by the noble Lord, the Member for King's Lynn (Lord Stanley). His Motion led to a debate, which was brought to a close by the right hon. Baronet replying—

> "The three subjects which were referred to by the hon. Member—the Civil Service, the Supreme and Sudder Courts, and the question of the Legislative Council—are now under consideration by three different Committees of the Indian Council; and I hope before long to lay before the House such measures as may become necessary for carrying out the decisions which may ultimately be adopted. Under these circumstances I do not see what advantage would be gained by referring them for investigation to a Committee."—[3 *Hansard*, clvi., 751.]

A twelvemonth, however, having elapsed since the right hon. Baronet gave that reply, and as it would be convenient to those who took an interest in Indian affairs to be made acquainted with the nature of the Bills to be introduced, he begged to draw his attention to the subject.

SIR CHARLES WOOD: In reply to the first Question put to me by my hon. and gallant Friend behind (Colonel Sykes) as to the organization of the medical service in India, all I have to say is that the whole question is under the consideration of the Indian Council, and I am not prepared to say what resolution they are likely to arrive at; but this I may state, that every pains will be taken to obviate the evils which have been so strongly felt in India of putting medical officers in charge of the hospitals who may be unable to converse with the Natives under their charge.

In answer to my hon. Friend the Member for the City of London (Mr. Crawford) I may say that the statement to which he has referred was made, not by me, but by my hon. Friend the Under Secretary for War, and related to the competition for surgeons in the general army of the Queen. What was said was that there were many cases in which Natives of India and Africa, subjects of the Queen, could not be held to be fitted for general service as surgeons in the general army. I do not consider that Natives of India and Africa whether capable of performing the duties or not, have a right to enter by competition generally into the army of the Queen.

With regard to the hon. and gallant Officer's second question, he is aware that the number of European officers which hitherto has been usually attached to an irregular regiment is three or four. The Government of India recommended that there should be six; and that recommendation, substantially, will be carried out. With regard to regular regiments no change has at present taken place. My own belief is that regiments would be more efficient, on the irregular system, with six officers, and certainly it would lead to the economy of the service.

With regard to the question of the hon. Baronet opposite (Sir Minto Farquhar), I have to state that it is not intended to place both services on identically the same footing. It is necessary to insure to every Indian officer precisely the promotion he has a right to expect. That arrangement must be strictly maintained. When an officer is taken from a local regiment and put into the Staff corps the result to the officers of his regiment will be precisely the same as if he had been placed under present regulations on Staff employment, and the effect of the arrangement will be this, that every Indian officer not transferred to the staff corps will attain his promotion precisely as soon—neither sooner nor later than he would have done if no change whatever had been made in the Indian service. With regard to officers going from the Line to the Staff corps, the Commander-in-Chief has submitted to Her Majesty, and Her Majesty has approved an arrangement which will be eminently for the benefit of the Indian army. If a captain in the Line, for instance, goes into the staff corps his position must be filled up or the regiment would not be efficient; and the arrangement is that whenever a vacancy occurs in a Line regiment by an officer going into the Indian Staff corps an officer of the Indian army will be placed in the Line regiment, such Indian officer being a person of good character, recommended by the Governor General and approved by the Commander-in-Chief. That will clearly be to the advantage of the Indian army, and must tend to obliterate all distinctions between them and the Line.

In regard to the question of the hon. Member for Windsor (Mr. Vansittart), he has stated quite correctly what I said last year, that it had been my intention to introduce a Bill for the amalgamation of the Supreme and Sudder Courts. In fact, I had a Bill in draft for the purpose; but he will remember that about the month of May there was great indisposition exhibited by the House to deal with these Indian subjects, and I was unwillingly obliged to postpone the introduction of the Bill to carry out the intention of the Government in 1853, when I was President of the Board of Control. I have since consulted the Governor General of India, thinking it desirable to avail myself of any information I could procure on the subject, and I had hoped before now to have received his observations. I have again prepared the Bill, but have rather delayed its introduction, expecting to receive information from India. The Bill is ready in draft, and will be introduced, I hope, at an early period.

With regard to the other question, which is of still greater importance, as to alteration in the Legislative Council of India, the subject, as I stated last Session, was under the consideration of the members of the Indian Council. What had occurred in India, and the different opinions held on the subject of taxation in India, have rendered this a matter of more grave consideration than it was at the early period of last Session. I have communicated with the Governor General of India on the subject, and it is only to-day that I have received his opinions. No time shall be lost in introducing measures on these subjects into the House.

Mr. VANSITTART: Are there any other Bills beside these?

Sir CHARLES WOOD: There is certainly no other Bill of any great importance.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

DIPLOMATIC SERVICE.—SELECT COMMITTEE MOVED FOR.

Mr. MONCKTON MILNES: I rise to move for a Select Committee to inquire into the constitution and efficiency of the present Diplomatic Service of this country. Although I entertain some hope that the Government will not refuse the Committee for which I am about to ask, I do not think it would be respectful to the House if I did not explain the grounds on which I make this Motion on so important a subject. It will be recollected that some years ago a Select Committee to investigate the state of our Consular Service was moved for by an hon. Gentleman now, I regret to say, no longer a Member of this House. The late Member for Stafford (Mr. Wise) was one of those who, although ardent Reformers, never injure the character or feelings of private men in their advocacy of public measures, nor ever impute unworthy motives to public servants. I am glad to have an opportunity of paying him this slight tribute, because to him we are indebted for the appointment of the Consular Committee. Any part which I myself took in its labours was of a comparatively secondary nature, and although as chairman I was interested both in its examination and its Report, yet to the ex-Member for Stafford that investigation, and I think the settlement of that question were mainly due. During the progress of that inquiry we were continually coming upon subjects connected with the diplomatic service; and I left the Committee with the conviction that the latter branch of the public service could only be put upon a sound and satisfactory basis by the appointment of a Committee to inquire into its condition, as the necessary corollary to the investigation into the consular department. This question is not altogether new to this House. In 1850 there was a Committee on official salaries, which embraced within its scope a great variety of subjects, including the diplomatic service. Before that Committee the noble Lord now at the head of the Government and the noble Lord the Secretary of State for Foreign Affairs were examined as witnesses. The Committee reported that they had carefully considered the subject of our diplomatic expenditure, and arrived at the conclusion that our diplomatic establishment should undergo a complete revision. With this view they came to a series of recommendations, the first of which was that arrangements should be made for converting the British Embassies at Paris and Constantinople into first-class missions. Now not only have our embassies at Paris and Constantinople not been abolished, but embassies on the same scale have been abolished at St. Petersburg and Vienna. The Committee next recommended that a single mission at some central point in Germany should be substituted for the separate missions existing at Dresden, Stuttgardt, Frankfort, and other cities. That recommendation has not been complied with either. The Committee, in the third place, suggested that the mission to Florence should be consolidated with one of the other Italian missions. That recommendation has been complied with—thanks not to the Foreign Office, but to the course of historical events which have tended to merge the mission to Florence in the mission to united Italy.

The fourth recommendation was that no diplomatic salary should exceed £5,000 per per annum, including an allowance for a residence. I believe that has not been complied with. The fifth recommendation of the Committee was that there should be a general revision of the whole scale of diplomatic salaries, and that in many instances consular agencies should be substituted for the missions. Since that period of 1850 many alterations greatly increasing the efficiency and usefulness of the service have, I believe, taken place, but it is very desirable that the country should know the exact nature and extent of those changes, and whether they have followed the path marked out by the Committee. The Committee whose appointment I now venture to suggest would investigate these matters, would enable the heads of departments at the Foreign Office to describe the reforms which have already been made, and to explain why they have not been carried out more generally and effectually. I will not now seek to prejudge what may be the result of the deliberations of the Committee if granted, but simply content myself with indicating some of the grounds which render its appointment at this moment advisable. Of late years the extension of the electric telegraph has undoubtedly tended greatly to alter the relation between our foreign embassies and missions and the Foreign Office, bringing them, as it were, into instantaneous communication. Indeed, it may now almost be said that the despatches of the Foreign Secretary are written quite as much in order to be laid before Parliament as to give special instructions to our diplomatic agents. Another point that will require the attention of the Committee is the anomalous position of the unpaid portion of our diplomatic service. You have a very large number of young men passing hardly less than four or five, and sometimes as much as ten or twelve years in the service of their country without receiving any salary or emolument for their exertions. The Committee might fairly consider whether the continuance of that system is desirable either for the public interests or for the career of these gentlemen themselves. Without wishing to prejudge the question, I think it doubtful whether you can get any good out of any man by unpaid service for any length of time. The tendency of public opinion is rather to connect responsibility with remuneration, and to question whether any man will give you the best of his mind and the whole of his abilities unless he receives for them some solid equivalent. Having travelled over a great portion of Europe I am bound to say my experience induces me to believe that the present system is neither wholly convenient to the heads of missions nor beneficial to the younger men who compose them. Heads of missions have more than once expressed to me how difficult it is to preserve due discipline and exact the amount of labour demanded by the public interests from men who do their work gratuitously. I have known some missions where the younger members received not only hospitality but guidance and care. I may mention the name of one now gone from us—the late Earl of Westmoreland—who was regarded by all who were attached to his mission as a friend and almost as a father. It may be said that the means of many heads of missions are not large enough to enable them to perform those duties upon a sufficiently extended scale, and the Committee may well consider whether it may not be advisable to place the younger members of missions in a more satisfactory and independent position. Another point which the Committee may usefully consider is, whether it is possible to devise some method for a more intimate and frequent communication between the Foreign Office and missions abroad. I think it would be advantageous to the younger members if they were occasionally to have a change of duties in the Foreign Office at home; and it certainly would be a great advantage to the heads of missions to be able to communicate personally, more freely, and more frequently with the Foreign Office at home. I do not desire to impugn the conduct of any of our Ministers, but I must say it appears to me that by living many years abroad a man runs the risk of losing somewhat of his estimate of the English public opinion and his appreciation of English character. There are also other matters which could come under the consideration of the Committee, and which are well worthy of being considered; but I feel assured that the inquiry will exhibit the conduct of the Foreign Office in the matter in a light which will be pleasing to the country generally. I believe the general staff of the Foreign Office is most efficient, and the Report of the Committee will, I have no doubt, show that successive Foreign Ministers, of all parties, have laboured to improve and advance the diplomatic service of the country. I think, too, the Committee will be able to confirm in the principles of just economy the Ministers who are responsible for the administration of public affairs, and to assist them in doing that which they have begun to do—namely, to place the diplomatic service in a more satisfactory position. I know that Reports of Committees are not always treated with all the respect of which we may think them deserving, and I do think it is hardly respectful, after a Committee of the House has carefully investigated a subject and made a deliberately considered Report, that a public office should appoint another Committee to revise the recommendations of the Parliamentary Committee. I think it would be more becoming if the Minister at the head of the public office were to act upon his own judgment and responsibility in carrying out the Resolutions of the Committee appointed by this House as far as he thought was desirable. I have no doubt that, whatever Resolutions the Committee may adopt, the Government will act in their spirit, if they do not carry them out in their full extent, but that they will adopt every suggestion that may tend to improve the diplomatic service of the country.

MR. GRANT DUFF said, he rose to second the Motion, and explained his reasons for resigning his right to bring forward this subject to the hon. Member for Pontefract. In addition to what had fallen from his hon. Friend, it appeared to him that there were several German Courts where diplomatic agents might be appointed of the rank which was so usefully filled by our agent at Rome. In that way a field of exertion would be opened for younger men, which would enable the Foreign Minister the more readily to judge of their merits, and their ability for higher functions. He thought an officer should be attached to each of the embassies, who might be called a travelling *attaché*, whose duty should be every year to make a circuit of the country in which he resided, visiting the larger towns, and more especially those in which consuls or vice-consuls were stationed. In Turkey, especially, he believed there was often very great difference between consular and ambassadorial opinion, between metropolitan views and local views. Such differences must sometimes cause considerable embarrassment to the Foreign Office; but if the two branches were enabled to compare their opinions it might lead to useful results. It was well known that the younger members

of the diplomatic service lived almost entirely in the fashionable society of the capitalists in which they were stationed. This exclusiveness might be carried too far. It often happened that there existed a society without the pale of the fashionable world in which much could be learned of which an *attaché* who confined himself to that world must remain in ignorance. In making this remark, he was thinkly chiefly of Berlin, of which he could speak from his own knowledge, but he believed the case was still stronger with regard to Vienna, and perhaps St. Petersburgh. The most important matter of all, however, was, that there should be some change in the mode of recruiting for the diplomatic service. Last year he proposed, by way of experiment only, that one single appointment should be given to open competition, and although the general opinion seemed to be against this proposition, he could see no force in the arguments. If they were afraid of any bad result, let them limit the area of competition, so as to make it utterly impossible any bad consequences could arise. They might limit the candidates to members of the universities and public schools. The style of examination which he should wish to see instituted in this case was precisely the kind of examination which the great Lord Chesterfield would have, he felt confident, advocated, if he were now alive. Nowhere was there so much wise advice with regard to the course of reading which a young man who meant to enter the diplomatic service should pursue as in Lord Chesterfield's *Letters to his Son*. The only other matter which he wished to call attention to was the very slender acquaintance with law which was usual amongst the members of the diplomatic service. In all other countries means were taken to ensure a greater knowledge of law in the diplomatic body, and he thought the same principle might be very usefully applied in this country.

MR. BAILLIE COCHRANE said, he hoped the Government would grant the Committee for two reasons. In the first place, great changes had been made in the diplomatic service in consequence of the state of affairs on the Continent. Two missions, those at Naples and Florence, had ceased to exist, and the Ministers at the Courts of Vienna and St. Petersburg had been made ambassadors. He hoped the salaries of these appointments would be made sufficient to support their dignity. It had always struck him that the English Ministers and Ambassadors were not paid in the same proportion as those of other countries. It was very important that these high officers of State should have salaries sufficient to enable them to fill their posts with dignity. The other reason for granting the Committee was the total change of the diplomatic service by the introduction of the system of examination. Formerly young men of family and fortune entered the diplomatic service as an agreeable means of passing their time, visiting foreign countries, and being introduced into the best society. He believed there were many qualities requisite for efficiency in the diplomatic service that could not be tested by any examination at all. But as the system of examinations had been introduced it must bring a different class of men into the service, and it would become still more necessary to have no unpaid *attachés*. The argument that formerly applied to the case of the young *attachés*, that they had great incidental advantages, would not apply to the young men who looked to the service for their professional existence. No country had been better served by its diplomatic corps than England; and by none had it been so ill paid.

LORD JOHN RUSSELL: Sir, I cannot assent to the appointment of the Committee without stating that I do so entirely unpledged as to what the course of the Government may be with regard to the results of the inquiry. The hon. Gentlemen who support the Motion for a Committee seem to think it desirable that there should be a larger expenditure on the diplomatic service. In that opinion I do not share. I am sorry to say the House of Commons is getting more and more into the practice of suggesting how the public expenditure can be increased, instead of leaving it to the Ministers of the Crown to consider how those employed in the public service should be paid. The Government cannot be bound in any way by the appointment of the Committee, and might well appeal to the House against the tendency to increase the public expenditure. The diplomatic corps has always been a distinguished one; the information it gives the Government is most reliable, and the Crown has been well represented by it. My hon. Friend has alluded to the increased facility the electric wire gives for the transmission of messages in a short time to our Ministers. But that facility does not do away with the necessity of fuller communications; that necessity is even greater now than it ever was before. With regard to the unpaid *attachés* the question is important; but, on inquiry, I think it will be found that their position is not so bad as it has been represented. It has been stated that they may remain for eight or nine years on the unpaid list. But I find from an examination of the list of last year that there are not more than three or four who have been on it more than five years. I believe my hon. Friend and the members of the Committee will find the arrangements of the Foreign Office very complete, and that the manner in which its business is carried on is perfectly satisfactory; that it is done with great order, and without any confusion. In agreeing to the appointment of the Committee I do not assent, in any way, on the ground that there are abuses in this department which require investigation; but I will concede that improvements may, no doubt, be made from time to time, and I should be glad if the Committee suggest any. Apart, however, from the new service in China and Japan the payments to the diplomatic servants of the Crown are made out of the Consolidated Fund and not out of the Estimates voted yearly by this House, and to this it is owing that the increase on this department has been much less than in any other. The Committee will, doubtless, find that Ministers and *attachés*, paid and unpaid, can give very good reasons why they should be paid salaries, or why their salaries should be increased. Reference has been made to the Report of the Committee of 1850, but I do not agree that the Report of that Committee is an authority on this subject, or, indeed, on any other; I think it went very hastily to work.

MR. HENLEY said, he wished to warn the House of the difficulty in which it would find itself if it countenanced Motions of this description. That was the third branch of the public service which was being placed in a kind of trust. The Admiralty had got two nursing mothers in the shape of Committees, and another was about to inquire into the military expenditure by the Colonial Department in our colonies. [The CHANCELLOR of the EXCHEQUER: There is the income tax.] The right hon. Gentleman mentions another Committee, but he (Mr. Henley) did not think that its inquiries were on all fours with the question of considering the efficiency of a particular branch of the public service. It would be difficult to find any one year in which three branches of the public service had been inquired into by a Committee with the consent of the executive Government. He sincerely hoped the public service would be benefited by the proposed inquiry, but he had his doubts as to such result, the more especially as regarded the case of servants of the Crown who brought their complaints before the Committee instead of before the Ministers of the Crown. He did not think such inquiries contributed to the efficiency of either army or navy, or any other branch of the public service; but as the Government consented to the Motion he should not offer any opposition to it.

Motion *agreed to.*

Select Committee *appointed,* "To inquire into the constitution and efficiency of the present Diplomatic Service of this Country."

Committee *nominated:—*

Lord JOHN RUSSELL, Mr. DISRAELI, The JUDGE ADVOCATE, Lord STANLEY, Lord HARRY VANE, Mr. FITZGERALD, Mr. LAYARD, Sir JAMES FERGUSSON, Sir JOHN ACTON, Sir MINTO FARQUHAR, Mr. HANKEY, Mr. HOPE, Mr. GRANT DUFF, Mr. MONCKTON MILNES, and Lord CLAUD HAMILTON :—Power to send for persons, papers, and records ; Five to be the quorum.

FIRE INSURANCE.—LEAVE.

MR. H. B. SHERIDAN said, he rose pursuant to notice to move for leave to bring in a Bill to reduce the duty on fire insurance. He would remind the House that he had submitted a Motion on this subject last Session, and having then gone fully into the question, he should not now attempt any detailed statement. Indeed, it was not necessary for him to trouble the House at the same length, for he thought the subject was never so well understood as at present. The right hon. Gentleman the Chancellor of the Exchequer had said the other night that he anticipated, if a certain tax were repealed, that other hon. Members would follow the example and come down to the House with propositions of an abstract kind. The proposition, however, which he (Mr. Sheridan) was about to move was no abstract Resolution. His proposal was precise and definite, and in favour of that proposal, authorities of world-wide reputation were arrayed. Moreover the appeal was not one made *ad misericordiam*, but one, the effect of which he believed would ultimately benefit, instead of diminishing, the revenue. The country was getting quite tired of this tax. The public press had attacked it, and a powerful association had been established to bring about its abolition. His proposal was to reduce the duty on fire insurance from 3*s.* to 1*s.*, and by that means to satisfy the demands of the country, at the same time that he hoped the measure in its effect would be found to satisfy any deficiency in the revenue which might be anticipated from the reduction of the duty. How stood the case with reference to the duty? The income at present arising from the duty on fire insurance was £1,400,000, representing in round numbers a sum assured of £1,000,000,000. Bearing in mind that the duty charged in Ireland was 6*d.* less than in England, the duty would be reduced by about two-thirds. At present, speaking generally, the property insured which furnished this gross revenue was subjected to more than the ordinary risks, and insurance offices would describe it as affected by extreme hazards. On the other hand, the uninsured property came under the head of prudental insurance, consisting, for the most part, of household goods, houses, ships, their cargoes, and uninsured stocks-in-trade. Then again, it was well known that merchants and others now insured only a portion of their stocks. In all these cases there would be a great increase of insurance, and he believed that the deficiency in the revenue, which might be estimated at £800,000, would be soon made up by the inducement which a reduction would hold out to persons to insure. Last year the right hon. Gentleman argued against the proposed year's postponement of the reduction ; but he believed that that would have been of the greatest value to the revenue, since it would have given time to the companies to communicate with their agents, and to procure a large additional amount of insurances. The Motion had now been submitted for some years past. Thousands of persons possessing insurable property held back from insuring, expecting the reduction of the duty, and if this reduction were made the deficiency of the revenue would, he believed, be almost immediately repaired. At all events, two years would not pass before three times the present amount of insurance would be effected. To show how these reductions of duty were replaced, he would refer to the post-office order system. In 1841 a considerable reduction took place in the amount charged for post-office orders. In the year previous, as he learned from an interesting pamphlet written by Mr. Sharman, the number of orders issued was 188,921, and their amount was £313,124. In 1842 the number was 1,562,845, and their amount was £3,127,507, while in 1859, 7,000,000 of orders were issued, the money value being £13,250,930. It might be asked whether, in the event of this reduction taking place, there was sufficient margin to allow of the deficiency being made up. That was a natural question, but his reply was that there was ample margin. In 1845 the personal property of the nation was estimated in *Porter's Progress of the Nation*, at £2,200,000,000, and allowing for an increase on the average of the preceding years, it would amount to £3,800,000,000, inclusive of railway property. Reducing that by £800,000,000, as representing the National Debt, there would be £3,000,000,000 left as representing the personal property of the country. The real property of the country, according to Mr. Porter, could not be very accurately ascertained. But it was estimated from the assessment for the income tax that the value of the real property in 1842 was £2,382,000,000 exclusive of Ireland, and if they added for the eighteen years which had since elapsed £600,000,000, it would bring up the actual value of the real property of the country to £3,000,000,000. A little work called the *Financial Register* fully confirmed that view of the case. Then taking the personal property into consideration, he found that there was about £4,000,000,000 which might be fairly termed insurable property. The increase in the value of that property had been chiefly in the shape of buildings upon land; but, besides, there had been a great deal of additional property created by the reclamation of land. In Ireland alone, of late years, there had been an increase in the value of property from that source to the extent of £3,000,000, and a great deal of land had also been reclaimed in England. It would be idle for him to attempt to give anything like an accurate representation of the value of the national property of this country, all that he could do was to give some approximation drawn from Mr. Porter's able work upon that subject. Perhaps, so far as regarded the increase in personal property, one criterion would be the vast increase in the exports and imports within the last few years. From the figures in a valuable little work upon that subject by Mr. Leone Levi, he found that the whole amount of exports in 1855 was £260,000,000, whereas in 1857 they were no less than £334,000,000, being an increase of no less than £74,000,000. The number of vessels which cleared out that year were no less than 97,500, with a tonnage of 22,300,000 tons; and if they estimated the value of the tonnage on the basis which Mr. M'Culloch had given, namely, £13, it would give a gross value of no less than £289,900,000, and he would add to that the £600,000,000 which he estimated was the increase in personal property. They must remember that that was almost all of it insurable property. The practice had hitherto been, with reference to ships, to insure them during the time they were loading and unloading, and to charge so much per month on the insurance. He was prepared to say that if the duty was reduced it would very materially increase the insurance of that particular class of property. At present a great many shipowners were their own insurers, including most of the shipping companies, and he attributed that fact almost entirely to the heavy duty now charged upon fire insurances. The amount of national wealth, which he had estimated at £6,000,000,000 was small, however, when compared with the national wealth of France. There existed in France 180 milliards of insurable property, amounting to £7,200,000,000 of English money. That was exclusive of real property. In this country a proportionate increase of insurance was by no means equal to that of France. In 1835 the amount insured in this country was £500,000,000. In 1855, it had increased to only £800,000,000. The revenue derived from fire insurance in 1845 was £1,062,000. In 1860 it was £1,400,000 or thereabouts. In England the habit of insuring had existed for 180 years. In France it had existed for only thirty-four or thirty-five years. But whilst we had only insured £1,000,000,000 out of 4,000,000,000 France had insured 2,200,000,000. That was a most unsatisfactory state of things, either as compared with the amount insured in France, or with the marvellous increase which had taken place in the value of our national property within the last few years; and it might be fairly assumed that it was caused mainly by the impolitic duty which was levied on fire insurances. Last Session the Chancellor of the Exchequer employed an argument based on the report of Mr. Coode to show that it was not probable any great increase in fire insurances would take place, as the result of the exemptions of agricultural produce had not been as favourable as was expected. But the opinion of an eminent actuary, Mr. Samuel Browne, was directly opposed to that conclusion, for he went into a calculation for the purpose of showing that in the two years which followed the granting of the exemption the insurance of farming stock was more than doubled; in the next ten years there was an increase of 80 per cent; in the next five, of 20 per cent; and it was only when the impulse given by the remission had been exhausted that the amount became stationary. To show the unjust character of the tax it was only necessary to suppose the case of an insurance society consisting of 1,000 members, who contributed a sufficient sum to insure each member for £1,000. In the event of a loss happening, before the society could hand over the £1,000 so insured it was requisite to pay £2,000 as a fine to the Government. That amounted to a bonus to those who did not insure, and was a penalty imposed on those who dared to take care of what they had earned by their labour. On what principle did the Government claim this 200 per cent? Had it taken any share in the risk, or had it superintended the transaction in any way? The principle would be the same if the Government in addition to the 1*d.* now charged for the postage of each letter were to demand 2*d.* for sending it. The profits of the fire insurance companies did not exceed 20 per cent on the returns; yet the demand made by the Government was at the rate of 1,000 per cent on their profits. If it were the desire of the Government to destroy the national property they were going the right way to work. The official Returns showed that insured property to the amount of £1,000,000 was annually destroyed by fire, while the total amount destroyed could not be less than £5,000,000, the balance remaining uninsured from what he must call the stupidity which actuated legislative proceedings on this subject. Were prudence and virtue matters so constantly to be met with that it was necessary to restrain them by taxation? Did not the House think it would be better to tax our vices and indulgences, than virtues such as forethought and economy? If the tax were to be regarded as a property tax he could understand its retention, though it ought to be fairly assessed. Why should a man who insured his property be liable to pay property tax, from which a man was exempt who had property sufficient to become his own insurer? Why, too, was it always thought necessary to fasten a property tax on trade, while agricultural products were allowed to go free? He could not help saying, that as a property tax it was dishonestly administered. In the leading newspapers articles had appeared in favour of the reduction of this impost, but he should content himself with quoting from *The Times* of the 6th of April 1860. The hon. Gentleman read as follows:—

> "Let us now consider the character of the tax itself. Of course, in some sense, it is a direct tax, and also in some sense a tax upon property; but we venture to say that never yet was a property tax so levied. Mr. Bright proposed the other day to place a tax upon property. His scheme did not find much favour with the public, but its principles were at least more reasonable than those of the insurance duty. He would have taxed all property alike, without allowing imprudence to bring in a right of exemption; but he would not have treated a tradesman's stock as property, or levied his tax upon goods obtained merely for the purposes of sale. In the insurance duty no cognizance whatever is taken of property until its owner wishes to secure it against the risk of fire. A man with £5,000 worth of plate or furniture in his house is not called upon for a penny, provided he chooses to remain uninsured; whereas his neighbour, with a stock in trade worth £500, must pay 15*s.* yearly to the Government, besides 7*s.* 6*d.* to the insurance office, if he wishes to be guaranteed against ruinous loss. The tax, therefore, is levied, not upon property, but upon the act of securing it. If a man chooses to run the risk of being beggared Government will encourage him in his recklessness by exempting him from a tax; if he is too cautious to incur this peril, he must pay for his wisdom. It is in vain to argue that the duty does not really operate in this manner, and that the amount is too small to deter anybody from insuring his goods. The duty turns a payment of £1 into £3, and it would be preposterous to suppose that the latter obligation would be accepted as freely as the former. If a reduction of £200 per cent upon the cost of a thing will not bring it into more common use, what becomes of all the speculations on which Mr. Gladstone founds his Budget? What is the good of cheap silk or cheap claret unless cheapness means increased custom in the article? If there is truth, as assuredly there is, in the relations traced between price and consumption, it follows necessarily and directly that the heavy duty upon insurance discourages the practice of insuring, and that a premium is thus placed by legislative enactment upon culpable imprudence."

Hon. Gentleman seemed to hear with impatience the quotation which he had read from so influential an organ of public opinion, but he begged to remind the House that these were arguments in favour of the amelioration of the condition of their fellow-countrymen. Comments had been made on the absence of petitions and remonstrances from insurance companies, but a petition had been presented that evening from the leading insurance companies of London protesting against this tax. The fire insurance companies were allowed a discount of 4 or 5 per cent for the collection of the duty. What was it that made those companies willing to give up that advantage and to ask for a repeal of the tax? The fact that they were in precisely the same position as the country at large with respect to this subject. He had heard a rumour of an intention to make an attempt to count out the House in order to get rid of this subject; but he could hardly believe that such treatment would be accorded to so important a matter, though so few Members were present. If it were a personal question affecting a Minister, the benches would be crowded, and the greatest interest be excited; but as it was merely a question of general policy, and affected more or less every household in the kingdom, of course it could hardly be expected that the representatives of the people would be in their places. It would be a very unusual thing if it were so. He had no doubt that the right hon. Gentleman, the Chancellor of the Exchequer, would object to the repeal of this duty on two grounds: first, that the Motion for its abolition was not brought forward by a member of the Government; and, secondly, that he had not the means of assenting to his proposal. He (Mr. Sheridan) was a very insignificant Member of the House; but his excuse for bringing the subject forward would be found in the fact that the Government had taken no step in that direction. A French company had proposed a scheme for insuring property in this country without duty. When the Government of the day discovered it they came down to that House, and the Act 19-20th of Victoria, preventing any company from stepping in to do that was the result of their appeal to hon. Members. That fact was sufficient to show that the repeal of the duty was not likely to be achieved by the spontaneous action of the Executive. As for the objection on the ground of want of means, the right hon. Gentleman himself, when bringing forward his proposal for the repeal of certain duties last year, laid down the doctrine that even a deficiency in the Exchequer did not afford a reason for continuing an unjust or impolitic tax, seeing that the consequence of a reduction of it might be to increase the revenue. What he proposed was to reduce the fire insurance duty from 3*s.* to 1*s.*, and he believed that the sum actually obtained from the tax would, in the event of the change, not be less than at present. He was convinced that no other tax had a prior claim; and trusted that the Chancellor of the Exchequer would assent to the Motion, and thus increase the confidence which the public reposed in his wisdom, and in his desire to legislate in a just and worthy manner for the advantage of the entire community. The hon. Member concluded by moving for leave to bring in a Bill to reduce the duty on fire insurance.

MR. CONINGHAM seconded the Motion.

MR. NORRIS said, it was usual, when hon. Gentlemen came forward in that House with a proposal for the reduction or abolition of a tax, to appear as the advocates and representatives of some distressed class of the community, who complained of the oppressiveness of a tax, or of the inequality of its incidence. But they had that night the novel exhibition of the hon. Member for Dudley asking the House to fetter its independence by pledging itself to the remission of a tax which was petitioned against by certain insurance offices alone. The whole scope and drift of the hon. Gentleman's speech was to embrace, not those who were oppressed with the weight of taxation, but those who paid no taxes whatever in respect of insurance. If night after night the House took up in this way one branch of revenue after another such a course would tend to unsettle their financial system and embarrass the Government. The tea and coffee duties had been continued for fifteen months with the express view that all the taxes bearing on the masses of the people should then be taken into consideration. It was forestalling the question to propose that a large source of income should be abolished now without taking in connection with it all the other sources of income. For these reasons he hoped the House would disregard the application that had been made for the removal of this tax, until they had before them the Estimate of the expenditure and income for the year. When they knew what these were to be they could, if the finances admitted of any reduction of taxation being made, decide in what direction that reduction should take place. None of the insurance companies had announced that they would give the public the advantage of any reduction of the duty that might be made.

The question, indeed, was one in which the insurers, rather than the insured, were interested, and he had little hesitation in saying that if Government were to propose the establishment of an insurance department the profits of which should go to the State, every insurance company, notwithstanding the desire they professed to encourage habits of providence among the people, would be up in arms against it.

Mr. Alderman SIDNEY said, he had often heard it laid down in that House that reduction of taxation did not impair the revenue. The proposition of the hon. Member for Dudley did not go to the destruction of the revenue, but simply asked for a reduction of a tax which probably would not at the same time bring about the reduction of the revenue. He believed if the fire duty were reduced from 3*s.* to 1*s.* per cent, the public would be benefited and the revenue not endangered; and although it might be said that this was not the year in which the alteration could be well made, yet he thought it would display a want of courtesy on the part of the Government on that ground not to allow the introduction of the Bill. The tax was a tax on the provident habits of the people, and he was surprised that the Government should oppose its abolition. Allusion had been made to France, and in stating that there personal property was insured to three times the extent it was in England, he believed the hon. Member for Dudley had not overstated his case. The measure was a wise and simple one, and he believed that, though the Government might successfully oppose its introduction, the sense of the country was in its favour.

The CHANCELLOR of the EXCHEQUER: The hon. Gentleman who has just sat down has stated that he never knew a more simple proposition than this submitted to the House, and yet it seems impossible for its mover to bring it forward in speeches of less than one, two, or three hours in length. However that may be, I must apologize to the House, because I frankly own my opinion that, as far as argument goes, this is an exhausted subject. I do the hon. Member for Dudley this justice, that I think he has upon every occasion argued this question with the utmost ingenuity; but his ingenuity is totally at fault; he is compelled to resort to the most extraordinary expedients; he is obliged to read to us in full detail a leading article from a newspaper, and certainly if it had been possible to avert that necessity the hon. Member would have discovered the means of doing so. Far be it from me to deny that the sentiments of that leading article were admirably put; at the same time it appears to me that leading articles are written to be read in silence rather than aloud as part of a speech. After delivering his own speech the hon. Member went on to deliver mine. I shall make a comment on that by and by. I only notice it now as a proof of the straits to which the hon. Member found himself reduced; but I make this observation, that, having delivered my speech, he also delivered his own answer to it, and I take the liberty of noting that, as far at least as I am concerned, the hon. Gentleman has already exercised his right of reply, and will not be in a condition to claim it a second time. It appears to me that my hon. Friend the Member for Abingdon (Mr. Norris) has, in his reference to the mode, to the principles, and to the order in which financial subjects should be treated by this House, given reasons for the rejection of this Motion. Nevertheless, my respect for this subject, exhausted though it is, obliges me, as the hon. Member has thought fit to state in full detail the important but very familiar points on which the argument for the repeal of the tax turns, briefly to advert to them. The hon. Gentleman says that he proposes to reduce the fire insurance duty from 3*s.* to 1*s.*, and as that *primâ facie* removes from the revenue about two-thirds of the amount received from that source — namely, £1,400,000, what he asks the House to do on the present occasion is to vote the condemnation of £900,000 of the public revenue. [Mr. Sheridan: £800,000.] It appears to me that £900,000 is a fairer statement of two-thirds of £1,400,000 than £800,000. The hon. Member who last sat down appeared to think that it was a matter of courtesy to allow the introduction of the hon. Gentleman's Bill. I respectfully dissent from that proposition. If it were a matter of courtesy and nothing else, I am quite sure that I am speaking for my Colleagues as well as myself when I say that we should be most happy to accord to the hon. Gentleman that courtesy. But when the nature of a Bill does not in any degree turn upon its structure or form of expression, when the whole effect and purport of the measure is distinctly avowed in the title which appears upon the notice paper, and in the speech of the hon. Member who asks leave to introduce it, it is the ingenous and straightforward course for the Government to adopt to state at the earliest moment its opinion upon the measure. £900,000, then, is the sum which the hon. Gentleman asks us now, upon the 8th of March, to determine to deduct from the revenue of the coming year. He does not make this demand without holding out to us the most alluring prospect, for he assures us, upon his word, that he has a comfortable belief that in the course of two or three years the whole of this sum would be replaced. Nay, more, the hon. Gentleman goes the length of asserting that if we do but accede to his Motion the ultimate effect will be that the tax will realize three times its present amount. [Mr. SHERIDAN: I said it would produce three times the amount of the revenue reduced.] No doubt, the hon. Member intended to say that the whole revenue would be replaced. This astonishing position is one of those specious computations which one man is as free to make as another. It is difficult to apply a test to such computations. I heard, however, the hon. Member calculate the value of the shipping of the country. He said there were 22,000,000 tons of shipping in this country, and that its value might be placed at £13 a ton. That being so, I will give the House a specimen of the trustworthiness of the calculations on which the hon. Gentleman expects that this £900,000 a year will be replaced. The 22,000,000 tons of shipping exist nowhere but in his own imagination. That is not the amount of the shipping of this country, but the tonnage that passes in and out of the ports of this country. [MR. SHERIDAN: I said so.] The same vessels may go in and out from five to fifty times in the course of the year. There are not 22,000,000 tons of shipping in this country, but 4,600,000 tons. Here is the book, and the hon. Gentleman may make his own calculation of the value of the shipping at £13 a ton. The difference, however, is astounding, and it is not a bad specimen of the computations or conjectures of the hon. Member. The hon. Member quotes the Post Office, and especially the Money Order Office. But this is no example, and has nothing to do with the present case. That was never a tax at all, but a charge for the transaction of business, and it is a gratuitous assumption that the reduction of that charge was the cause of the increase of the system. The money order system was a perfect novelty. It spread with wonderful rapidity, and it was a discovery almost equally honourable with the original system of penny postage. But that reduction of charge was only one of the improvements that produced this effect. But what is the case of the penny postage in relation to the public revenue? You made in 1839 an immense reduction in the postage of letters. The number of letters was stimulated by a variety of means, but you reduced the postage on letters far more in proportion than the hon. Gentleman proposes to reduce the duty on fire insurance. We have had that new postal system with its reductions in use for twenty-two years, and we have not yet made up the revenue we lost in 1839. The hon. Alderman has stated that he has heard it said in this House that the reduction of duties does not impair the revenue. But can there be a grosser mistake or more dangerous error than to assert as a universal proposition what is only true in particular cases? Make your selection with judgment, take the proper case, and then the reduction of a duty, nay, I will add the abolition of the duty, will not always reduce the revenue. Each case, however, must be judged on its own merits. I will take the hon. Member's own parallel of the Post Office, and I will say here was a clear proof that while the change was admirable, while the reduction was enormous, and while the new system was worked out by the very man who introduced it, we have not yet replaced the revenue that was taken away twenty-two years ago, although I admit that it was revenue well sacrificed, and that the benefit was ten times greater than the money lost. Still, we are now on fiscal grounds; and that is an issue that must not be changed or evaded. The hon. Member objects to the exemption of farming stock from the duty on fire insurance. The hon. Member, however, does not come down with an Address to the Crown, or a Resolution of this House, affirming that it is unjust to establish a distinction between farming and other stock not entitled to take advantage of that exemption. I recommend the hon. Gentleman to make the experiment and try to get that distinction abolished. But if the Legislature acted wrongly and rashly in giving away £200,000 by the exemption of farming stock from duty, is that any reason why we should give away £900,000 more? The hon. Member says there has been a greater increase in the property assured in France than in this country. Well, no wonder. The introduction of fire insurance into France is recent. Here it is 200 years old. As well might the hon. Member suppose that because 12,000 miles of railway were made in this country last year, the same extent will be made every year for the next twenty-five years. A grosser fallacy cannot be conceived. The state of the law relative to fire insurance is, however, very different in France. If a particular person has a house in a block of twelve, and if a fire breaks out in his house and extends to the other eleven, the losses of the other eleven are charged on the man in whose house the fire arises. In this country the risks are not so large, and the proportion between the amount of property and the insurance is entirely different in the two countries. The hon. Gentleman may, from the analogy of the Post Office, have fair ground for expecting that a gradual and moderate increase will take place in the event of the reduction of the duty, but he has no ground for expecting that we can avert a heavy fiscal loss that may indeed continue for a number of years. I do not quarrel with the hon. Member on the general question whether a reduction in this tax may not be desirable, but let it be considered on its own merits, and not on expectations not grounded on experience. I admit with him that in a certain state of our finances it might be just, wise, and expedient to afford a reduction in the duty on fire insurances. But that is not the question now before us. The hon. Member says I shall object to the interference of a private Member of Parliament in such a matter. No word has ever fallen from me approaching to such presumption. It is the duty of every Member of Parliament to propose the removal of any tax that he may consider burdensome to the people. But there is a mode and time of proposing such reductions, both for independent Members and the Government. If the hon. Member asks "when ought we to object?" I say let him make his objection when his claim can be put in competition with other claims, and not when he is in ignorance as he now is of the expenditure of the country for the year, and the means of meeting that expenditure. When the Government make their proposition to the House it will be seen whether, if there be a surplus, the mode of giving it away proposed by the hon. Member is wiser than that proposed by the Government. I know it is a popular saying in the House, that if a remission of a tax is suggested before the Budget the Chancellor of the Exchequer says that it is too soon, and if after the Budget that it is too late. I do not know who ever said that—certainly I never did. I will cite a case which appears to me to have been perfectly legitimate and perfectly fair to all parties. In 1853 my right hon. Friend the Member for Ashton (Mr. Milner Gibson) moved the repeal of the advertisement duty; and after the Budget was produced we found that the prevailing feeling on the subject was such that, although it was only the proposition of a private Member, and although we ourselves had proposed entirely different plans, we gave way and adopted the abolition of the duty. Now this is the course which the hon. Gentleman should pursue. To demand £900,000 of annual revenue from the Finance Minister of the country, before we know anything about the probable balance of income and expenditure, is certainly, to use the hon. Gentleman's own words, a proposal of a "stern and unflinching character." It is really too much for my nerves; and I hope it will prove too much, also, for the nerves of the House. What right, in justice, reason, or policy, has the hon. Gentleman to take the reduction of this tax out of the category of other claims? Does he mean to say that it is a claim of such a nature that we ought to grant it whether we have a surplus or not? If so, I hope the House will beware of committing itself to a deficiency in the revenue. If the hon. Gentleman says we have the means to dispose of in this way, I tell him that he does not know. Till the close of the year, and till I know what the Estimates are to be, I myself cannot presume to lay before the House any statement which would warrant that allegation. But then the hon. Gentleman asserts that this claim is prior to all others. I shall be much surprised if the House proceeds, prematurely and in the dark, to affirm that proposition. I am glad to have got from the hon. Gentleman the meaning of his Motion. It is that neither the income tax, nor the paper duty, nor the duty on tea, nor the duty on sugar, which are the chief claimants on the public revenue when the time of revision comes, are to be put in competition with the duty on fire insurance. While I think it most objectionable, except under very extraordinary and peculiar circumstances, to accept any proposal for a financial reduction without knowing what claims there may be on our liberality and justice, I hold it to be especially objectionable in a case like the present. The real fact is that the demand for the reduction of this tax, though favoured by public opinion, is mainly supported by a powerful and well-organized combination of wealthy bodies. The House should, therefore, observe especial caution in such a case. Let us contrast this claim with, for instance, that for the reduction of the duty on tea. That is a duty which interests every human being down to the lowest class of the community. There is not a single old woman, I mean old women of the species which nature produces, not that numerous class which on artificial but very substantial grounds receive that appellation; and I say that the real old woman is the just object of our consideration; there is not one of that class living on *2s.* or *3s.* a week doled out by the Board of Guardians who has not a direct and sensible interest in the reduction of the duty on tea; but there are no powerful companies, no great wealthy bodies of capitalists to besiege the doors of this House and the dwellings of its Members with a demand for the repeal of the duty on tea. That repeal will be urged on the ground of public interest alone. I do not wish you to pledge yourselves to any question of priority. I object to taking up one claim before the others. I object to your taking any step until you know the state of the probable income and expenditure. I object to your spending what you do not yet know that you have got. But above all I object to your selecting for special favour the claim for the reduction of a duty which already competes, at too great an advantage, with other claims of a similar nature, being supported by those organized means of agitation which wealth has always at command. I hope that the House will refuse the Motion of the hon. Gentleman. It is our obligation as a Government to bear in mind the condition of all the tax-payers of the kingdom, and to endeavour so to regulate the taxation of the country as to strike a fair balance between their interests and claims. But it would be impossible to accomplish that task if the House of Commons were, as I am thankful it is not their practice to do, to make a precipitate and premature decision at the bidding of a powerful interest in favour of a claim which is rather for the benefit of a class than of the public, to the disadvantage of other claims which are of more general interest and may be found to be of greater weight. To take such a course would involve a substantial betrayal of public duty, and would inflict a substantial injury on the people at large.

Mr. MALINS said, he agreed with the hon. Member for Dudley in thinking this was a bad tax, and he thought that the speech of the right hon. Gentleman was opposed in spirit to the speech in which he introduced the Budget last year. The right hon. Gentleman had told them that the duty on fire insurances was to be maintained in all its integrity. [The Chancellor of the Exchequer: I never said that.] He should be sorry to misrepresent the right hon. Gentleman, but he certainly understood him to maintain that principle. However, it was perfectly clear that it was the opinion of the right hon. Gentleman that, for protecting his property against fire, which was a duty every man owed to himself and his neighbour, he ought to pay to the Government just twice as much as he paid to the insurance company, insuring at the ordinary risks. He had no sympathy with the great insurance companies; but the right hon. Gentleman was not correct in considering this a mere question of insurance companies. On the contrary, it was because he believed it was a question which deeply affected the middle and poorer classes, who were most unjustly taxed in the matter, that he dissented entirely from the principle laid down by the right hon. Gentleman. The Chancellor of the Exchequer was the first to argue for the removal of the wine duty, which really did not press heavily on the classes to whom he referred, and he did so on the ground that if they reduced the duty to *6d.*, there would be a very great consumption, and their other revenues would not be less. Why did not the right hon. Gentleman apply the same principle to the reduction of duty on fire insurances as the wine duty? It was of much greater interest to the people that they should be allowed to insure their homes against fire without having to pay twice as much to the Government as to the insurance office, than that the rich man should get his bottle of wine a little cheaper. He quite admitted the force of the argument that they ought to wait and see by the Budget what the Government could afford to part with, for he admitted that there were considerations higher even than relieving the people from the burden of taxation, and he for one would consent to pay the insurance tax, or any other tax, for the purpose of promoting the greatness of the country. But was he, because he held that principle, to be told year after year that a tax could not be reduced, which outraged all principles of justice and transgressed all rules of taxation? After what the right hon. Gentleman had stated last year, was he now to tell them that that was a tax in which there was to be no modification.

THE CHANCELLOR OF THE EXCHEQUER: I hope the hon. Gentleman will not repeat a misrepresentation, which is very gross. I stated nothing of the kind. I stated that, in certain conditions of finance, such a reduction might have many claims; but I asked the House to suspend its judgment.

MR. MALINS said, he had stated that he was quite willing to wait until the financial statement had been made, and therefore he should, though voting for the introduction of the Bill, ask the hon. Member to postpone the second reading until after the Budget, and when the Chancellor of the Exchequer had explained the exact amount of surplus. And when they knew the amount of that surplus he was sure the voice of the country would urge on this reduction, rather than those which the right hon. Gentleman attempted to impose upon them last year. The fact was the tax was most oppressive. On an insurance of £100 it was 200 per cent. It was besides objectionable in principle, because it operated to prevent a man doing that which, as a matter of precaution and safety, he ought to do. The high amount of duty had induced him to run a great risk by insuring his property at much less than otherwise he would have done. There was no reason to suppose that if the tax was reduced fire insurances would not greatly increase, so that if the proposition of the hon. Member for Dudley were agreed to at once, and the duty reduced to one shilling, the Chancellor of the Exchequer would not lose, as he stated, £1,000,000, but a portion of the loss of revenue would be made up by the increased amount of property which would be immediately insured. If the right hon. Gentleman had only admitted that the time might come when it would be expedient to modify the tax there would be then something to hope for; but so far from that he did not say this was a tax which ought to be considered at all. The right hon. Gentleman said that, considering the finances of the country, he could not hold out any hope of the reduction of these taxes at all. [The CHANCELLOR of the EXCHEQUER: I did not say so] At all events the Chancellor of the Exchequer did not hold out any hope.

THE CHANCELLOR OF THE EXCHEQUER said, it would be very inconvenient if any misapprehension should go forth with respect to matters of finance. The hon. and learned Gentleman must know that he (the Chancellor of the Exchequer) could not and did not hold out any expectation whatever of the reduction of any duty whatever.

MR. MALINS said, that there was no doubt about that; but he thought that as the duty was not defensible in its nature, the right hon. Gentleman might have said that, having regard to the general finances of the country, he would consider it. On the contrary, they had the right hon. Gentleman saying it was a question of public companies. If he (Mr. Malins) entertained that view he would not urge the reduction of the duty one farthing; but considering, as he did, that the reduction of this duty would most materially benefit a very large class of the public he should vote for the introduction of the measure, on the understanding that it should not be proceeded with until after the financial statement of the Chancellor of the Exchequer.

MR. BLACK said, he wished to explain the reason of an apparent inconsistency in the vote which he was about to give. He had the day before presented a petition from the merchants of Edinburgh against the tax, and on looking into the petition he found that he had signed it himself. It might appear inconsistent that he should pray for a particular measure and yet vote against its introduction. But when he considered the state of the finances, he thought there was good reason for opposing the Motion. At the same time he considered the tax not only a bad one, but one of the worst at present existing. The hon. and learned Gentleman opposite seemed to think that the Chancellor of the Exchequer had refused to take the tax into consideration at all; he (Mr. Black) did not so understand him, but only that he asked to wait until there should be a surplus, and he could gather from the tone of the right hon. Gentleman that he did not expect that at present. The hop growers came forward the other night with a very strong case, but he opposed them because he thought that the Chancellor of the Exchequer had made out a stronger case against remission; and, therefore, though he was himself greatly affected by this tax and would save a considerable sum by its repeal, he could not now vote for the introduction of the Bill, because it might be said that he voted for the repeal of this tax because it affected himself, and supported the retention of another tax by which he was not affected. He trusted the right hon. Gentleman the Chancellor of the Exchequer would take into his consideration this duty on fire insurance, and that when he had a fair chance he would bring it forward as one of the first which called for repeal, or at all events for reduction. Under that expectation he should vote against the introduction of this Bill.

Mr. SPOONER observed, that the Chancellor of the Exchequer had said that the question before the House was an insurance companies' question. Granting that it was—and he would not say whether it was or was not—what then? The insurance companies alleged that if the duty were reduced their business must increase, and as their business increased so would the revenue be increased likewise. Admitting it to be a companies' case, granting them this concession, the reduction of the tax would lead to an increase of revenue. The Chancellor of the Exchequer said it was a fiscal question; but it was also a social one. Great risks were run by those who neglected to insure at present, but who might be led to do so if the duty were repealed, and thus a great benefit would be bestowed on the country at large.

Mr. BUCHANAN said, it was with much reluctance that he had made up his mind to vote for the Motion, but when a great principle was brought forward, it was desirable that Members should express their opinions with regard to it. He had on former occasions voted for a similar Bill to the present one, but merely with the view of making a declaration of what he conceived to be right. While voting for the introduction of the Bill, he would, after the Budget was brought forward, determine the course he would take on the second reading, as the financial circumstances of the country might justify.

Mr. GREGSON intimated, that it was with reluctance that he found himself compelled to vote against the Motion of the hon. Member for Dudley, and stated that when the Chancellor of the Exchequer had brought forward his Budget he would take an early opportunity to state the case of those old women to whom the right hon. Gentleman had alluded.

Mr. CONINGHAM characterized the tax as perfectly indefensible in principle, and monstrous in amount, and expressed a hope that the decision of the House that night would have some influence upon the forthcoming Budget.

Mr. HENLEY remarked, that they seemed now to have come to this position—that one hon. Member after another found fault with some particular tax, which was one of the easiest things in the world to do; but if the principle of conceding one tax after another were carried out, there would soon be no taxes in the Exchequer, and he did not know in that case how the national credit could be maintained. The case of the hop duties was brought before them the other night, but with respect to that, as to other taxes, he would not consent to rob the Exchequer till he saw where the money necessary for keeping up the national establishments was to come from. He did not understand hon. Gentlemen saying they would vote for the first reading, but would leave it open to consider whether they should support the second reading. That was not business to his mind. If they wanted to knock a thing on the head they should do so at once.

Viscount PALMERSTON: I hope the House will carefully consider the vote into which it is about to be hurried by the hon. Member for Dudley. I never heard anything more illogical than the argument which some hon. Gentlemen have used in support of this Motion. We are told that the country requires a revenue, that it is impossible to determine upon the repeal of any particular tax until my right hon. Friend, the Chancellor of the Exchequer, has stated his views of income and expenditure; that those who are going to vote for the introduction of this Bill do not mean to bring on the second reading until after the Chancellor of the Exchequer has stated whether he has any surplus to dispose of; and, if he has, how that surplus can best be applied. If there is any reason in that line of argument it leads directly to that result which we recommend to the House; namely, not to sanction the introduction of the Bill when we do not see our way to carrying it through all its stages. Every argument which was used by the hon. and learned Member for Wallingford (Mr. Malins) tended directly to the reverse of the decision which he announced, to my utter astonishment, that he was himself prepared to join in. This is much too serious a matter to be treated with the levity with which some hon. Gentlemen are disposed to treat it. In the first place we are told that the abolition of this duty will be a great relief, and that the whole amount will go to the insurers. Will anybody insure me that a great portion will not go to the insurance offices? When the tax was taken off beer we were told that instead of its being any relief to the consumers it would only be a fair compensation to the brewers for the expenses they had incurred without any remuneration. So the charges of the insurance offices may be increased; but, be that as it may, I say we are not in a condition at present to determine with regard to any particular tax whether or not we can afford to repeal it. The country is bent upon being put into a state of security with respect to external defence. The people have raised 150,000 Volunteers at great trouble and expense to themselves in order to secure the country; and, under these circumstances, it is trifling with the great interests of the country to pronounce a decision upon any particular tax before we know whether there are any taxes which we can reduce, and, if we have such taxes, whether the tax now under consideration is the one which ought to be selected. I hope the House will not listen to the arguments of those who are in favour of this Motion, but will give to my right hon. Friend, the Chancellor of the Exchequer, that fair opportunity which he is entitled to have to take a large and general view of the whole financial state of the country, and will suspend its judgment upon any particular portion of our finances until that view shall have been laid before it.

Mr. H. B. SHERIDAN, in reply, denied that the insurance offices would derive an immediate benefit from the passing of his Bill. They would, on the contrary, suffer an immediate loss, because they gained something from the collection of the tax. He was willing, if the Motion were agreed to, to defer the second reading until after the Budget had been brought.

Motion made, and Question put, "That leave be given to bring in a Bill to reduce the Duty on Fire Insurance."

The House *divided*;—Ayes 49, Noes 138: Majority 89.

Viscount Palmerston

GRAND JURY PRESENTMENTS (IRELAND).

SELECT COMMITTEE MOVED FOR.

Mr. BUTT said, he founded the Motion of which he had given notice upon the fact that there was upwards of £1,000,000 raised in the counties in Ireland and administered by the grand juries of the country without any representation or control of the ratepayers. In fact the whole of the fiscal administration of the counties of Ireland was in the hands exclusively of an irresponsible body, under the same obligations as were imposed upon them relative to the transaction of criminal business. In 1836 a change was made in the law on the subject which effected several improvements in the system. In the first place it gave publicity to those proceedings which were before then conducted in secrecy. In the next place it deprived the sheriff of that unlimited discretion in selecting grand juries which those officers had previously possessed; and, lastly, it enacted that no presentment could in future be passed until it had been previously adopted at the Presentment Sessions. The magistrates, however, of the whole county could attend those Presentment Sessions, and with them a small number of the associated ratepayers could control the expenditure of those enormous sums levied off the county. But, under the circumstances in which those ratepayers were selected it could not be said that the body was at all properly represented. The names of one hundred ratepayers were returned for each barony or hundred, and they were thrown into a box, and the first six that were drawn out were expected to act. The persons supposed to be controlled by the ratepayers had the selection of those names, and, therefore, there was no security whatever against misapplication of the funds at their disposal. The expenditure of the counties might be divided into ten heads, all of which were under the control of the grand juries. They were, with the amounts expended, in 1859 as follows:—The making of new roads, bridges, &c., connected with public highways, £85,000; repairs of roads, £493,000; erection and repairs of county buildings, £10,000; prison expenses, £79,000; police and witnesses, £19,000; salaries and county fees, £102,000; public charities, £72,000; repayment to Government for advances made, £102,000; miscellaneous items, £92,000; making in the whole an expenditure exceeding £1,000,000. The Royal Commission which inquired into this system in 1842, and which was composed of some of the most eminent men of the day, had placed it on record that while it was the intention of the law to give the right of representation to the taxpayers, the law was ineffectual for accomplishing that object. They then recommended certain changes in regard to the Presentment Sessions. Now, he (Mr. Butt) did not rest his case upon any charges of jobbery or impropriety of conduct on the part of the grand juries in Ireland. He believed that, generally speaking, they were actuated by as high and honourable motives as any similar class of Gentlemen in this or any other country. Nevertheless, under the existing system, there was every temptation afforded them for the application of those monies to the making of new roads or other improvements in such places as would considerably increase their own properties without conferring any proportionate advantages upon the country generally. Throughout the whole of the evidence of the Commission of 1842 comments were made upon the inefficiency of the existing system. No attempt, however, had been made to carry out any one of the recommendations of that Commission. But in the year 1849 a Bill had been introduced bearing upon its back the names of Sir William Somerville and Sir George Grey. It had been introduced in June, and then it was ordered to be postponed to the next Session. That "next Session" was a favourite period for considering all Irish matters. Nothing, however, was done; and again in 1855 Sir Denham Norrys attempted to introduce a Bill but without success. It was again deferred until "next Session," and again in 1856, and again in 1857. And now, once more, there were Gentlemen in the House exceedingly anxious for a reform in the law, who advised him to follow the example of his predecessors, and leave the matter in the hands of the Chief Secretary, and expect that "next Session" something would be done. But if he did so, he had no doubt whatever that "next Session" the reform sought for would be as far off as ever. He was not prepared to present a Bill for the acceptance of the House, but he felt that so many interests were involved in the question, that a Committee was the proper tribunal in which to consider them. He believed also, if a Committee were appointed impartially to collect opinions, and if men of widely different ideas on the subject were to meet and hear each other's arguments, that the result would be suggestions which would carry with them the general opinion of Ireland. He valued the principle of local self-government; but local self-government was not half carried out by the higher classes, and not at all encouraged by the sheriffs. It was desirable to establish an independent public opinion in Ireland; but how could it be established without institutions that would create it. Give the people of Ireland the institutions which had made the Saxon character so independent and strong, and they would exhibit the same characteristics.

MR. POLLARD-URQUHART said, he would second the Motion. He was far from finding fault, however, with the manner in which the grand juries had administered the finances. He believed they had done it as well as persons in their circumstances could do, but that ought not to be an obstacle to carrying out the principle advocated by his hon. and learned Friend. He was quite certain that those who were in the habit of attending boards of poor law guardians must have noticed the improvement in the habits of the middle order of Irish, and that any tendency to jobbery or local favoritism which used to exist had disappeared, and he was quite sure that the Government could not do better than carry out and extend that system of education of the Irish people in the management of their own local affairs.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into and report upon the effect and operation of the laws which regulate the raising of money by public assessment for the making, maintaining, and repairing of the public highways, and for the other purposes now provided for by Grand Jury presentment in Ireland, and of the system by which, under those laws, the fiscal business of the several counties in that country is administered, with a view of ascertaining whether any and what amendments may be advantageously made in the laws regulating the administration of that business, and more especially whether, and to what extent, it may be expedient to introduce into such administrations the principle of representative bodies and popular election."

COLONEL DUNNE observed, that the hon. and learned Gentleman had taken an opportunity of bringing forward his Motion at a time when nearly all the Irish Members were absent from the House attending the assize in their respective counties. The hon. and learned Gentleman had given a description of what he conceived grand juries were, but the grand juries were a much more popular body than he imagined. The jurors were the highest ratepayers, interested on their own part, as well as on behalf of their tenants, in a proper levy and administration of the county cess. It was objected that Peers could not be members of the grand juries who imposed the local taxation; but the same objection applied to the House of Commons taxing the House of Lords. Besides the taxing presentment of Irish grand juries was subject to appeal before a judge and jury. There was no fund administered so economically in the whole of the United Kingdom as that managed by the grand juries. The grand jury system, however, was not perfect; and, although he objected to a Select Committee, he would not object to an inquiry into its constitution before a Committee on a Bill if one were introduced.

Mr. KER opposed the appointment of a Committee as unnecessary.

Mr. GREGORY said, if he thought the appointment of a Committee was likely to lead to any practical result he should not oppose it, but he believed that a Committee would lead to no practical result. Already there had been a Commission, which had fully inquired into the subject, and Bills upon Bills had been introduced, not one of which had received the support of the House. If a Committee were appointed, at the end of its labours the same hopeless course of bringing in Bills would be gone through, with the inevitable result as indicated by former proceedings. He confessed that the present system was not to his liking, but as the appointment of a Committee could not possibly better it, he trusted his right hon. Friend would not agree to the Motion.

Mr. BLAKE said, he could not but condemn the present grand jury system in Ireland. In the city of Waterford there had been but one Roman Catholic sheriff since the time of James II. The appointment of the sheriffs rested with the Lord Lieutenant, upon the recommendation of the Judge of Assize, and as the grand jurors were appointed by the sheriffs the grand jurors were practically appointed by the Government.

Mr. GEORGE said, the picture of the grand jury system in Ireland drawn by the hon. and learned Gentleman opposite (Mr. Butt) was not only highly coloured but grossly exaggerated. It was hardly possible that a more untrue statement of the constitution of the grand jury could be presented to the House. The barony constable who was appointed by the grand jury and responsible to them, selected one hundred of the highest ratepayers for the grand jury, who were bound to select not less than twelve and not more than twenty. In answer to another mis-statement of the hon. Member he would say that the grand jury had not the power to raise one single penny, but the Act of Parliament expressly stated that it should be voted and approved by the ratepayers. Then with regard to the appointment of grand juries, the sheriff was bound to appoint one grand juror for each barony, and it was possible that he might so far forget himself as to appoint one whom he thought might not attend, but he (Mr. George) was of opinion that scarcely any sheriff could be found who would so far forget his duty. The merits of the grand jury system had already been borne testimony to. He believed that a better system of high-roads and bye-roads was nowhere to be found than in those that were ordered by them; and although he was not there to deny that a job might not here and there be found, he believed they were exceedingly rare, and did not affect the general system of the grand jury laws. If the right hon. the Secretary for Ireland would, instead of granting this Committee, which would lead to interminable discussion, bring in a Bill to reform the points to which he had adverted, he would do far more good to Ireland.

Lord DUNKELLIN said, he had found in every speech which had been made since the hon. and learned Gentleman (Mr. Butt) proposed his Motion a reason why the Committee should be conceded. The only tangible objection he had heard was from his hon. Friend near him (Mr. Gregory) who said the Committee, if chosen, would occupy a great deal of time without arriving at any definite result. That was just what they wanted to test; and the result could not be known unless the Committee was granted. He admitted that the grand juries discharged their duties with impartiality, but it must be remembered that the grand juries did not initiate any work, they only sanctioned contracts that were sent up to them; and the question was whether it would not be better to introduce into them by the principle of popular election the men who did initiate that work. That he understood to be the object of his hon. and learned Friend in proposing this Committee, and he thought it was a fit subject for a Committee to inquire into. He hoped, therefore, the right hon. Secretary for Ireland would not oppose the Motion.

MR. CARDWELL said, the question was not whether the grand jury system should be retained, for to that everybody agreed, or that it was without its difficulties, for that everybody acknowledged; the question was, whether the proposal made was that which was best adapted to the wishes and convenience of the House. If it were so, he should have the greatest reason for supporting the Motion, as he had most to learn from an inquiry of the kind. His hon. and learned Friend who opened this discussion used a very cogent argument. He said, give us those institutions of local government that you possess, in order that we may be trained in the same school. But was his hon. and learned Friend aware of what was the case with regard to the county finance in England? Was it a system of popular representation, and was it only in Ireland that taxation and representation with regard to local management did not go together? In England the county magistrates had the whole management of the county finance, without any control from elected members, either of their own class or of any other. The justices of the peace had the management solely, by being placed by the Crown in the commission of the peace. The power in Ireland was granted by legislation. Having got the power by a lawful title, and by the wish of Parliament, had they the whole control? What was the case? In the first place his hon. and learned Friend somewhat alarmed the House by stating the amount at £1,000,000 of money. But when he (Mr. Cardwell) came to analyze that amount, he found it comprised many sums which had been repaid for advances made to Ireland in times of emergency, frequently without interest. It also comprised payments which had been already appropriated by Parliament. As to a very large part of the roads the control no doubt was vested in the magistrates, with an intermixture of popular representation. They were controlled at a subsequent Session, and subject to the review of the grand jury, who had not the power to lay a single sixpence on the ratepayers. The largest amount dealt with was in respect of the roads. The whole expense of making new roads and maintaining old roads and bridges did not exceed £579,000 for about 50,000 miles of road. In 1842 a most elaborate Report was laid on the table, and there was no want of evidence on the subject. He had always observed that if small measure was introduced, it was opposed because it left parts of the subject untouched: if the measure was a large one, numerous objections immediately arose from those who disliked the changes proposed. The difficulty was not the want of information, and he would suggest that, instead of pressing for a Committee, his hon. and learned Friend should introduce a Bill dealing with those parts of the subject which were most likely to receive the sanction of Parliament. If such a Bill was introduced, he would give it his support; or if the House wished he would undertake, on the part of the Government, to prepare such a measure.

LORD FERMOY said, he was at a loss to understand what were the precise views of the executive on this subject. The right hon. Gentleman (Mr. Cardwell) seemed to be fishing for a Bill. It seemed to be admitted that the fiscal arrangements under the Grand Jury system were imperfect. The Government were, therefore, bound to bring in a Bill themselves. It was all very well to ask a private Member to bring in a measure himself. The fate usually attending such measures was too obvious. They seldom reached second readings, and he should recommend his hon. and learned Friend not to accede to the proposal of the Government. The feeling in Ireland was generally against the fiscal system as managed by the grand juries. The grand juries did not initiate the taxation, but they initiated the men who carried it out. The controllers of the taxation were the mere nominees of the grand juries. A million of money was expended annually by grand juries without any check derived from representation. He could not help saying that when no advocate appeared in favour of the present system, it was rather hard that there should be opposition to the appointment of such a Committee as that asked for by his hon. and learned Friend (Mr. Butt). He hoped that hon. Gentleman would press the Motion to a division.

MR. CHICHESTER FORTESCUE said, that his right hon. Friend the Chief Secretary for Ireland had never held out the slightest hope that he would bring in a sweeping measure to remodel the grand jury system in Ireland. On the other hand he was free to say that if a moderate practical measure were prepared by some private Member, he would take such a Bill into his own hands. He (Mr. Forteccue) admitted that there were two points on which the Grand Jury system might undergo amendment; one of these had reference to the qualifications of grand jurors, and the other to the mode of appointing cess-payers. Gentlemen of but a very small fee-simple estate, might be nominated upon the Grand Jury, while gentlemen who had a much greater stake in the country, but whose interest in land was not fee-simple, were excluded from it. As regarded the cess-payers, they ought to be elected by the same machinery by means of which the Poor-law Guardians were elected. At the same time he could not agree that the cess-payers had no control at present over the county rate. His right hon. Friend had opposed the Motion on the ground that legislation on the subject had been prevented, not through want of information, but through want of sufficient agreement amongst such gentlemen, and because it was felt that there was really no great abuse to correct. He quite concurred in that view, and, therefore, he should oppose the Motion.

Mr. MAGUIRE said, the Government did not understand the feelings of the people of Ireland. The landlord interest had been sufficiently well represented in the debate, but such was not the case with respect to the ratepayers. The present system was one of taxation without representation. It was the tenant paid the county cess, and not the landlord. He hoped that every kind of agitation would be pursued until a radical reform was obtained.

Mr. BEAMISH asked, whether the Government had any intention of dealing with the question during the present Session, for if so he for one should not vote in favour of the Motion?

Mr. BUTT in reply, said he felt bound to press his Motion to a division, but if the Motion were carried he would not nominate the Committee until after Easter, so as to give the Government an opportunity of dealing with the matter if they really desired to do so.

Question put.

The House *divided*:—Ayes 25: Noes 119; Majority 94.

House adjourned at half-after
Twelve o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, March 11, 1861.

Minutes.] Public Bills. — 1ª Marriage Law Amendment.
2ª Inclosure; Bank of England Payments.

INDIA—MOTION FOR PAPERS.

The Marquess of CLANRICARDE—who had given Notice of Motion for Copies of any Correspondence between the Secretary of State for India and his Excellency the Governor General or the Governors of the Presidencies of Bombay or Madras relating to an Alteration in the Legislative Council of India: Also, Copies of any Minutes of the Council of India in this country, or of any Committee of the Council, upon the same subject: and to ask if Her Majesty's Government are about to propose to Parliament any Legislation thereupon—said, that in consequence of an Answer which had been given on this subject recently in "another place" it became unnecessary for him to ask the Question of which he had given notice, but he still considered it was necessary to move for the Correspondence. The Secretary of State for India, when he was asked a question on this subject last Session, said that he was then in correspondence with the Governor General of India on the subject, and he did not wish to give a premature opinion upon it; but in answer to a question put again on Friday last, the right hon. Gentleman stated that he had that day received all the information on the subject and all the assistance which could be expected to be received from India; and, therefore, he should lose no time in introducing a Bill into Parliament. Now he (the Marquess of Clanricarde) understood that papers of importance having been received, and having been referred to publicly by the Minister, their Lordships ought to be put in possession of them. He did not blame Sir Charles Wood for any delay which had taken place on this subject, because it was absolutely necessary to obtain all the information he possibly could before proceeding to legislate. The subject was, indeed, one of vast importance, upon which the Government ought to have all the assistance that Parliament could give it; but before Parliament could be in a position to afford such assistance it was necessary that it should be in possession of all the information. At the time the

Legislative Council was formed in 1853, Sir Charles Wood, who was then, as now, Minister for India, stated that he anticipated the result of its formation would be to introduce into India an improved spirit of legislation, with which it was probable that all who went out from this country would be thoroughly imbued. So far was this anticipation from being realized that when, about three years ago, a Bill for improving the criminal procedure of India was sent out from this country, the learned Gentlemen, Members of the Legislative Council who had been bred up in the English law, actually proposed that from the jurisdiction of the courts of justice, to which all other men, European or Native, were to be subjected, one class, and one only should be exempted, and that that class should be the civil servants of the Government. So monstrous a proposal was not to be found in the annals of any despotism which ever existed. To suppose that English capitalists and men of position in India would submit to the provisions of a stringent law, from such a mere boy fresh from college, who had just got an Indian appointment, was exempt, was most absurd. Another reason for immediately considering this question was, that various members of the Council were agitating for enlarged powers of discussion. There were two points on which he hoped their Lordships would bestow especial attention before they legislated on the subject. One was whether it was possible for a single Council at Calcutta to legislate properly for the whole of a vast territory like India. The other was whether non-official Europeans and Natives ought not to be represented in the Legislature. He held that there was at present too much centralization in the administration of India, and that an infusion of local knowledge and sympathies was required. He approved the recommendation of the Select Committee of 1859, that a number of non-official Europeans and Natives ought to be introduced into the Legislative Council. He was satisfied that to retain our Empire in India we must throw open situations of a higher class to the Natives, and strengthen ourselves by their counsel and assistance. The present Governor General had already acted upon this principle with excellent results. These were subjects with which Parliament and the Government must speedily have to deal, and they ought to be put in possession at the earliest possible moment of all the information that could throw any useful light upon them. Under these circumstances he begged leave to move an Address for the papers set forth in his Notice.

EARL DE GREY AND RIPON said, it was sufficient to reflect that the subject of the Motion involved the question of legislation for our vast Indian empire to be convinced that it required the most serious consideration. The noble Marquess appeared to be acquainted with the course which the Secretary of State for India intended to take, and to be aware that the right hon. Baronet had stated in "another place" that he hoped to be in a position in the course of the present Session to fulfil the expectations which he held out last year, of introducing a Bill upon the subject. He thought it would not be proper for him, under these circumstances, to enter into the details of a question upon which the views of the Government would be made known to Parliament when that measure was introduced. To a certain extent it was true that his right hon. Friend the Secretary of State was in possession of information which he had sought from the Governor General of India, and other persons well qualified to judge of the matter; but the complete series of papers containing that full information which his right hon. Friend wished to have before proposing to legislate had not reached this country, although he hoped it would arrive within a very short period. Some of the papers of which the Government were in possession only came to them on Friday last; and he thought the noble Marquess precipitate in asking on Monday to have them laid upon the table of the House. He hoped, therefore the noble Marquess would not at that moment press his Motion. With regard to the admission of non-official Europeans and Natives to the Legislative Council, it was a subject of great difficulty and importance, and it was one to which the Government would give the most careful consideration; but he could not enter into any details anticipatory of a measure which it might be hereafter the duty of Government to submit to the House. With regard to the Natives, however, he was confident that the conciliatory treatment extended to them would be one of the highest claims to honour of the present Governor General. Lord Canning, with the full approval of the Secretary of State and of Her Majesty's Government, had inaugurated a course of action towards the Native Princes and Native gentlemen of India which would form a new era in the history of that country, and develope in those who were the objects of his policy the greatest feeling of gratitude and loyalty. There was no wish on the part of the Government to conceal from Parliament any information which would assist them in arriving at a just conclusion upon this important and difficult question; and before the Bill to which he had referred was presented to Parliament, the fullest information would be laid on the table of both Houses. The Reports of the Committees of the Indian Council moved for by the noble Marquess partook of the character of office minutes in other departments, and were not intended to be laid before Parliament; and as to the other papers he hoped his noble Friend would not press his Motion under the circumstances to which he had adverted.

The Earl of ELLENBOROUGH said, he thought the noble Earl was quite justified in declining to produce the papers moved for at the present moment, more especially as it appeared that other papers were expected, which he believed would arrive shortly, and which it would be necessary for Her Majesty's Government to take into their consideration before coming to any decision. The information, however, afforded by the noble Earl filled him with alarm, for he could foresee clearly that the Bill, if introduced at all, would come into the House of Commons at a late period of the Session, would be postponed from day to day, and would reach their Lordships at a time when there would be an assemblage, probably, not much more numerous than the Legislative Council itself, which, though nominally consisting of twelve Members, seldom mustered much more than seven. He had felt this inconvenience last year in contending against what appeared to be the general opinion of the country, and certainly of the House of Commons, on a question of great importance, when he was really ashamed to divide the House for fear of showing to the public how small a number of Peers took an interest in the matter. This Bill was, if possible, of still greater importance, for the Bill was really one to give a Constitution to the great empire of India. He trusted, therefore, that an effort would be made to bring it forward as early as possible.

Lord LYVEDEN hoped the Under Secretary for India would give a more definite answer to the House when the Bill was to be introduced. It was not a measure which need be postponed for the purpose of obtaining the additional information referred to by the noble Earl. The questions to be decided were questions of theory and principle, and all the information requisite to enable them to come to a decision was already before them in the Reports of the Committees of 1813, 1833, and 1852. This Legislative Council, he believed, had been condemned by every one, and all they had to consider, therefore, was, whether they would return to the old system, or whether there was any new scheme which could be proposed. It was a sort of *ad captandum* proposition introduced into the Bill of 1853, and since its establishment it had been the cause of much impediment in the government of India. No doubt there were many papers, such as those containing the opinions of various persons of high authority on Indian matters, which might be produced; but he hoped the Secretary for India would make up his mind to bring in the Bill directly after Easter, especially if it had to be submitted to his Council; for, knowing the lengthy habits of these gentlemen in writing, and considering everything, he despaired of any Bill becoming law this Session.

The Earl of ELLENBOROUGH said, it should also be remembered, seeing the length to which these Indian authorities indulged in writing, that these papers would be of a tremendous length.

The Marquess of CLANRICARDE expressed his willingness, after the explanation of the noble Earl, to withdraw his Motion.

Motion (by leave of the House) *withdrawn.*

DIVORCE COURT AND DISSOLUTION OF MARRIAGE (SCOTLAND).

MOTION FOR SELECT COMMITTEE.

The LORD CHANCELLOR, in moving for a Select Committee to consider the Law respecting the Parties who are entitled or ought to be entitled to sue in the Divorce Court in England and in the Court of Session in Scotland for a Dissolution of Marriage, said he had no intention of entering at present into the constitution of the Divorce Court, or how far additional judicial assistance was at present required. An Act was passed last Session which would expire in July 1862, and by that time it would be seen how far it would be necessary to add to the judicial strength of the Court. At present he would only express his belief that if it had not been for the long Shedden case, Sir Cresswell Cresswell would have gone a long way towards clearing off the arrears. What he wished now to bring before the House was the important subject of what parties were entitled, or ought to be entitled, to sue in the Court. Until very recently marriage was considered indissoluble in this country—that was, no judicial tribunal could dissolve it—but, practically speaking, any person who was sufficiently wealthy might obtain an Act of the Legislature to dissolve his marriage, having first gone through the preliminaries of bringing an action for *crim. con.* in the common law Courts, and obtained a divorce *a mensâ et thoro* in the Ecclesiastical Courts. Having done these things, he might then get a Bill passed through both Houses of Parliament, which must lastly receive the Royal Assent. This generally cost from £1,000 to £1,500. Those who were not wealthy enough had no remedy. A Commission was issued of which he had the honour to be the head. The Committee took great pains to inquire into the subject, and by the assistance of its able Secretary, Mr. Fraser Macqueen, who might be said to have devoted himself to this subject a Report was produced, which recommended that divorce should be entirely withdrawn from the Ecclesiastical Courts, and that there should be a civil tribunal which should dissolve marriages for the cause of adultery. Their intention was that this Court should be open to England and all the dependencies of the English Crown. The law at present existing in Scotland was to be left untouched, and a Court similar to that in England was to be established in Ireland. In 1857 a Bill was passed establishing a Court for England; but, unfortunately, all attempts to extend the change to Ireland had as yet been unsuccessful. The proposal to establish a Divorce Court in Ireland excited great alarm there, and it was then proposed to allow Irishmen to sue in the English Court. A measure for that purpose he himself twice introduced, but it met with successful opposition on both occasions. He had never for a moment proposed to do anything that would encroach upon the rights of the Roman Catholics of Ireland; but the Irish Protestants were consequently left in a very unsatisfactory position, for they could only obtain a divorce by going through the old expensive and unsatisfactory process. It had been decided that Sir Cresswell Cresswell's Court had no jurisdiction in Irish cases. Their Lordships were of course acquainted with the case which had recently created so great excitement throughout the country — he meant the case of Mrs. Yelverton. Some time ago that lady sued before Sir Cresswell Cresswell for restitution of conjugal rights. The case was "Yelverton *versus* Yelverton," and the Judge-Ordinary then said in effect, "this is a Court for England, not for the United Kingdom, or for Great Britain. For the purpose of this jurisdiction Scotland and Ireland must be deemed foreign countries equally with France and Spain." Now, he thought it well deserved consideration whether, for the relief of our Protestant fellow-subjects in Ireland, there should not be established in that country a separate Court for divorce, or whether the advantages of the Court now sitting in Westminster Hall should not be opened to them. Then there was the case of Englishmen residing in India. Believing that the Act would apply to all the dependencies of the Crown, he had imagined that these persons would have been enabled to sue in the Divorce Court at home; but it was laid down by the most eminent authorities that if they had acquired what was called an Anglo-Indian domicile they could not procure a divorce in any English Court. Since 1857 two Divorce Bills had passed this House, and there could be no doubt that this and the other House still had jurisdiction; but the point respecting this Anglo-Indian domicile remained in abeyance. Then, again, the conflict of law between Scotland and England produced lamentable effects. The Scotch Judges insisted on the right to dissolve the marriage of any one who came within their jurisdiction; while the English Judges held that, unless the parties were domiciled in Scotland at the time of the dissolution of the marriage, the dissolution was a nullity. The first case was that of Lolley, who, having married an English wife, went across the border and procured a divorce in Scotland. If he had married again in Scotland, the second marriage would have been lawful, and his children legitimate; but, returning to England and marrying here, he was convicted for bigamy and sentenced to transportation, and his children of the second marriage were illegitimate. Thence arose this strange conflict, that the children of the second wife were legitimate in Scotland and illegitimate in England. Such a conflict of authority led to most inconvenient results. He had, therefore, last Session proposed to enact that a divorce which was valid in any part of the United Kingdom should be valid all over the Empire; but with this restriction, that in Scotland the right of dissolving marriage should not be exercised unless the parties were domiciled in Scotland. This restriction was necessary, or otherwise the door would be left open to endless confusion. He had the greatest possible respect for his brethren in Scotland, both the Judges and the advocates—no part of the world were there more enlightened men and learned jurists; but on this subject he thought they entertained an erroneous opinion. Not only did they claim jurisdiction in respect of divorce over all persons after forty days' residence in Scotland, but *ratione originis*, *ratione delicti*, and *ratione citationis*. Such claims were incompatible with the laws of independent nations. Story, the great American jurist, laid it down that a jurisdiction to dissolve a marriage depended on the domicile. Yet in "Tollemache *v.* Tollemache," where there had been a Scotch divorce the parties were divorced again in England. He was anxious that there should be harmony of legislation on this subject. The Scotch Judges had a notion that the English Courts wanted to encroach upon their jurisdiction, and to give much greater jurisdiction to the Courts at Westminster, than to the Court and Session at Edinburgh. He denied the existence of any such wish, his object being that in both countries the jurisdiction respecting divorce should rest on exactly the same principles. He should be perfectly ready, if necessary, to fix on one period of time—say one or two years—and to provide that if there had been during that time a *bonâ fide* matrimonial residence either in England or in Scotland, the respective Courts should have power to dissolve the marriage. He should have been prepared to introduce a measure at once dealing with the whole subject, but thought it would be more discreet to appoint a Committee of Inquiry, to consist of Peers both of England and Scotland, and he hoped that, as the result of their full investigation, some legislation would take place before the close of the Session. The noble and learned Lord then moved for the appointment of a Select Committee.

Lord CRANWORTH said, he feared there would be a universal combination across the Border to defeat any interference with the marriage law of Scotland; but he was not entirely without hope that the Committee would have a good effect, as the Royal Commission undoubtedly had in securing the passing of the divorce law in this country. But with regard to the Scotch divorces there was another difficulty, which it was extremely hard to grapple with, but which he hoped they would get over. It was this: not only did the Scotch Courts claim a jurisdiction over all persons in that country, but they dissolved marriages on different grounds from those on which a dissolution could be decreed in this country. Such an anomaly on such an important subject was a discredit to both countries. No such distinction ought to exist; the question of who should be at liberty to sue in the Court here ought at once to be dealt with. He only pointed out these matters, as he did not think they ought to be too certain that they could achieve a satisfactory result. When the Bill of 1857 was introduced it applied exclusively to England; but he was asked whether he intended to extend it to Ireland, and he answered, "certainly not;" but he added that he intended to introduce a measure of the same kind for Ireland. A change of Government, however, prevented him from doing this; but he believed that his noble and learned Friend opposite did make the attempt. [Lord CHELMSFORD: Not whilst I was in office!] There was a strong prejudice in Ireland against giving the Divorce Court in England jurisdiction over cases arising in Ireland, though he never could understand the ground of the feeling; for they had now to come to Parliament for a divorce, and the only effect of allowing them to go to the Divorce Court would be to cheapen the proceedings. He himself could see no rational ground why all Her Majesty's subjects should not be enabled to receive the benefits of Sir Cresswell Cresswell's Court, if their misfortunes necessitated such proceedings. The administration of the Court under that learned Judge had given universal satisfaction. He hoped that the proposed Committee would not consist of lawyers only, but that the Members would be so chosen, especially in reference to the localities with which they were connected, as to give universal satisfaction.

Lord MONTEAGLE said, that there was a strong feeling in Ireland against the extension of the existing law of divorce, or of the Divorce Court in any shape, to that country. An attempt of a similar kind had been made more than once on former occasions, but he rejoiced to think that it had failed, though recommended on the high authority of the two last Lord Chancellors (Lord Cranworth and Lord Chelmsford). Nor was there any danger that this decided opposition both of the Irish people and their representatives should now be withdrawn. There was more unanimity against it than he ever remembered upon any other subject; and he thought it would be found not less difficult to carry such a hateful proposal now than when it was first introduced. The manners and the morals of that country did not cause any necessity for such a measure. Liberals and Conservatives, Whig and Tory secretaries, and ex-secretaries all combined in opposition and the measure was justly abandoned. If the Committee were moved for simply to collect information he had no objection whatever. He warned his countrymen to be prepared for resistance. He would take an early opportunity of moving for a Return of the number of divorce cases which had come before Parliament from that part of the kingdom. He denied altogether that the English experiment had been successful. He trusted that their Lordships would recollect the peculiar circumstances under which the Bill of 1857 was passed. There was a strong feeling on the part of many against the Bill as a whole; there was a strong feeling on the part of many others against some portions of the Bill; but there was an extraordinary union between those who promoted the Bill and those who suggested Amendments with a view to its rejection; he believed some Amendments were suggested for the purpose of making the Bill so repulsive as to ensure its defeat. This did not originate with his noble Friend Lord Cranworth. He recollected that the measure was proposed by him as a very simple one, as one not intended to alter the law of divorce, but only to improve the tribunal before which such cases were tried, and to put an end to those somewhat discreditable scenes their Lordships too often witnessed at the bar of that House. But when the Bill came to be considered in "another place" the outline of the measure which had been drawn by his noble and learned Friend was greatly extended, and their Lordships were then called on to consider not merely the tribunal but fatally to multiply also the causes of divorce. To what extent this led to an increased number of applications for divorce he was not yet able to state, but there was, undeniably, a continuation of many of the evils for which the Divorce Bill was proposed as a remedy. For instance, it had been urged as a strong ground in favour of the existing Divorce Bill that great harm was done to morality under the former system by the publication of the details of proceedings in *crim. con.* actions, but he thought no reader of the journals could venture to assert that public morality had gained by the change. He trusted that the Committee would be fairly constituted, and witnesses impartially called, and he then felt confident that he might trust the matter in the hands of his noble and learned Friend.

The Earl of WICKLOW said, it was quite true that there had always been opposition against the extension of such a measure as that referred to to Ireland; but the truth was, that whenever the matter was discussed in that House, the noble Lord (Lord Monteagle), and he alone, raised the opposition. Every Peer in the House who was connected with Ireland was in favour of the proposition except the noble Lord. The noble Lord, no doubt, was influenced by the consideration that Ireland was a Roman Catholic country, and wished to avoid giving offence to the religious feelings and prejudices of the community; but he should bear in mind that the Roman Catholics were not the only persons in Ireland, and that their prejudices ought not to be allowed to deprive the Protestants of Ireland of the benefit of the Act which had been passed in regard to England.

Motion *agreed to.*

And on Friday following the Lords following were named of the Select Committee:—

Ld. Chancellor
Ld. Privy Seal.
E. Doncaster.
E. Caithness.
E. Wicklow.
V. Hutchinson (*E. Donoughmore*).
L. Polwarth.
L. Redesdale.

L. Brougham and Vaux.
L. Panmure.
L. Monteagle of Brandon
L. Cranworth.
L. St. Leonards.
L. Wensleydale.
L. Chelmsford.
L. Kingsdown.

METROPOLITAN RAILWAY BILLS—DISPLACEMENT OF POPULATION.

INSTRUCTION TO SELECT COMMITTEES.

The Earl of DERBY, in rising to move an Instruction to the Select Committees upon Metropolitan Railways, said:—My Lords, the present hour and the present state of the House are not very encouraging for us to enter upon any lengthened discussion of a subject which possesses no particular attraction in itself, although it is of vital importance to a very large and helpless class of the population. I have adverted to the subject more than once, and I shall not now trespass long upon your Lordships' patience; but I have recently received some curious information which I think is worthy of your Lordships' attention as to the progress that has been made in increasing the density of population in London. I have had placed in my hands some statistics—with the details of which I shall not trouble your Lordships now as they will be printed in a few days—which show the comparative populations and number of houses in the City parishes, both within and without the walls in the years 1801 and 1851. Your Lordships will not perhaps be surprised to hear that the population of the City parishes was slightly smaller in 1851 than it was in 1801, there being a diminution of some 200 or 300 upon a total of 129,000 or 130,000. But it is remarkable that while the population had remained stationary the number of houses since 1801 had not only not increased, but had actually diminished to the extent of about 3,000; and, therefore, it appears that the same population which in 1801 inhabited 17,000 houses, were in 1851 crowded into 14,000 houses. There is something, too, which is rather curious when we look at the respective districts. In the parishes within the walls there has been the greatest decrease in the number of houses—2,776; but then there has been a corresponding diminution of population in those parishes to the extent of 19,000 souls. The result is that the average number of inhabitants of each house within the walls is the same in 1851 as it was in 1801—namely, 7½ to each house; but in the City parishes without the walls, to which the poor have been driven by improvements effected in the Metropolis, I find that the houses have decreased in number about 300, while the population has increased by 19,000. Thus, while the proportion of inhabitants to each house in the inner parishes is 7½ as it was in 1801, in the outer parishes it has increased to 9 and 6-7ths in each house. The figures which I have now quoted have reference to the year 1851; but your Lordships will be perfectly aware that since then great improvements—and great improvements they undoubtedly are—have been going on in the City, the result of which has been to displace a very large number of the inhabitants. In a pamphlet published by Mr. Charles Pearson, the City Solicitor, referring to the immense improvements which have taken place in Cannon Street, Victoria Street, and elsewhere, it is stated—

> "The noble street improvements undertaken by the Corporation have swept and are about to sweep away thousands of industrious artizans and mechanics from their humble dwellings, to make way for the spacious streets and splendid warehouses destined in this age of progress to take their place. To supply the lack of dwellings which these clearances make, the Corporation have recently voted a large sum to purchase land and erect lodging-houses in the neighbourhood of Victoria Street."

That was a most laudable step on the part of the Corporation; I do not know whether it was taken spontaneously, or whether it was the condition on which they obtained the power of executing these great improvements. I hope it was the former; but, however good may have been their intentions, they certainly have not been fulfilled, and I am afraid great apprehensions are entertained that these projected works will never be executed—at all events on the site originally intended. On Thursday last an official report was made to the Common Council of all the lands belonging to the Corporation which were vacant for building purposes, and after enumerating various sites in Copenhagen Fields and elsewhere the report went on to say—

> "There are also several sites vacant, under the control of the Corporation of London, outside the City—namely, on the east and west sides of Victoria Street, the west side of Saffron Hill, Turnmill Street, &c."

That is the particular site where these lodging-houses were to be erected to make provision for those who were ejected by the City improvements.

> "It should, however, be noted that all that portion of the ground which is situate on the east side of Victoria Street and the west side of Turnmill Street, has been agreed to be sold to the Metropolitan Railway Company for the sum of £179,000, with interest at the rate of 5 per cent."

Not only is the Metropolitan Railway Company about to compete for this ground; but the Metropolitan Extension Company, in its course of half a mile, has served with notice half the population, and marked off half the houses in the parish through which it runs. Your Lordships will observe that it is not only those who are displaced by the railway that have to be considered, but every work of that character necessarily brings with it a large number of *employés*, who, from the nature of their avocations, are obliged to reside on the spot; and these compete with the displaced population in the neighbouring districts, which are already crowded, and consequently raise the price of houses and increase the difficulty of procuring lodgings. It was the consideration of these circumstances which led my noble Friend, the Earl of Shaftesbury, to propose a Standing Order on a former occasion. I have heard from him to-day, expressing his regret that he cannot be present, and his sanguine hope that no effective opposition will be offered to the proposal which I am about to submit. The Standing Order proposed by my noble Friend had reference not only to railways, but to all works of improvement, the character and condition of which were to displace a large portion of the population. He proposed that in all these cases it should be a Standing Order that the case of all Bills proposing the construction of railways and other works, the execution of which necessitated the displacement of a portion of the population, the persons who sought to carry out these improvements should provide residential accommodation equivalent to the number of persons who would be displaced by them. When that proposal came to be discussed it was evident that the application of a general rule of that description would in practice be impossible. But the principle that in deciding whether a particular undertaking should or should not be sanctioned inquiry ought to be made into the circumstances, and whether the promoters were fairly chargeable with the cost of providing residences for those displaced by the improvements, was deliberately affirmed by every one who spoke in that debate, and by none more forcibly than my noble Friend the Chairman of Committees. Since I last addressed the House I looked back at the language used by my noble Friend, and I find it was as follows:—

> "It might be right in the case of certain Bills for internal improvements, and even in some railway Bills, that there should be some such provision introduced as the noble Earl proposed; but that was a very different thing from passing a Standing Order, making a provision of this kind compulsory in all cases where property of this kind was taken. . . . . Admitting that it might be desirable to introduce a clause embodying the principle of this proposition into particular Bills, he yet thought the laying down of an inflexible Standing Order on the subject to be of universal application to all Bills for improvement." [3 *Hansard*, cxxv. 410.]

My noble Friend, I will venture to say, had the entire concurrence of those who heard him, both in the principle which he laid down and in the exception which he took. On that occasion I took the same view as my noble Friend; but I suggested that some general instructions might be framed by which information in each particular case should be given to the House of the proposed amount of displacement attending every improvement Bill of this description. The late Earl of Aberdeen was at that time First Lord of the Treasury, and he suggested that a Committee should be appointed relative to the subject. A Committee was accordingly appointed to inquire into the question, and their labours resulted in the following Standing Order:—

> "That before the First Reading of any Bill for making any Work, in the Construction of which compulsory Power is sought to take Thirty Houses or more inhabited by the Labouring Classes in any One Parish or Place, the Promoters shall be required to deposit in the Office of the Clerk of the Parliaments, a Statement of the Number, Description and Situation of the said Houses, the Number (so far as can be estimated) of Persons to be displaced, and whether any and what Provision is made in the Bill for remedying the Inconvenience likely to arise from such Displacement."

The object with which that Standing Order was drawn up could only have been that in case, from the circumstances set forth, it should appear to the Committee desirable to insert clauses for the purpose of meeting the inconvenience created by the particular Bill, they should have the power of doing so. But, according to the statement made the other night by my noble Friend, it would appear that Committees were not to examine into the accuracy of the returns made by the railway companies, or to express their opinion with reference to it. If that be the case, then this Standing Order is nothing but a nullity; and it is impossible that such could have been the intention with which it was introduced and agreed to. Lord Shaftesbury used these words—

> "This Resolution would go far to remove the general complaint that was now made; and he had to express his thanks to the noble Lord, the Chairman of Committees, for the great service he had rendered in the framing of the Resolution. If he might judge by the letters he had received from Mr. Cubitt and others, he was satisfied that by adopting this Resolution their Lordships had gone far towards instituting the best relations between capital and labour that were capable of being made in relation to this subject." [3 *Hansard*, cxxvi. 1292.]

It was clearly the intention of my noble Friend and of the House that this Report should not be a mere dead letter, more especially because the class that would chiefly suffer have no *locus standi*, and in nine cases out of ten it would be absolutely impossible for them to come before a Committee. A. B. might have no legitimate ground of complaint, being a weekly tenant, if he were turned out on account of railway operations or by the voluntary act of his landlord; but when 8,000 or 9,000 persons are simultaneously turned out by the passing of a particular measure it is no longer a case of individual hardship, but becomes a social grievance and of political importance. And it is in that light, and not with reference to the individual case, that I think it important your Lordships should lay down some rule by which, in every instance where improvements are contemplated, it will be the duty of the Committee to inquire into the accuracy of the facts stated, and to see whether there may not be considerations connected with the displacement of a large portion of the population which may not counterbalance the advantage to be derived from the projected improvements. I will take another illustration. The North London proposes a branch from the North Western, running direct to Threadneedle Street through the heart of the City, and reducing the present circuitous route of five or six miles to two and a half. I have been told within the last twenty-four hours by a Member of the other House, a Gentleman with whom I have only the slightest acquaintance, but who takes a deep interest in the subject, and has examined this line of railway, that with one slight exception it will pass in its entire length of two and a half miles through a dense mass of habitations of the industrious classes, and those not of the poorest, but of a decent and respectable character, and will displace according to one calculation 480; to another 800, and to another no less than 1,200 houses. I ask whether the displacement of such a large number of houses is not a fit subject to be considered in Committee, and whether the removal of such a large number of persons may not counterbalance the advantage to the gentlemen on the north side of London of being brought in ten minutes' less time to the Bank of England. I believe that the number of houses which it is stated will probably be taken by that railway is 487, and by some extraordinary calculation it is made out that the average number of inhabitants is only two to each house. These are respectable houses of a decent class. In the City generally the number of inhabitants to each house varies from seven and a half to ten; but yet we are told that here is a line of houses of this class, the average number of inhabitants in which is only two to each house. That is a subject which would legitimately come within the bounds of investigation by a Committee. It was suggested a few evenings ago by the noble Duke opposite the (Duke of Somerset), that no Instruction is necessary, because it is competent to Committees to inquire into these circumstances, and, he seemed to think, to require provision to be made in the outskirts of a sufficient number of houses, and also the running of frequent and cheap trains to bring the people to their labour. I will not discuss the merits of that proposition. It has some advantages, and, I believe, would be found to have some inconveniences; but the question as to whether such a matter comes within the purview of a Committee is one upon which there seems to be a difference of opinion between the noble Duke and my noble Friend the Chairman of Committees, because I understood my noble Friend to say that, although the railway companies are bound to lay this paper on the table, a Committee cannot without an Instruction enter into the discussion of, or report to your Lordships upon, the circumstances of any particular case. If Committees have power to inquire into the circumstances and to recommend a remedy, I want nothing more. But, if they cannot do so, it becomes necessary that an Instruction should be given to the Committees which are now entering upon the consideration of an extensive system of internal railways; otherwise the Standing Order which you have laid down as the remedy against so great an evil as the simultaneous displacement of great bodies of the working and industrious classes becomes a nullity—it is a mere form, and nothing more. If, therefore, my noble Friend is right, I confidently and earnestly press your Lordships to sanction an Instruction to these particular Committees to inquire into this subject. The noble Earl concluded by moving—

> "That it be an Instruction to the Select Committees on the Metropolitan Railways, now sitting, to inquire into and report upon the Number of Houses and of Inhabitants likely to be removed by the Works of the respective Railways; and whether any Provision has been made, or is required to be made, for diminishing the Evils consequent on a large simultaneous Displacement of the labouring Population."

LORD EBURY said, that the entrance of railways into the heart of London was not altogether so disadvantageous to the displaced classes as his noble Friend seemed to suppose. He had that day been informed by Mr. C. Pearson that he had made agreements with three of the largest Companies to convey 1,000 passengers per day from a distance not exceeding ten miles to London and back for 2d. each; and he had also found persons who had guaranteed to the railway companies the amount which would be required in case the speculation did not succeed. He hardly saw how the desire of his noble Friend was to be realized, because if the Committees were simply to make reports upon this subject, those reports might become as completely dead letters as was the Standing Order. He was afraid that they might, by adopting this instruction, give rise to a notion that this particular social question could be settled by legislation; a notion which, if it became prevalent, would, in his opinion, lead to much disappointment. He was also anxious that their Lordships should do nothing which would at all counteract the great commercial enterprizes of this country; because by doing so they might diminish the demand, and thus deprive those very persons whom they desired to serve of that which was absolutely necessary to their very existence.

THE EARL OF POWIS said, that this question should be taken up as a general question, and not with reference to railways only. There were only two schemes for the extension of railways into the Metropolis now before their Lordships, the carrying out of which would lead to the demolition of 100 houses or upwards. He held that the diminution of accommodation for the working classes was due, not to the railways, but to altogether different causes, such as the increase of population, and the substitution of warehouses for dwelling-houses; and if their Lordships endeavoured to obstruct the unavoidable displacement of small houses by large ones, they would be interfering in a most undue manner with the expansion of this great city, of which they saw such great evidences around them, and which was occasioned by the increasing wealth of the inhabitants. The comparison of the decrease of inhabited houses in the City between 1801 and 1861 proved nothing, as it was not till within very recent years that the railways began to penetrate the populous districts of the Metropolis. Indeed, thirty years ago, scarcely a railway existed in the Metropolis. When the South Western Company extended its line from Vauxhall to Waterloo Bridge no complaint was made. The question their Lordships had now to decide was not merely whether the instruction proposed by the noble Earl should be given in these individual cases, but whether they were prepared to prohibit any further extension of railway communication in the Metropolis. That was what it amounted to. Were they prepared to deny to the vast suburban population which had settled along the various lines quick and ready access to London, and to put a stop to schemes, the effect of which would be to facilitate commercial operations, and relieve the streets from the enormous traffic with which they were now overcharged? The proper remedy for the displacement of the labouring classes was to provide easy access and cheap trains to houses suited for them in the outskirts of the City. There were at present a great number of clerks and shopmen who resided in the suburbs and daily came to town by railway to pursue their avocations. The change from the densely crowded unwholesome streets of central London to the open, healthy suburbs could not fail to be beneficial to the working people; and, so far from metropolitan railways inflicting injury by this displacement of the miserable and wretched property through which it ran, they really conferred a benefit both on the labourer whom it forced to migrate to a healthier neighbourhood and to the Metropolis itself. As to the number of houses destroyed by the new lines, that could readily be ascertained by reference to the plans and sections deposited in the Private Bill Office. He hoped these considerations would weigh with the Government.

LORD REDESDALE could not admit that the effect of the Resolution would be to stop the formation of railways in the Metropolis. He was sure the noble Earl entertained no such intention. All that he desired was that the Committee should direct their attention to the question of making some provision for the displacement of the working classes, whether by cheap conveyance to the suburbs or otherwise, in order that if they saw any practical remedy they might make it a condition of the undertaking, instead of leaving it to the freewill of the company. He (Lord Redesdale), however, doubted very much whether, if the Motion of the noble Earl was carried, and an Instruction to the

Committee agreed to it would result in much good, though it might perhaps induce the companies to make some concession in respect to cheap trains which they might otherwise not do. He held precisely the same objections as formerly to dealing with the subject in a general way. He thought each case should be disposed of by itself, for there were many different circumstances connected with each line of railway which would have to be considered. In the case of metropolitan improvements provision could be readily made for the displaced population, because a certain portion of the new streets might be set apart as dwellings for the working classes. In the case of railways there was greater difficulty in doing this. In some instances, however, the railways interfered very slightly with house accommodation. The Charing Cross and City Terminus Railway, for example, traversed a district covered with warehouses, wharfs, and other buildings of that sort, and not with streets of dwelling houses. He approved the suggestion which had been made that accommodation should be found in the large terminal stations for the people employed there. At present the Standing Order did not produce much benefit, because no persons appeared before Committees to press upon them the necessity of providing for the displaced population. He thought it was very likely that this Instruction would not result in much good, if, as was probable, the Committees thought that the importance of the railways justified the displacement of this large body of persons, and that the convenience in one way more than compensated for the injury inflicted in the other. It must be recollected that the running of cheap trains could only be secured from the companies before the House. They might force the Charing Cross Railway, for example, to carry persons at a very cheap rate from Cannon Street to Charing Cross, but there would be a difficulty in making the South Eastern Company carry them at the same rate out of the Metropolis. The question, however, was full of difficulties, and each case must be dwelt with on its own particular merits. The fact was that the claims of these poor people were never brought before the Committees at all, and if a question was asked the companies said that they were not prepared to build houses for them, that their money was appropriated to other purposes, and their circumstances were such that they could not become great building speculators. He could not suppose that the returns were strictly accurate. He believed that it was even admitted by the railway companies that they enumerated only those inhabitants whom they supposed properly to belong to the labouring classes. If inquiry were made before the Standing Orders Committee probably the companies would be more correct in making future returns. He thought it a very good opportunity for inquiring into the subject, and if by the introduction of provisions into these Bills a remedy, however slight, could be devised, something would be gained; but he believed it would be found impossible to do anything to meet the evil of a large simultaneous displacement of the labouring classes except in a very slight degree. At the same time, even if no remedy at all could be found, he thought inquiry would tend to promote contentment.

EARL GRANVILLE: My Lords, I do not think my noble Friend the Chairman of Committees has helped the Motion very much by what he has stated. I admit the evils that exist in regard to the displacement of labourers by public improvements. Since the last discussion I have received several communications, and the result has very much confirmed the view which my noble Friend behind me ventured to state to your Lordships. One communication is from Mr. Harvey, the Commissioner of the City Police, in which he states that the married sergeants of the force find great difficulty in getting proper lodgings, and that he has proposed that the City of London should build houses for them. That is a very proper mode of dealing with the subject, and I hope that to a certain extent it will meet the evil. I stated the other day that there was great difficulty in getting speculators to build houses for the poorer classes, on account of the small rate of interest; but although the facts which I then stated are correct, the information which I have since received gives me better hopes of something being accomplished in that way. I am told that one charitable lady has provided accommodation for 94 families, and that instead of being a loss they return about 3 per cent on the outlay; and that Mr. Greenhill has also succeeded in providing accommodation for the labouring classes with great pecuniary success. No doubt, there is a great displacement of these classes, but with regard to the evil being so much aggravated by the railways, I have received a letter which I shall take the liberty of reading, because it applies to the particular district to which the noble Earl has again alluded to-day. It is dated—

"Vicarage, Cripplegate, March 7.

"MY LORD,—You will be aware that some few days since a petition was presented by Lord Derby to the House of Lords from the incumbent of St. Bartholomew, a district of this parish of Cripplegate, deprecating the passage through that parish of a proposed branch of the Metropolitan Railway. Myself and my churchwardens, together with all the chief inhabitants of any influence in the parish, take a precisely opposite view to that which was thus and then represented, and consider that it is only by the adoption of some such means as that of the passage of a railway that the vice and wretchedness which prevail in the dwellings of the poor in parts like these are likely to be obviated, and those sanitary regulations established which are as essential to morals and religion as they are to health and decency. We further consider that any difficulty to which the poor would be called on to submit in finding appropriate and convenient dwellings elsewhere—a difficulty, however, which we believe to be far more imaginary than real—is worth infinitely less regard than the removal of the physical and moral evils which of necessity arise to the classes in question from their present degading and corrupting mode of daily existence. We have, therefore, prepared and signed the accompanying petition, which we venture to beg of your Lordship the favour of presenting to the House of Lords in our name, with such remark thereupon as your Lordship may think proper to offer.

"P. P. GILBERT, M.A.,
"Vicar of St. Giles's, Cripplegate,
"(Signed for myself and Churchwardens)."

With regard to the particular Motion of the noble Earl, if it is to come to nothing, as the Chairman of Committees intimates it is likely to do, I do not think I have any great objection to it. But it is throwing a certain responsibility upon these Committees which we ought not to cast upon them unless it is to lead to some good. I confess that I do not think the Committees are likely to imagine a remedy which has failed to suggest itself to the noble Earl (the Earl of Shaftesbury), who has devoted his attention for years to the subject, to the noble Earl who has moved this Instruction, and to the Chairman of Committees, whose pleasure it has been to take the subject into consideration. It appears to me that there are only three remedies. One is to force the railway companies to build a corresponding number of houses in another part of the town. The noble Earl, however, has stated the objection to railway companies undertaking duties which do not properly belong to them. Besides, that remedy would not meet the cases of individual hardship, which, after all, is the gist of the matter, because the larger—the social—question must be left to settle itself. The noble Earl has rather exaggerated in saying that 6,000 persons will be displaced at one moment. I think that practically that cannot be the case. The works of these railways must take some time, and the displacement of these persons must be a gradual operation. Another remedy which I think most useful is to require cheap trains to carry artizans from healthy dwellings in the suburbs to the scene of their work, and this we are told is being carried out by agreement with the City authorities. But, at all events, it may be provided by the introduction of well-guarded clauses into these Bills. The third remedy is to suspend these great works of metropolitan improvement, and that, for every reason, I strongly deprecate. I am in the habit of travelling on the continent, and, without referring to Paris, as quite out of the question, but taking Vienna, Madrid, Berlin, Munich, and a host of other places, I must say there is no capital of any pretensions whatever where metropolitan improvements have not been more rapid and efficient than in this, the capital of one of the richest and most emergetic nations in the world. I certainly should deeply deplore if these great works of improvement—these helps to commerce and industry—were suspended, and there is a little danger of that by the Instruction now moved. It is quite clear from the Standing Order of Lord Shaftesbury that it is competent for the Committees to enter into this question. It is clear that by this discussion and by the able statements of the noble Earl, this subject will be fresh in the minds of the Members of those Committees; but I should sincerely and earnestly deprecate this Motion if the Committees, feeling at a loss to suggest a remedy, should take the extreme view and altogether suspend these great improvements. If it is clearly understood that this Instruction is not in any degree whatever to operate on the minds of the Committees towards wishing to suspend these Bills, I cannot see any great objection to it, although I think it is superfluous, and not likely to do good. But unless it is clearly stated by the noble Earl, and borne in mind by those who form the Committees, that such is not to be the effect, however reluctant I feel to deal with a suggestion on philanthropic grounds of the noble Earl, I shall feel bound to object to the Instruction being given.

LORD COLCHESTER thought that the Instruction would only have the effect of carrying out a little further that which was now a Standing Order of their Lordships' House. He was himself Chairman of one of the Committees, and he did not wish to have any additional labour thrown upon him. At present, he believed the railway companies were not sufficiently accurate in the returns of displacements which they gave in, and the enactment of this Instruction would make them more particular. It did not require that the Committee should say what should be done, but merely to report whether anything had been done or ought to be done. He could see no objection to agreeing to an Instruction to that effect.

The Marquess of CLANRICARDE said, that all would acknowledge the careful manner in which the Select Committee of their Lordships' House discharged their duties, but he thought that the question committed to them by the adoption of this Instruction was much too important to be decided by a single Committee. They were, in fact, to say whether the importance of a railway or any other scheme was overbalanced or not by the inconvenience of the displacement which the carrying out of it would create. But why should the Instruction be limited to railways, or, if it were restricted to railways, why to metropolitan railways? On what principle would their Lordships say that the poor of London should be protected while the poor of Birmingham, Manchester, and other large towns should be unprotected? If their Lordships adopted the Instruction he should move to extend it to all improvement Bills without distinction.

Earl GREY said, he did not think that there was any great difference of opinion among their Lordships as to what ought to be done. As far as he had heard, it did not seem to have entered into any noble Lord's head to suspend the Bills at present going on. He believed that these metropolitan railways were among the most important improvements which could be proposed. They would go a long way towards solving the great difficulty of the dwellings of the poor which had been so much discussed lately, and if properly executed would be of great general advantage. On the other hand, it could not be disputed that considerable inconvenience might arise while the work was going on from the demolition of houses, and it could not but be desirable that when Committees were considering these Bills they should also consider whether means could not be devised for preventing these inconveniences. An Instruction of this sort would call the attention of Parliament more pointedly to the subject. No doubt, railway companies were becoming more aware that it was for their own convenience to give large facilities to the working classes; but he doubted whether their attention had hitherto been called very seriously to the subject, and it would probably be very desirable that in each Bill security should be taken that trains for their convenience should be run. It was only that very day that the traffic manager of the South Eastern Railway, in course of his examination before a Select Committee, stated that his directors had made every provision for the convenience of the working classes. Upon this he (Earl Grey) asked whether any train arrived in town early enough to allow men to go to their work by it. The answer was that the first train arrived at half-past seven o'clock. The effect of the Instruction, if adopted, would be to direct the attention of railway companies to the propriety, if possible, of making arrangements for bringing working people from the suburbs at such an hour as would enable them to go to their work at the docks and other places. His noble Friend (the Marquess of Clanricarde) asked why the Instruction was confined to the Metropolis. The answer was because the inconvenience here was tenfold greater than in provincial towns, where there was not the same difficulty in obtaining dwellings for the working classes. As to the formation of new roads they did not create the same inconvenience as the construction of railways. It would strengthen the hands of the Committee if such an Instruction were passed, and he did not believe that its effect would be to suspend any of the useful works which were now proposed.

Lord STANLEY of ALDERLEY understood then that the effect of the Instruction would be merely to enable the Committees to inquire and report without empowering them to suspend the operation of any Bill, or to propose as a condition of its passing that certain provisions should be introduced. Such a power would be most unjust to railway companies which had brought forward their Bills not knowing that any such provisions would be required, or that they would have to meet before the Committee any difficulties which might be started on the subject of suburban residences or early cheap trains for the working classes. The effect would be to prevent many of the improvements which their Lordships must all be most anxious to see carried into effect, and which had been described as most essential to the salubrity and the morals of the parishes through which these railways passed. Doubtless, the railway companies would make no difficulty in establishing cheap railway trains for the working classes, provided such trains were found necessary; but, if even they should offer, as the Eastern Counties' Board had offered, to convey working men to and from town for *2d.* a-day, the reduction from the day's wages would be so considerable that few, he feared, would avail themselves of this opportunity. He hoped the noble Earl (the Earl of Derby) would confirm the view just taken—namely, that the effect of the Instruction would only be to call more prominently to the attention of the Committees Lord Shaftesbury's Standing Order, and that it would not impose on the railway companies conditions which had never been required from them before, and which might force them to suspend the progress of their works. If this, and no more, were the effect of the Instruction, the Government would not object to it.

The Earl of DERBY said, the reason why he confined the Motion to the case of railways, and of metropolitan railways, was, that he wished to limit it to cases which were immediately before the House. He had proposed the other day that a general Committee should be appointed and that a general inquiry should take place as to the effect of all works of improvement in connection with Lord Shaftesbury's Standing Order. To this it was objected that during the progress of this inquiry a number of other works which would necessarily come within the terms of that Order would be placed in difficulty, and that the promoters would not know whether to proceed with them or not. He therefore proposed an Instruction applicable not to railways in general, or to metropolitan railways only, but applicable to certain Bills now before the House, but with an intention to act upon the Resolution in future in respect of all railways and public works likely to be attended by the displacement of the poor. As to the power which he proposed to give to these Committees, it was one which they possessed in every case where the parties came before them, and the ground for the extension of this power was that here, from their peculiar position, the parties could not appear before the Committee, and could not state their own case. If a railway passed through one of their Lordship's estates, even although it inflicted no very serious injury, the person aggrieved might appear and state reasons why the line should be varied, or why another line pointed out should be preferred. He only asked their Lordships to give to the poor a right which the rich possessed already; namely, the right of stating their case before a Committee who might then judge whether provisions might not be introduced diminishing the evil of which they complained. The noble Lord who had just spoken asked that in no case should the Committee have power to suspend these works. Now, in 19 cases out of 20—he might almost say in 999 out of 1,000—such an idea could never enter the minds of the Committee, who would not think of negativing in consequence of this Instruction these or any other works which were referred to their consideration. He agreed that these railways in the main were of great advantage, and he had no wish to interfere with their progress; but he did wish, as far as possible, to reconcile that progress with the interests and the welfare of the inhabitants of the poor districts through which they passed. The Committee would have no power to reject the Bills, but they might insist on the introduction by the promoters of certain clauses for the purpose of diminishing the evils which would be occasioned by the prosecution of these works. This was the case at present with regard to every company. Of course, if the company said, "Rather than introduce the clause we will drop our Bill," that was a question for their own consideration; but if the Committee were not to have the power of insisting on the insertion of particular clauses there was no use in inquiring into the subject. Supposing any such clauses to be inserted, the promoters might appeal against them when the Bill came up for further consideration by their Lordships, or they might drop the Bill. He did not believe it was possible to lay down any rule on this subject, or to say that in every case the Bill should pass, however strongly the Committee might feel that the evils were great and the advantages problematical. In 999 cases out of 1,000, he repeated, there would probably be no question as to the suspension of these works. All he proposed was that the Committee should be empowered in this, as in every other instance, to require conditions for the purpose of remedying any evil which might be pointed out in connection with the displacement of population. He hoped that under these circumstances the Government would not oppose the Motion, especially as it appeared that the Committees were willing to undertake this inquiry.

Motion *agreed to.*

House adjourned at half-past Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 11, 1861.

MINUTES.] — NEW MEMBER SWORN. — For Pembroke Borough, Sir Hugh Owen Owen, baronet.
PUBLIC BILL.—1° Statute Law Revision.

GREAT DOVER ROAD BILL.

SECOND READING. ADJOURNED DEBATE. FIRST NIGHT.

Order read, for resuming Adjourned Debate on Question [7th March], "That the Bill be now read a second time."

Question again proposed.

Debate *resumed.*

MR. ROUPELL: Sir, I rise upon a question of privilege, and I beg to move that the order for the Second Reading of this Bill be discharged. My name is placed upon the back of this Great Dover Road Bill, and it is there placed without my sanction, and I must at the same time say that an unwarrantable liberty has been also taken with the name of the hon. Gentleman who is my colleague. My attention was first drawn to the matter by the remonstrances of my constituents, who naturally felt themselves very much aggrieved that I, who am opposed to the imposition of tolls in large towns, should here be fathering a measure which would inflict a continuance of a very great evil. I have received deputations from my constituents, and have had to give personal explanations, and I have found myself committed to a very animated correspondence upon the subject. I should observe that the agents connected with this Bill, and entrusted with its management in its passage through this House, have apologized to me for their inadvertence in using my name without my permission; but I feel that my duty to the House and to my constituents compels me to the course which I now follow in moving the rejection of this Bill, which has been foisted upon the House in a surreptitious manner, and I hope the House will support me in what I now propose in behalf of my constituents, and I trust the House will never suffer their interests to be injured by such a measure as this.

MR. WILLIAMS: Sir, my name has also been placed upon the back of the Bill totally without my knowledge. No intimation of any sort was given to me respecting the Bill until I saw it in the Votes, and saw that my name was made use of as having been one of the promoters of the Bill. Now, Sir, I consider that taking such liberties with the names of Members is not justifiable. I have got into some little trouble, though not very material, in consequence of it. If the Parliamentary agents had asked my leave, I certainly would have refused it, because it is a very important question to a very large number of my constituents. It interferes most materially with the convenience of a very numerous and populous neighbourhood; but as my hon. Colleague has already stated the circumstances to the House I will not now repeat them.

MR. MASSEY: Mr. Speaker, after the statements which have been made by the two hon. Members for Lambeth, the House will see that it is hardly possible to proceed further with this Bill. I should be sorry to use harsh language, and in saying, therefore, that these parties have committed a fraud upon the House, I do not mean to impute to them any moral delinquency; but I do mean to impute to them gross negligence, which, in the language of the profession to which I am accustomed, would be denominated a fraud. I think that the House cannot be too circumspect in maintaining its privileges. Such a case as a Bill introduced into this House with the names of hon. Gentlemen upon it whose consent has not been obtained, is so gross an irregularity that I think it will be quite impossible that the House can hesitate for a moment in taking the course which has been suggested by the hon. Member for Lambeth who first spoke. Therefore, Sir, as the hon. Member has not put his Motion in express terms, I beg leave to move that the order for the second reading of this Bill be discharged.

COLONEL WILSON PATTEN: Sir, I am quite of opinion that that course should be taken which has just been recommended by the hon. Chairman of the Committee of Ways and Means. But I wish to call the attention of the House to what I believe to be the real cause of this. Up to a very late period, the Rules of this House were acted upon in a manner which would preclude the possibility of any mistake of this kind being made, when each Member taking charge of a Bill, was obliged to come down to the House, and move for leave to bring it in; and he saw it through its various stages. But an alteration has taken place much for the convenience of hon. Members. My hon. Friend, the Member for Walsall (Mr. Forster), takes charge of a great many private Bills and moves their introduction; and the error with regard to this Bill has thus occurred. If the hon. Member opposite, following the former rules of the House, had moved the introduction of the Bill himself, he must have been previously applied to by the promoters of the Bill, and would have said Yes or No to the question whether he would have his name on the back of the Bill. Hon. Members are very much indebted to the hon. Member for Walsall for what he has done. But the custom is liable to some disadvantage and inconvenience in this respect; and I would beg to suggest that if that custom be continued the hon. Member should be furnished with some certificate from hon. Members stating that they have consented to have their names placed on such Bills. I am informed that this error has arisen from some person in connection with the agent for the Bill undertaking to get the assent of two hon. Members to take charge of the Bill: that that person omitted to do so, and that the agent himself, believing that it had been done, placed the names on the back of the Bill. I am told that is the case; but whether it is so or not, I beg to suggest to the House that for the future, the possibility of a similar inconvenience should be avoided by the hon. Member for Walsall, if he is good enough to take the trouble for hon. Members, being furnished with certificates that their names are accurately affixed to the back of the Bill.

Colonel FRENCH: I do not think that there will be any necessity for taking any such step as has been suggested by my hon. and gallant Friend. I think that the present example which the House are about to make will be quite sufficient, and that no Parliamentary agent will ever be guilty of the same delinquency again.

Mr. FORSTER: I thank my hon. Friend, the Member for Lambeth, for bringing this matter forward. As the House are aware, I receive some hundreds of Bills, containing the names of Members on the back, on the faith that they are *bonâ fide* placed there. Of course it is impossible that I can make any investigation as to whether they are placed there with the consent of hon. Members. I should be glad if the suggestions of the hon. Member for North Lancashire could be carried out; but this is the first time that the irregularity has occurred, and I believe it will be the last.

Mr. LOCKE: Sir, with regard to these Road Bills, when it is necessary to have a Road Bill, the hon. Member for the particular district to which the Bill relates is always applied to to let his name be placed upon the back of the Bill. I have been applied to on several occasions, and have been told that it is merely a matter of form. Of course I have invariably resisted it, and have never allowed my name to be placed upon the back of any Bill until I have had that Bill submitted to me, not only for the sake of the House, but for my own sake; because it is a very disagreeable thing to have your name put upon the back of a Bill which is very unpopular in the borough which you may have the honour to represent; and I always find that if it is a very unpopular and bad Bill my name is requested—otherwise the name of any Gentleman will do. Now, this was a Bill opposed upon principle by everybody throughout the borough of Southwark, and likewise the borough of Lambeth; and there was a very sufficient reason indeed why my hon. Friends the Members for Lambeth were not duly advised that this Bill was about to be brought in; and had it not been for the petitions of the inhabitants of those boroughs, this Bill would have passed through as a matter of course, and no notice would have been taken of it.

Lord HOTHAM: Sir, I would beg to observe that whenever I have given my consent to any of my constituents who ask me to bring in their Bill, I consider that it is part of my duty to carry out my engagement to bring in the Bill, and to carry it myself through its several stages. My hon. Friend, the Member for North Lancashire, has suggested that all hon. Gentlemen should give to the hon. Member for Walsall, who is kind enough to bring Bills into the House, a notification that they are willing that he should take charge of their Bills. I suggest whether it would not be better that the name of the hon. Member for Walsall himself should be placed on the back of such Bills—it would be no more trouble to himself, and it would obviate the necessity of communications being made to all the Members concerned.

MR. SPEAKER: I have to inform the House that I have made inquiries into this matter, as I engaged to do on Thursday last. I have seen the agents, and fully informed myself of all that has taken place. I will not trouble the House further than to state that, in my opinion, negligence, and I am afraid I must add, culpable negligence, has been shown by the agents; and I do not see that the House can pursue any other course than that which is now recommended, that the Order should be discharged. At the same time, with regard to the suggestion which has been made by the hon. and gallant Member for North Lancashire, I think the course which is at present pursued is the best course, and the correct course; that the Parliamentary agent should be held responsible for this, as for other points of Order. I do not think it at all necessary that the hon. Member for Walsall who moves the Bills, with great convenience to the House, should have the trouble of ascertaining from each individual Member whether his name has been by consent inscribed on the back of the Bill. In this case, the Parliamentary agent has been neglectful of his duty; and the consequence is, I have not the least doubt, that the House will now proceed to affirm the Motion which is before it—that the Order for the Second Reading of this Bill be now discharged.

And it appearing that the names of the Members ordered to prepare and bring in the said Bill had been used by the Agent without their authority,

Order for Second Reading read, and *discharged.*

Bill *withdrawn.*

FORCES IN CHINA.—QUESTION.

GENERAL PEEL said, he wished to ask the Under Secretary for War, What is the amount of Force retained in China, of what troops it is composed, are they on Indian pay and allowances?

MR. T. G. BARING replied, that by the last Returns from China the number of Troops that remained there belonging to the Imperial Army were—Artillery, 1,223; Engineers, 304; Military Train, 279; Infantry of the Line, 5,851; in all, 7,657. Of the Indian Native troops there were 3,850, making a grand total of 11,497. In this Return was included all the troops, whether at Canton, Tien-tsin, or elsewhere. The last Despatch relating to the disposition of the troops received from China was dated November 12, 1860. Great changes might have taken place since that time, as Mr. Bruce had received instructions from the Government to issue such orders from time to time as he might be able to give with respect to the withdrawal of any portion of the troops, either Imperial or Indian. When Imperial troops were on service with Indian troops they received Indian pay and allowances.

COUNTY OF ARMAGH (IRELAND.)

QUESTION.

SIR WILLIAM VERNER said, he would beg to ask the Chief Secretary for Ireland, On what grounds the Lord Lieutenant of Ireland considered it necessary to proclaim the County Armagh on the 20th of July last?

MR. CARDWELL said, it would be in the recollection of the House that in the Months of May, June, and July last, the County of Armagh was in a state of great excitement, which led to disturbances, by which several persons became amenable to the law; and one of those persons had just been tried and convicted at the Assizes. In consequence of such a state of things dangers had resulted from the carrying of arms, and the powers which had been entrusted to the Lord Lieutenant under the Crime and Outrage Act were put in execution. With regard to the employment of additional Police, the County of Armagh had no reason to complain: the Peace Preservation Act was not resorted to for the purpose of imposing the whole charge on the County. The Police having been sent there under the Constabulary Act, the local charges of that force would only be a moiety of the whole.

ARMY.—ADDISCOMBE MILITARY COLLEGE.—QUESTION.

SIR FREDERIC SMITH said, he would beg to ask the Secretary of State for India, Whether the Royal Military College at Addiscombe is to be abolished in June next, or at any other time during the present year; and, if not, under what conditions it is to be retained?

SIR CHARLES WOOD said, there was a considerable number of Artillery Cadets at Addiscombe preparatory to their going to Woolwich. There was also a certain number of old Indian Cadets who would be probably there until June. The College would still remain, until other arrangements were made, as a preparatory school for Engineer and Artillery Cadets, who were ultimately to proceed to Woolwich.

APPROPRIATION OF THE PUBLIC MONIES.—RESOLUTION.

Order for Committee (Supply) read.

Motion made and Question proposed, "That Mr. Speaker do now leave the chair."

SIR HENRY WILLOUGHBY said, he should be glad to yield to the appeal of the noble Viscount on Thursday to allow the House to go at once into Committee of Supply, but it so happened that his Motion differed from all the other Motions on the paper. It related to the Estimates, and could not be brought on when the House was in Committee. The notice he had given was of his intention to call the attention of the House to the mode and extent of the changes made by the Lords Commissioners of Her Majesty's Treasury in the appropriation of monies voted by Parliament for Navy Services in the year 1859-60, specially that out of £503,880 voted by Parliament for ships building by contract in 1859-60, £200,000 was paid for stores and £38,521 for machinery, the latter sum of £38,521 on the personal authority of the Secretary to the Treasury; and to move a Resolution, "That the powers of the Lords Commissioners of Her Majesty's Treasury to alter the appropriation of the granting of money by this House should be defined and limited by law." The question was one of great importance, and demanded the most serious consideration of the House. On the 9th of August last, in discussion upon the miscellaneous Estimates, a Resolution was unanimously passed that all unexpended balances should be repaid into the Exchequer. The opinion of the House appeared to be that when money was voted for one purpose it should not be applied to another. Now that was the question which he meant to raise by his present notice. He would show the House that with respect to both the great departments of the public service, the army and navy, they had no security whatever, in the event of £1,000, for example, being voted for one purpose, that it would not be applied to another. Last year he had raised the question in another way. There was then a sum of £519,000 taken for the transport service which was subsequently applied to the purchase of stores. It was admitted on all hands that that was a monstrous change for the Executive to make without consulting the House of Commons. But the case he was about to raise was one of a still more extraordinary character. It appeared in the financial year of 1859-60, there was a sum voted in two Estimates of £503,880. There was an original Estimate of £252,000, and a supplementary Estimate of £251,880. Those sums were voted for the express purpose of paying for iron-cased vessels to be built by contract, the importance of such vessels having been admitted by the House. Now it appeared that only half of that sum was expended according to the purpose of the House of Commons. What, then, became of the other £250,000? It appeared that £200,000 was expended in the purchase of stores on the authority of the Treasury. But the more remarkable case was as to what became of the other £50,000. On the 26th of March, 1860, five days before the end of the financial year, Mr. Watts, an able gentleman in his department of chief constructor to the navy, wrote a letter to the Board of Admiralty, recommending them to appropriate £38,521 for the purchase of machinery. On the same day the noble Lord, the Secretary for the Admiralty, met the Secretary for the Treasury, then Mr. Laing; and in a brief conversation obtained his personal authority for the application of this sum of £38,521 to the buying machinery for other ships. Now the House would see the gravity of this matter. If such things could be done with impunity what on earth was the use of their going into the Estimates and voting them *seriatim.* They all knew that this system of appropriation was based upon a principle which the House had fought for 150 years. Could it be contended for a moment that the Secretary for the Admiralty and the Secretary for the Treasury, at a casual interview between them like that he mentioned, were to alter the appropriation of the money voted by that House? How stood the old Appropriation Act? Up to 1845 that Act meant what its name implied, namely, that the money voted for a particular service should be appropriated to that service and to no other. In 1845, however, a new clause was introduced in the Appropriation Act. He did not know whether the House was aware that this was one of the Acts which were not printed—it was what was called "a dummy." In that Act a new clause was introduced which gave the Lords Commissioners of the Treasury power to alter the proportions of a grant from one Vote to another in the same department, provided the aggregate did not exceed the amount voted, and also power to alter the items under the same Vote. Under the modern system, then, it appeared that the Government had only to get a greater grant than what they wanted, and then they could completely alter the whole appropriation of the money so destined by the House. For example, the repairs of Somerset House were paid for out of money that had been voted by Parliament for quite another purpose. The House was now going into Committee to declare the number of men to be levied for the navy, and to vote the pay and provisions for those men. In the very year to which he alluded the number of men was 4,000 short of the number voted by the House, and the consequence was, there was a saving under the head of pay of £160,000 to be disposed of. In every constitutional sense that money ought to have been paid into the Exchequer. The same was the case under the head of provisions. But under this modern system it was possible to vote a sum of money for men and find it employed in building a ship; in short, there was no change which could not be made under it. Now the Resolution which he wanted to move was this—that the powers of the Lords Commissioners of Her Majesty's Treasury should be defined and limited by law. He did not suppose the present Secretary to the Treasury would defend the system. He apprehended that the exercise of any such power by the Secretary to the Treasury as that to which he had called attention was wholly illegal because the power was given to the Lords of the Treasury and not to the Secretary to the Treasury—a functionary very important in that House, but utterly unknown to the statute law. It was perfectly evident, then, that unless that House was prepared to insist upon their rights in reference to the appropriation of the public monies they might save themselves the trouble hereafter of discussing the various items. He would not, however, deprive the Government altogether of a discretion when circumstances arose that would justify its exercise, but he certainly thought that that discretion ought to be limited to a certain amount. It appeared that one sum of £250,000 had been spent in the purchase of stores and machinery which had been voted for another purpose altogether. Now the House would probably be called on to vote that £250,000 a second time for the same object as before. In the financial year 1859-60 no less a sum than £494,000 was expended on the naval service without a shilling of it being authorized by that house. £219,000 was expended on stores, £102,000 on Post Office contracts, and £155,000 in a miscellaneous way, without the shadow of authority from that House. He had not stated many disagreeable things connected with this malappropriation of the public monies. A few words of alteration in the Appropriation Act would do all that was wanted, and leave the Lords of the Treasury power to change the grants to a limited amount—say to £5,000—but would strike at the roots of the present system. A great deal was said about the disposition of that House to take upon itself the Executive Government. He would say "No; leave the Executive Government alone, but compel them to pursue the right course;" and on the other hand, the Government was bound to respect the privileges of that House, and to take care that the appropriation of the money was not taken out of its hands. He should, therefore, move the Resolution of which he had given notice.

MR. WILLIAMS said, he rose with pleasure to second the Motion, as he was of an opinion that unless some check were put to this kind of proceeding it would be perfectly useless for the Estimates to be brought forward, and the House might as well vote the whole sum to both services at once. The hon. Baronet was very liberal in allowing the extent of latitude which he had named; but he (Mr. Williams) thought the best course would be that whenever an amount was required for the public service the department requiring it should come to the House and ask a distinct Vote for it.

Amendment proposed,

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, the powers of the Lords Commissioners of Her Majesty's Treasury to alter the appropriation of the grants of money by this House should be defined and limited by Law,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. PEEL said, he was not surprised that his hon. Friend should have thought it his duty to draw attention to the state of the accounts of the naval expenditure in the year 1859-60. It appeared that there was an excess upon some of the grants for the year amounting altogether to little short of half a million of money; but, on the other hand, it must be borne in mind that there was a saving on the remaining grants of the same year, which amounted to rather more than half a million, so that the result was that there was a saving in the total expenditure on the navy. At the same time he acknowledged the Government would not be justified in exceeding any of the Votes so largely as had been mentioned, unless under circumstances which rendered that step absolutely necessary. What, however, were the circumstances in this case? The preliminary expenses of the China expedition formed part of the expenditure of 1859-60. Last year the House voted a sum of money—a Vote of Credit—amounting to £800,000, for the extraordinary expenditure of the China war during the year 1859-60; and out of that sum the Treasury advanced to the Admiralty £250,000 to meet the expenses of the expedition, upon the understanding that in the event of the ordinary Votes of the House for the navy being sufficient, not only for the ordinary, but also for the extraordinary expenditure of that year, that then the advance out of the Vote of Credit should not be made use of, but should be returned and repaid into the Exchequer. And this was done. It was found that the ordinary Vote of the House was sufficient, not only for the usual expenditure of the Naval Service, but also for the extra expenses of the China war, and that sum of a quarter of a million which had been advanced out of the Vote of Credit for the expenditure of 1859-60 was returned and repaid into the Exchequer. The hon. Gentleman had drawn attention to an excess of £200,000 upon one of the subordinate items in the Vote No. 10, Naval Estimates. It appeared that the item for the building of ships by contract was not required to the extent of £200,000 or £250,000; and that sum was transferred to an excess of expenditure for the stores, which was another subordinate head of service comprised in the general Vote No. 10. Besides that there was an excess upon the cost of steam machinery also to the amount of £200,000. He asked the House to recollect at what a rate the expenditure in our dockyards was proceeding during the year 1859, and to judge whether it was surprising that a calculation made a year beforehand should not be exact. The hon. Baronet had been engaged on a Commission of inquiry into the expenditure in the dockyards and the management of the navy, and he must know how impossible it was to foresee the rate of expenditure during the coming year. Very slight changes, the mere placing men on one system of pay instead of another, employing them by piece-work instead of by day work, might alone cause a large difference in the expenditure; and when, in addition, they came to take into consideration the large amount of stores employed in the expedition to China, which had been paid for out of the ordinary Votes for the year, the excess on these items of charge was, he thought, sufficiently accounted for. The hon. Baronet had submitted a Resolution, by one part of which he proposed to define the powers of the Treasury. He (Mr. Peel) should have no objection to any improved definition of those powers. The Act of Parliament directed that no grant of the House for any head of service should be exceeded without the express sanction of the Treasury; and there had existed a difference of opinion between the Treasury and the great departments of War and the navy as to whether the head of service meant the Vote of the House or comprehended all those subdivisions of the Vote as they were set out in the Estimates brought before the House. The Treasury, of course, had contended for the larger interpretation of these words, but it was only quite recently, and he believed partly owing to the acquiescence in that view by his noble Friend by his side (Lord Clarence Paget), that the view taken by the Treasury had at last prevailed, and that it had been laid down that the result of the actual expenditure of the year must correspond, not only with the Votes of the House, but with the detailed Estimates submitted to them, and that if there were to be any deviation of consequence from those Estimates that deviation could only be permitted with the approval and concurrence of the Treasury. The hon. Baronet had also called attention to the circumstance that a sum of £38,000 was transferred from one item in Vote 10 to another item in Vote 10, after personal communication between his noble Friend and the late Secretary of the Treasury, Mr. Laing. [Sir HENRY WILLOUGHBY: Hear, hear!] He need not say that the sanction of the Treasury could only be given by an official letter, and could not be given by mere personal and oral communication. He entertained no doubt that the late Secretary to the Treasury, when he gave his verbal authority for the transfer of a portion of one item to another item, contemplated that there should be a written communication, and that it was merely owing to some accident or through some oversight that the omission took place. The Treasury very lately, when their attention was called to the absence of any written authority for that transfer, inserted a memorandum of the irregularity in the Estimates for the present year. The hon. Baronet wished, however, not only to define but also to limit the power of the Treasury; and he understood that the hon. Gentleman behind him (Mr. W. Williams) would take the whole power from the Treasury, and thus allow of no deviation being made either in the Votes or the Estimates without assembling Parliament and submitting the deviation to their approval. Now, what was the object really to be provided for? When they considered how long the Estimates were prepared before the expenditure took place, was it surprising that there should be every year some expenditure unprovided for? On the other hand there must be some expenditure in the Navy Estimates for which provision had been made, but which in the course of the year circumstances rendered unnecessary. What could be more reasonable, then, than that the saving under one head should, if necessary, be transferred to meet the excess under another? The only question was where the power to make the transfer should rest? Who was to determine whether the necessity had arisen? Should the discretion be vested in the departments themselves? Why that would be to resort to the old course which was found so unsatisfactory that the power was taken from their hands and lodged where he thought it most properly still resided—namely, in the Treasury. The Treasury viewed the departments with much the same jealousy as the House did itself. It had no interest in the expenditure except in the way of check and control; and he must say that the hon. Baronet, if he were to limit the power of the Treasury, would be taking a step in the wrong direction. What he (Mr. Peel) would seek to obtain was a system sufficiently expansive to provide for unforeseen expenditure, and at the same time capable of fixing the responsibility on that department with whom it rested to authorize the expenditure. If the House left the authority to the Treasury, and required from it responsibility for its proceedings in the exercise of that power, he was sure the object of the House would be best obtained. The Treasury would in each case require that the department should inform it beforehand when it was about to exceed the Vote granted by the House; and it would not authorize any deviation from those grants unless there were reasons for the deviation satisfactory to itself, and which would be satisfactory to the House. He had no objection to take into consideration any suggestions which might be made to him with the view of so altering the Appropriation Act as to define more distinctly the powers of the Treasury and its authority over the Admiralty; but he must, at the same time, express a hope that the House would give its assent to no proposition which would have the effect of depriving the Treasury of that discretion which it was desirable it should be in a position to exercise for the good of the public service.

SIR STAFFORD NORTHCOTE said, he was sure that the hon. Baronet had done good service in calling the attention of the House to the powers of the Treasury, but he thought his hon. Friend would see that it would be unwise, nay, that it would be impossible to do away with the discretion of the Treasury and the Cabinet in such matters. Indeed, to deprive the Treasury of all discretion in such cases as that under the notice of the House would be to adopt a course tending to increase the Estimates to an enormous amount; inasmuch as, if the transference of any sum from the head under which it happened to have been voted to another were not permitted, it would become necessary in framing the Estimates to take a larger margin on every item for the purpose of meeting emergencies. While, however, he was prepared to maintain that a certain amount of discretion ought to be vested in the Treasury, he was not disposed to say that it came within the spirit of the rule that so large a sum as £250,000 should be appropriated in this way to a service other than that for which it was specially destined, and that not during a recess, but while Parliament was still sitting, and at a time when they were about to be asked for a Vote of Credit for the navy. At all events the circumstances should have been explained to the House. With reference to the particular sum, the explanation given seemed rather to show how very much better it would have been to have done the thing in another way. There was a Vote of Credit of £250,000 for expenditure in the navy. That Vote would have been most legitimately applied to the extra stores; and the other sum voted for ship-building, and not used, could have been given up. The House would then have known what it was about. The result had, indeed, been apparently the same, because the money had actually been repaid into the Treasury, yet such a sum might, by the terms of the Vote of Credit, have been applied to either service without involving the difficulty which had been experienced. The notice which had been taken of the matter in the House would, he felt assured, strengthen the hands of the Treasury in its dealings with such Departments as the Admiralty and the War Office, and would in all probability lead the right hon. Gentleman (Mr. Peel) to see the expediency of limiting in some respects the discretion hitherto exercised by the Department which he represented.

SIR FRANCIS BARING said, he agreed that the hon. Baronet the Member for Evesham had done good service in bringing the subject under the notice of the House, as there could be no doubt that the verbal sanction which had been given for the transference of the money by the late Secretary to the Treasury was irregular. However, he apprehended that the object of the present proceeding was not to cast censure on the past, but to provide a remedy for the future. The Admiralty, technically speaking, had not done anything in the course of the transaction which could be construed as illegal, although the spirit of the Act might not have been fully carried out. He was further of opinion that it would be inexpedient to bind down the expenditure for the navy too strictly, inasmuch as a good deal of it took place abroad, and emergencies from time to time arose when it became desirable that the Admiralty, with the sanction of the Treasury, should be in a position to take upon itself the responsibility of efficiently performing the public service without appealing directly to the House of Commons. It might be worth consideration whether the power of the Treasury should not still be continued, but when the excess exceeded a certain amount, the expenditure so incurred should be brought under the notice of the House, not merely in the shape of an account, but in the form of a specific Vote; and thus enable them to express a distinct opinion with respect to the expenditure and the exercise of the discretion.

MR. HENLEY said, he was sorry to hear the statement of the right hon. Gentleman the Secretary to the Treasury which seemed to open a wide door to laxity in framing the Estimates. This was not a trifling matter, for in one case it involved 50 per cent of the Estimates, and that in regard to a matter which the public had very much at heart. He might add that he concurred with the right hon. Gentleman the Member for Portsmouth in thinking it very desirable, not that the heads of the Treasury should be too strictly tied in the performance of that which might be necessary for the public service, but that its proceedings should assume such a shape that the House would be in a position to deal with them afterwards, and to come to a decision as to whether they were worthy of approval or the contrary. If matters were so regulated, a proper discretion on the part of the Treasury in sanctioning the expenditure of the public money for any particular object would, he had no doubt, be exercised.

LORD CLARENCE PAGET said, he wished, as the transaction which formed the subject of discussion had partly taken place between himself and the Treasury, briefly to advert to it. The Appropriation Act set forth that the Admiralty should not have the power to transfer the money voted under one head of the public service to another without the sanction of the Treasury, and the question was whether the act was to be interpreted as meaning Votes or items of a Vote. His desire was to interpret the Act in such a way that those matters should always be subject to the sanction of the Treasury, and he took a course which had not hitherto been taken by the Admiralty. It had been hitherto generally held that the Admiralty might, on its own responsibility, appropriate the surplus in any one item of a Vote to make good any deficiency which might occur in a second item of that same Vote. Now he had thought it his duty to apply to the Treasury for their sanction to the transference of a large sum of money from one item to another under the same vote, and they had deemed it right that the transaction should be recorded in a regular form; but when, on a second occasion, he required a sum of only £38,000 under the same conditions, he had understood from the Treasury that it was within the power of the Admiralty to transfer that amount from one item to another as he had just mentioned. It was extremely desirable, he might add, that such a discretion should be allowed where small sums were concerned; for if the Admiralty were invariably confined to the expenditure of money strictly for the purposes for which each item of a vote happened to be voted, it would be impossible efficiently to conduct the public service. When it was sought to transfer a considerable sum from one Vote to another, then of course it was expedient that the previous assent of the Treasury should be obtained; in the second instance even to which he had referred he had, although informed by the Treasury that the Admiralty had power to appropriate the money of itself, deemed it right to request that a note should be made of the transaction.

COLONEL SYKES said, he was in favour of the Motion, for it constantly happened that there were some Votes that were popular and others that were unpopular. The plan of the departments was to diminish the amount of the unpopular estimates and to increase the popular ones; and then to transfer the surplus of the one to the deficiency of the other. Such a proceeding was akin to obtaining money from the House under false pretences. He did not deny that some discretion should be vested in the Treasury, but it ought to be exercised with all due caution and reserve.

MR. PEEL said, that if the hon. Baronet the Member for Evesham would omit the words "and limited," he should offer no objection to his Resolution.

SIR HENRY WILLOUGHBY said, he was willing to omit those words.

SIR GEORGE GREY said, the Government had no objection to the Resolution as modified; but, as the House wished to go into Committee of Supply, perhaps the hon. Baronet would withdraw his Motion, especially since he might rest assured that the object he had in view would be carried into effect.

Amendment, by leave, *withdrawn.*

ALLOWANCE TO WITNESSES.

OBSERVATIONS.

MR. A. F. EGERTON said, he hoped the House, before going into Committee, would allow him to make some allusion to the scale of payment to witnesses for attendance at sessions and assizes, by which the course of justice, at least in the North of England, was materially interfered with. There were two classes of witnesses whom the reduced scale of allowances seriously affected — the police-constables and the pawnbrokers. As to police-constables, it was well known that, whenever they attended from the country to give evidence before the Court at Liverpool they were out of pocket, and the consequence was that they were not very anxious to apprehend offenders. As to pawnbrokers, hon. Gentlemen who knew anything of the administration of justice, knew that their attendance as witnesses was often indispensable; but under the present scale it was found very difficult indeed to induce them to come forward. Two suggestions had been made as to the manner in which the question should be treated. The first was that the Government should raise the scale of allowances, and that the increased sum should be taken out of the Consolidated Fund. The other suggestion was that the Government scale should be maintained as at present, but that the justices of peace should be empowered to raise the scale, the difference being paid out of the county rate. There was one objection to that plan, that in doing so the increase would fall wholly on the land, whereas the prosecution of offences ought to be borne out of the general taxation of the country. He thought, however, the objection was rather theoretical than practical, as the increase would be hardly felt. He observed that the right hon. Gentleman the Home Secretary was not in his place, but he hoped the hon. Gentleman the Under Secretary would be able to give him a satisfactory answer.

SIR JOHN PAKINGTON said, he rose to express his satisfaction that the hon. Gentleman had brought the question before the Government, and to correct the only mistake which his hon. Friend appeared to labour under, when he said that this inconvenience applied only to the north of England. He (Sir John Pakington) asserted, without fear of contradiction, that the evil was felt in the whole of England. The right hon. Gentleman the Home Secretary was not in his place, but he observed that the real offender—if offender he were—was in his place, for the present scale of allowances was made when his right hon. Friend the Member for Morpeth (Sir George

Grey) was in the Home Office. He did not bring any charge against the right hon. Gentleman, but he thought the right hon. Gentleman must now be satisfied that the practical effect of that scale was that the administration of justice was impeded all over England; and that a feeling was now at work among policemen and others that it was their interest to overlook offences rather than to incur the expense of bringing them to justice.

SIR GEORGE GREY said, that the scale was adopted while he was Home Secretary. Since then a Commission had reported on the subject, and had completely borne out the propriety of the allowances. The question was, however, a very difficult one, owing to the inapplicability of any one scale to the entire country; and he believed that it was still under the consideration of his right hon. Friend (Sir George Lewis).

COLONEL WILSON PATTEN asked if they were to understand that the Government would name a time for dealing with the subject?

MR. CLIVE added, that if his right hon. Friend had been present he would, no doubt, have been able to answer the Question. The subject had been under his anxious consideration, and he would probably ere long be prepared to announce an arrangement by which the inconveniences now complained of might be put an end to.

Main Question put, and *agreed to.*

SUPPLY.—NAVY ESTIMATES.

House in Committee.

Mr. MASSEY in the Chair.

(In the Committee.)

(1.) 78,200 Men and Boys, including 18,000 Marines.

LORD CLARENCE PAGET: The Navy Estimates for the year 1861-2, which it is now my duty to bring under the consideration of the Committee, amount in all to the sum of £12,029,475, showing a decrease upon the Estimates for the current year of £806,625. The Estimates I have now to propose are distinctly ordinary Estimates—that is to say, they do not embrace any extraordinary items; whereas the Estimates for the year now passing contained a considerable—extraordinary—sum on account of the hostilities in China. That extraordinary sum was included in the Vote for the transport of troops. It amounted in all to £205,000—namely, £120,000 for transports and £85,000 for coals for those transports, over and above the ordinary transport Vote. To arrive, therefore, at the real decrease upon our Estimates for the current year we must deduct that sum of £205,000 from the gross or apparent decrease, which stands at £806,625. It will thus be seen that the actual decrease shown in the ordinary Estimates for the current year amounts to £601,625. The principal items of decrease in next year's Estimates are under Votes 1, 2, and 8. Vote 1 is for the number of men; Vote 2 is for provisions, victuals for those men; and Vote 8 is the great labour Vote of the dockyards. But Her Majesty's Government have thought that a large addition should be made to Vote 10 for the next financial year, under the head of "Purchase of Timber and other Stores." The hon. Baronet the Member for Evesham (Sir Henry Willoughby) called attention last year to the state of our stores in this respect, and I think he very wisely gave us the advice that a decent and respectable stock of timber should be kept up in the dockyards, with a view to emergencies. As I shall allude to that presently when we come to the particular Vote, I will not trouble the House with any further remarks on it now; but I will at once address myself to Vote 1—that is for the number of men which Her Majesty's Government thought it their duty to ask the House of Commons to agree to for the year 1861-62.

Now, Sir, the number of men we propose to take for the coming year is altogether 78,200. That includes every class of men and boys in the service, and even the civilians who are in the Coast Guard Service. Therefore, we show during the coming financial year a reduction of no less than 7,300 men from the number which the House authorized us to take at the commencement of the present year. That will at first sight appear a very large decrease in the strength of the navy. But I must inform the House that although Her Majesty's Government at the commencement of the present financial year thought it right, in view of the hostilities then going on in China, and the probability of the extension of those hostilities, to ask the House to agree to the large Vote of 85,500 men, I stated at the time I had the honour to bring the Estimates before the House that the Government, supposing that the war should come to an end, and other circumstances should permit, would not think it incumbent on them to bear the whole number of men the House had agreed to. Sir, events have happily turned out so that the Government were enabled during the past year to maintain a much smaller number of men than were voted, and yet the service, particularly that in China, has been conducted with every success and advantage to the public. The greatest number of men who have been borne at any one time during the past year are 81,100 in all; so that the difference between that number and 78,200 which we ask for on the present occasion is the real decrease in the forces we propose to maintain during the coming year. The actual reduction, then, in the number of men is 2,900. I am bound to state to the House that if the hostilities in China had gone on, not only should we have required large reinforcements, but undoubtedly we should have required to relieve the ships that had been a long time on that station. But I am happy, as I before stated, that hostilities have ceased; the war has been brought to a satisfactory and glorious termination, and we are enabled to bring home about 3,000 men from China. So that the efficiency of Her Majesty's Navy, both for the defence of our shores and for the protection of our commerce in all parts of the globe, will, in point of fact, not be reduced by a single man. Now, with regard to the recent expenditure in China, I think it right to inform the Committee that we have not been able, either as to *personnel* or *matériel*, to give the House at this moment any idea of what the cost of that war will amount to. Her Majesty's Government thought it right to send out a very efficient accountant officer to Hong Kong with a view to gather in all the accounts, and in fact wind up the affair, and I trust that ere long the Government will be in a position to state to the House what has been the real cost of the war. Whenever we have the accounts, it will be my duty to lay them before the House, if it should be necessary to have a Vote on the subject.

I have stated that the force at home for the protection of our shores, and also for the protection of our commerce in distant parts, is maintained equally strong, equally powerful, as it has been during the past year; but I may state also to the House what I think will be considered very satisfactory—namely, that we have a large accession to our defensive force at the present time. I believe I am justified in stating that the Royal Naval Reserve, which the House agreed to last year, is making great progress; that the seamen are becoming very desirous of entering that force; that all those delusions and prejudices that existed in the minds of the merchant seamen of the country are fast vanishing away, and that they are beginning to be aware of the immense boon which is offered to them, we are, in fact, justified in asking the House, as we do on the present occasion, for a sum of money for the support of that force, which will amount, I have every reason to believe, to 7,000 men by the end of next financial year. The House has always expressed very great interest in the matter of the Royal Naval Reserve. I have often heard it remarked in the House, rather lightly, that the scheme never would succeed; that the men would not enter the force; and that, in short, the whole thing would be a complete failure. Now, so far from that, I will take the liberty of reading an extract from a letter which I received within the last day or two from the Registrar General of seamen. After stating that we have now nearly 4,000 men enrolled, he says—

> "They have been coming in since the commencement of the year at the rate of 100 per week on the average. These are not the men originally contemplated by the Act, but are all fine able seamen, selected for character and ability. Vast numbers have been rejected who did not come up to the mark, or had not five years' service at sea. Had not the qualifications been restricted to these, we might have enrolled double or treble the number of men."

Now, I say that is a very satisfactory state of things. I believe we may consider that the Royal Naval Reserve is now an established and very valuable force. Well, then, it naturally became the duty of the Government to consider whether, having this reserve, and looking I am bound to say to the fact that it would cost a considerable sum of money to the country, they would be justified in asking the House to keep up the same Vote for seamen as last year. It may be interesting to the House that I should give a sketch of what our reserves are. First of all, our Royal Naval Reserve. Hon. Gentlemen may be disposed to say that these men are on distant service; but there is a very small portion of them on distant service, certainly under one-fourth. And before I leave the subject of this reserve I wish to state that Her Majesty's Government are going to bring in a Bill immediately with a view to enrol the officers in the mercantile marine for the Royal Naval Reserve. I believe that will be a very great advantage to the navy, and that in the merchant service it will be extremely popular. Well, then, the Royal Naval Reserve amounts at present to 4,000, of which at least 3,000 are at home; the Royal Naval Coast Volunteers amount to 7,000; then we have got of the Coastguard on shore about 4,000; we have got in disposable supernumeraries an average of 1,500 men; we have 8,000 Marines on shore; or rather we shall have in a few weeks when the Marine Brigade arrives from China; and 2,000 boys in the training ships. The House will be glad to hear that here is a force of something like 25,000 reserves, available at a moment's notice if an emergency should make it necessary to man a large fleet. I think, therefore, it will not be pretended that we have made any reduction in the *personnel* of our fleet which is unsafe and unwise, looking to the protection of our coasts and commerce. To this I might add a large body of pensioners. The Staff Officer of Pensioners stated to me a few days ago that there is a considerable number of pensioner marines—about 3,000 or 4,000—who are perfectly fit for service if wanted. Then, again, of seamen pensioners we have about 3,000 embarked on board ship for the purpose of inducting our young ships' companies into their duties. It is well known that, owing to the growth of the fleet of late years, we have had a great want of petty officers and leading seamen—a circumstance, I am convinced, that has been one of the main causes of the disturbances which have taken place in our ships. I am positive that when the crews of the magnificent fleet which we now possess become acquainted, as they are rapidly doing, with the cleanliness and the discipline of men-of-war, we shall hear very little more of those disturbances of which the world has said so much. I am certain—and it is my business to assure the House of the fact—that, notwithstanding what we hear of the discontent among the officers, and of the general dissatisfaction prevalent in the fleet, such a state of things really does not exist. There are a general feeling and desire on the part of the fleet that our navy should maintain its wonted superiority, and be worthy of the great country which it is meant to defend.

I now wish, Sir, to advert to another important point with reference to the manning of our ships, which has excited great interest and frequent discussion in this House. I allude to the system of entering boys. Of late years it has become the duty of the Government to provide training ships for boys, and greatly to extend the system of introducing lads into the service. That was one of those wise recommendations of the Commission which sat on the Manning of the Navy that has never been lost sight of by the Admiralty from that day to this. We have gone on increasing the facilities for training boys by devoting more ships to that particular object, and we are now arriving at a most satisfactory result as regards the boy system. We have at this moment, according to the last Return, as many as 9,639 boys being educated at the public expense including those embarked as part of the crews of the fleet as well as those in the training ships. I have attempted to ascertain what proportion of seamen for the fleet will be annually furnished from that number of youths. Our statistics are, however, imperfect, not because the Accountant General's Department, from which they are obtained, is not admirably managed, for I am bound to say that in all its branches it is very admirably managed, but because of the constant fluctuations which have been taking place in the numbers of the navy. I find, first of all, that these boys require an average training of three years. Therefore, if we allow 7 per cent for the yearly loss through deaths, discharges, and other casualties, we may reckon that the total number left will supply to the navy about 2,900 per annum. The next consideration is, what is the number of seamen whose places have to be filled up? After eliminating officers, marines and other parts of the service, I find that our present force afloat is about 38,000 seamen and petty officers, the gaps occurring among whom must be supplied either from these trained boys or from the merchant service. The proportion of casualties among these 38,000 seamen is now 14 per cent, or about 5,300 annually. That is the present average, but I believe it will greatly decrease as soon as the boy system has further developed itself.

SIR JAMES ELPHINSTONE: Does that include deserters?

LORD CLARENCE PAGET: It does. You will, before long, have a navy principally composed of seamen who have been brought up with you from boyhood, and who will be attached to the service their earliest associations; and I, therefore, hope that the loss by desertions will much diminish. I have said that we have 2,900 boys to fill up the 5,300 vacancies in the fleet, leaving 2,400 to be obtained from the merchant service. Here there arises a very interesting question as to what proportion of the navy is to be supplied by youths who have been educated by the public, and what proportion by the merchant service. Some will say that we ought not to look to the merchant service at all, but should entirely depend upon our own boys. I confess that, as a naval officer, I cannot agree in that opinion. I think it would be extremely unwise to widen the gap between ourselves and the merchant service. On the contrary, I believe it is advisable that a certain proportion of young men should be brought into the navy from that service, and the remainder taken from our own training ships. The matter is one of mere speculation, but I think it doubtful whether any considerable enlargement of the present number of boys in course of training would be attended with as much public advantage as some persons suppose.

Having stated the number of men we propose to ask, I now come to the next important element of our service—the ships. It is quite impossible that we can decide as to what should be our force, either in men or in ships, without having reference to the forces maintained by other Powers. At present, and for some time past, it is my duty to inform the Committee, that throughout the maritime nations of Europe there is a determination—and a very proper one—to maintain an efficient and powerful navy. We hear it, Sir, from all quarters that the principal countries of Europe are now paying great attention both to the *matériel* and the *personnel* of their navies. I will not at this moment read to the Committee, unless they wish it, a detailed list of the maritime force of other nations, as far as we possess it. If I am to understand that the Committee desires it I will read it. First of all then with respect to the French navy, as far as we can gather from the official reports—for we have no information that is not open to the French public—we believe that France has 35 line-of-battle-ships afloat and two building, making a total of 37. We believe that the French have 18 paddle and 21 screw frigates, making a total of 39 frigates afloat and 8 frigates building. All these are wooden ships. I will deal with the iron-cased ships afterwards. The vessels I have spoken of are all steamships. There is a great variety of small vessels, corvettes, avisos, gunboats, and other classes, making the entire French steam navy consist of 266 vessels afloat, and 61 building. Then we have to consider another great naval Power, Russia. Russia has 9 screw liners afloat, she has, however, none building. She has also 7 screw and 10 paddle frigates, making 17 frigates afloat and she has 6 building. Next, we have for the first time an account this year of the Spanish navy, which is taking its place among the navies of Europe. Spain has of steam liners afloat two, and building one. She has 12 frigates afloat and two building. They are all steamers, but whether they are paddles or screws I cannot say. We have another navy now entering the arena. I speak, Sir, of the Italian navy. I hope and trust that that glorious people will speedily rank among the first maritime nations of the world. Italy has one screw liner afloat; she has six screw and 12 paddle frigates, with a considerable number of smaller vessels. Sir, I must now advert to a novel weapon of war which to my mind is of still more importance in considering the force of nations at sea. With regard to the French navy, we know that they have no less than two very large and powerful iron-cased ships which they rate as line-of-battle ships mounting 52 rifled guns each. We know that they have also four powerful vessels which they call iron-cased frigates mounting 40 to 36 guns each; and that they have likewise four of a very formidable class, called floating batteries mounting 14 guns each. In addition to these they have five gunboats of a novel construction partially cased with armour, and also of a very formidable character; and of the French ships I may say that two are afloat; *La Gloire* and *La Normandie* being actually on the water. Of the French floating batteries I am not prepared to say how many are afloat; but I have every reason to believe that every one of these vessels could, if required, be afloat in a very short period of time. The Spaniards are building an iron-cased frigate. We understand that the Russians are building or are about to build an iron-cased frigate, and the Italians have already one of those iron-cased frigates, which is either afloat or about to be launched. [Mr. ROEBUCK: Where?] I believe at one of the French mercantile yards in the Mediterranean. I will presently come to the question of the performance of this new class of vessel. All we know on that subject is from what has been done by that famous vessel *La Gloire.* As our own ships are not yet ready, we have no experience to guide us; and I can only say that that is not the fault of Her Majesty's Government. I can assert for myself that I have written many letters to the contractors, calling on them to do everything in their power to expedite the completion of our iron-cased ships; and I must say that I think they have not altogether done their duty to the public, or those vessels ought to have been launched a considerable time since. But I will now state our own force in iron-cased ships. We have the *Warrior* and two sister ships of 40 to 50 guns each. The *Warrior* is launched, and the *Black Prince* is also launched. The third sister ship is about to be constructed in Her Majesty's dockyard at Chatham. These are three of the larger class. We have a second class, called the *Resistance* class, of which there are two to mount 20 guns each; and both will, we trust, be launched within the next month. We have two more vessels, which have been orderd within the last few months. who are each to carry 34 guns. From this it will be seen that we have seven iron-cased ships under construction at the present moment. And now let me give some information as to what we know already of these iron-cased ships. The Committee may remember that it was imagined by many persons that they would be a failure—that, first of all, speed could not be got from them on account of their being so heavily loaded; and, secondly, that they would not be seaworthy for the like reason. Well, Sir, we have got proofs that *La Gloire* has great speed, and also that she is seaworthy. We know that she was appointed to accompany the French Emperor to Algeria last autumn. We know also that His Majesty was accompanied by one of the finest and fastest squadrons in the French navy. My hon. Friend the Member for Finsbury (Sir Morton Peto) was at Algiers when the Emperor arrived. *La Gloire* arrived in company with His Majesty's yacht, which is a very fast one, and the rest of the squadron were out of sight. It is clear from that fact that the French vessel *La Gloire* is a vessel of great speed. Then comes the question —Is she seaworthy? When returning from Algeria the squadron of the Emperor encountered a gale in the Gulf of Lyons. I myself have conversed with an intelligent captain of a merchant steamer who was in company with the squadron at the time, and he said that he never saw a heavier sea or a heavier gale. I myself saw *La Gloire* at Toulon a few days after her voyage and she looked nothing the worse for it. She lived through the gale, and kept company with the Emperor's yacht. Here is a proof that *La Gloire* is, I will not say a good seaboat, but a boat that could live in very bad weather. With regard to the interior accommodation of *La Gloire* I know nothing. She is kept, like some Eastern beauty, veiled from the public gaze. Perhaps my hon. Friend the Member for Finsbury effected an entrance; but if so, I believe he is the only one who can give us any account of her interior appearance. All but one of the French iron-cased ships are built of wood, probably because it is cheaper to build in France of that material than iron, and covered with armour throughout, a necessary precaution against shells loaded with molten iron. There is a peculiarity in their rig. They have nothing but what we call schooner masts. They could not at all trust to sails for anything like speed, or for working or manœuvring of any kind. They are, in fact, entirely steam-vessels—screw-vessels, and have no pretence to anything beyond that. I believe *La Gloire* was built nearly on the model of the *Napoleon*, and it stands to reason that her stowage must be confined both with regard to provisions and coal. [An hon. MEMBER: What are their plates?] I believe they are 4½ inch plates. Another peculiarity is that the French build their vessels of a size only something larger than a line-of-battle ship. They consider them as vessels for narrow seas, and not for long voyages. We have adopted an entirely different principle; and who is right, and who is wrong? No credit is due to us for the *Warrior;* and, as she was designed by a former Board of Admiralty, I may state candidly what I consider to be her merits, and what I regard as her defects. The great distinction between us and the French, as I have said, is this:—They are building their iron-cased vessels generally of wood, and of a tonnage not much larger than a line-of-battle ship; while we are building our vessels of iron, and some of them of a tonnage of over 6,000 tons; for that is the tonnage of our largest class, the usual tonnage of a 90-gun line-of-battle ship being little more than 3,000 tons. Our ships are only partly cased with armour, while the French are wholly cased; and ours are rigged fully as line-of-battle ships, and have immense stowage, as compared with other ships in the navy, while the French ships are limited in stowage, and I believe the large class of these ships, of which the *Warrior* is one, will have very great speed, probably a knot more than *La Gloire.* It is a very interesting question to consider which, as a whole, is the better class of construction. There is no doubt that the French construction is attended with very considerable advantages on the score of economy; for we know that a ship of 3,000 tons costs less than one of 6,000 tons; but wood is a very perishable article, and it is said that behind the iron plates a considerable degree of decay must necessarily take place. Why, then, should we build vessels of 6,000 tons when another nation is building vessels of only one-half that tonnage with nearly as many guns—with, perhaps, not so heavy, but still a heavy armament? Here arises a consideration which, I think, must have influenced the late Board of Admiralty, and which is, I think, of great importance. All those engineers who are making improvements in projectiles tell us that we are only in the infancy of gun-making. I have heard that a gun is produced which will pierce a 6-inch plate. If that be so what will be the effect upon ships cased with 4½-inch plates? This thickness will be insufficient. One great advantage, then, of building these very large vessels is that we can, if necessary, increase the thickness of the plates—we may even double them. I have taken the trouble to ascertain what would be the effect of an increase of thickness upon the flotation of the *Warrior*; and I find that with a 9-inch plate the immersion would be increased only two feet. She certainly would not be so good a sea-vessel, but if it should be necessary to increase the thickness of the plates to 6 inches she would only be immersed one foot, and would still carry her ports about eight feet out of water. This is in itself a reason why the Government, I think, acted wisely in resolving to build vessels of large tonnage. It is of importance, too, that these vessels should be able to take a large stock of provisions and coals, and accordingly the *Warrior* is provided with a great power of stowage, so that she might be well supplied in these respects. Another thing which, I repeat, we consider to be absolutely necessary, and which other nations consider to be unnecessary, is that these vessels should be fully rigged. The iron-cased ships of other nations are merely rigged with schooner masts. We have rigged our vessels independently altogether of their engines, and that I take to be a wise course, because it is impossible to say to what part of the globe these ships may be required to go. They may be called suddenly from one station to another, and it is, therefore, important that we should be able to dispense with their engines. Another point to which I shall again advert is the extent of the iron casing. Other nations think it right that their ships should be entirely cased with iron, but ours are only partially cased. The reasons for this are manifest. There can be no doubt that when you build ships of great speed with very fine ends, and load these ends with heavy armour plates, it is impossible those ships can go well in a heavy sea. This is one of the defects of the foreign iron-cased ships now building. They will do well in smooth water, but in a heavy sea they will be inferior to ours. But it may be said shot will penetrate these exposed places and vessels will be liable to be sunk. But I may state that the greatest care is taken to provide against such a contingency. The ends of the vessels are built in compartments water tight, and any serious damage from shot or otherwise will be prevented. I have gone carefully into a calculation as to what would be the effect upon the *Warrior* if a shot struck her between wind and water through the bow or the stern; and I find that the effect would be perfectly trifling—indeed, it would amount almost to nothing—as the shot would only affect a particular compartment, to which are fitted pumps connected with the engine. It must not be supposed, however, that because these ships are not cased with iron throughout they are not strong. The iron sides irrespective of armour of the *Warrior* are 9-16ths of an inch in thickness, and if a shot struck at an acute angle, the effect would be that it would be warded off altogether. Then the *Warrior* is fitted with transverse bulkheads both fore and aft, in which in an engagement the crew will be completely cased in armour. We are trying in the later class of vessels some little variety in the system, such as putting iron plates round the main deck, that being the fighting deck; and there are other variations to which I need not allude. Let me say a word or two about building these ships of iron and not of wood. I am not prepared to say there are no defects in the class of ships to which I am referring; more particularly in their forms, but I think we have acted wisely in constructing them of iron, because I believe that these ships, with proper care, may be made imperishable. There is one great defect of iron ships, however, which, to my mind, answers the argument of the hon. Member for Sunderland (Mr. Lindsay), and those who, like him, desire that we should cease to build wooden ships. I know there is an opinion held by many eminent shipbuilders, that the navy should be composed of iron ships altogether; but I totally differ from that view. I think those large ships to which I have referred should be built of iron, because it is very doubtful whether a wooden vessel of that size could be built of sufficient strength. But for duty on distant stations, where there are no means of getting docks, we must at present maintain our wooden ships. If an iron ship were kept for a couple of months in an equatorial latitude her bottom would become like a lawyer's wig. She would not steer, and would lose her speed and become useless. I think, therefore, on the whole, that the late Board of Admiralty, and the present one, have acted wisely in constructing very large armour-clad ships, and that those ships only should be built of iron. I believe we are likely to obtain important information with regard to the exact form of construction that should be followed in future, from the discussions that are going on in so many societies with regard to these vessels. There is, for example, the Society of the Institute of Naval Architects, from which we expect to derive much valuable information. The Admiralty watch with great interest what is taking place in that society, and I hope it will profit by the excellent papers that are read there by the eminent men belonging to it. I have thought it right before going into the Estimates to occupy the time of the House with the matters to which I have just referred.

I shall now direct the attention of the House to Vote No. 1, which includes the pay to seamen. With regard to this Vote, I may state that there are some changes which have taken place since last year. We have endeavoured to put the actual pay distinct from the allowances of every description given to officers and men. It is important to see what we give to seamen over and above their pay. Hon. Members are, no doubt, aware that the seamen of the Royal Navy do not receive nominally such high pay as in the merchant service, but if their pay and all the allowances they receive are reckoned, it will be found that they obtain higher pay than in the merchant service. First, we have allowances amounting to £85,673; below that we find good conduct pay to petty officers and seamen of £25,000; further on we have a bounty to seamen on volunteering of £10,000; so that taking these various items altogether the seamen of the fleet receive higher pay than the merchant seamen. It would be very satisfactory, indeed, if the pay of the seaman of the Royal Navy could be simplified, so as to show him readily what he really gets per annum. What I wish particularly to call attention to in this Vote is a sum of £9,304, which the Committee are asked to agree to in order to improve the position of officers in command. The Committee are aware that Her Majesty has been pleased to give command money to all officers in command of ships. It has been stated that this is a deceptive and not a real increase. But if these officers are not to benefit by this regulation, why are the public to pay £9,000 under this head? The Committee will find that this is a great and very considerable improvement in the pay of officers. The captains of line-of-battle ships will receive an average addition of £100 to their pay; the captain of a frigate £70. Commanders and lieutenants in command will receive, the former 2*s*. 6*d*. a day, and the latter 1*s*. If my hon. and gallant Friend the Member for Portsmouth (Sir James Elphinstone) had looked to the details he would have seen that if the Admiralty had not adjusted the captain's pay when they awarded the command money, they would be giving him nearly the same pay as a Rear Admiral. Of course, if you were to increase the captain's pay in that ratio you must also increase the Admiral's pay, and so on throughout the service. I think the House ought to know what has been done in regard to increasing the pay of the navy during the last two years. The House of Commons, during the last two years, has agreed to an addition to the pay of the navy involving a permanent burden of £50,000 a year. The increase of pay to the various classes in the navy is a generous and fair increase, and it is a little unreasonable that demands should, notwithstanding, be continually made for increasing the pay of all classes in the navy. After Vote No. 1, I may pass briefly over No. 2, the charge for victualling, which, of course, depends on the number of men. I will only call attention to one change, which will, it is hoped, be advantageous to the seamen, although it may not be more economical to the public. We have often heard that the beef supplied to seamen is hard, tasteless, and tough—in fact, resembling mahogany. Well, we are trying a plan of curing our own beef at Deptford. We kill the beef, and we cure it in the best fashion, so that this will, we hope, be a change of very great value to the seamen. On Vote No. 3, for the Admiralty, there appears some increase. The increase in this item is caused by the heavy law charges in respect to Coastguard cottages all over the coast. The House has taken great interest in providing cottages for the families of these men. We have taken a considerable sum for that purpose, and the acquisition of these cottages entails a considerable law expenditure. The actual establishment of the Admiralty shows a decrease in the present year. There has been a reduction of clerks and a revision of the establishment. We have been getting rid of temporary clerks and somewhat improving the position of the established clerks. The next Vote, No. 4, is for the Coastguard. The Committee may be interested in knowing the actual cost of our naval reserves. I have seen it stated out of doors that this year the Admiralty intend cutting down the naval reserves, and taking a less sum than last year for this purpose. Last year we had no experience in this matter, and we took a nominal sum of £100,000. We have since ascertained the real wants of the service, and the Vote for the pay of the Royal Naval Reserve is accordingly reduced to £80,000. What the Royal Naval Reserve costs will be seen in page 26. We have taken out the various Votes and put them together. We have calculated for 7,000 men, and the sum they will cost is £107,949. In Vote No. 1 will be found the pay of the training ships; in No. 2 the victuals; in No. 10 the supply of naval stores to ships; in No. 12 the medical charges. These items together make about £27,000, in addition to the item of of £80,000 in No. 4, so that we shall have a Royal Naval Reserve of 7,000 men at a cost of £107,000, which is at a rate of something like £15 a man. The Coast Volunteers cost us £28,280, and there are about 7,000 men, showing the cost of each Royal Naval Volunteer to be about £4 a year. The expense of the Coastguard may be estimated in the whole at £750,000, and the total cost of all our reserves may be stated at £887,000, including all the expenses of the Coastguard ships. I pass over No. 5, in which there is no change, except in regard to a small additional expenditure upon the new survey in Australia. The Australian Government have proposed that they should pay one moiety of the survey about to be instituted of a part of their coast. In No. 6 there is no material change from last year. The Vote No. 7 refers to Her Majesty's establishments abroad, and on this there is an increase in consequence of the war with China; as, for instance, a larger staff has been required for Hong Kong. Vote No. 8, comprising the wages to artificers, &c., employed in Her Majesty's establishments at home, requires that I should say a few words in explanation. The Committee are aware that we have had at work in our dockyards for the last two years a vast number of hired men above our establishments, the whole numbers employed amounting at one time to nearly 20,000 men, and these men were working, not by the day, but upon the system of task and job, so that there was no limit to the work performed. The result of these great exertions in the dockyards has been prodigious as regards progress in shipbuilding, and already in the autumn of last year it became manifest that a large number of the extra hands might be dispensed with in the dockyards. It then became a question how this should be effected, and the Government thought that it would not be well to discharge all these artificers and labourers who had been gathered together in the dockyards on a sudden, but that it would be best to retain them till the spring, and then discharge them in such a way as not to throw them upon parishes. The Government, therefore, thought it their duty in the month of February to give some notice to the dockyards that the number of workmen would be reduced, but that no man would be discharged without a month's notice, and without being sent home free of expense. The Government also determined to discharge the men in small numbers, and not to throw a great number out of employment at one and the same time. That was the fairest course to pursue with regard to these valuable men, whom it was impossible to have gone on employing, for even if their services were necessary we could not find timber for them. We have expended during the present year, or at least shall have expended by the end of the month, no less than 80,000 loads of timber—more than double the ordinary mode of consumption—and hon. Members may readily believe that no possible supply could keep pace with that result. With respect to this Vote, then, there is the considerable decrease of £328,555 as compared with the Vote of last year. The next Vote (No. 9) relates to artificers in Her Majesty's establishments abroad; and, in consequence of the hostilities with China, there is some increase in it. The next Vote (No. 10) is for naval stores for the building, repair, and outfit of the fleet, steam machinery, and ships built by contract. It is one of the most important Votes in these Estimates, and with respect to which the least information is always given. The Government are gradually endeavouring to let daylight into the Vote. We have this year introduced into the Estimate some new details, and I am not prepared to say that the information may not still be very much enlarged. I may be asked why there should be the great addition this year of £285,043 for stores, when we are reducing the dockyard establishments? My answer is that this is not an expenditure, but an increase of capital. The money is wanted for the purchase of stores, to place ourselves in a position hereafter to meet any emergencies that may arise. It is our duty to replace our stock of timber, which at the present moment is in much too low a state. That is the reason for asking for this large sum. If the Committee agree to the Vote we shall in the course of the present year replenish our stock of timber not only to what is called the establishment, but in accordance with the wise recommendation of the right hon. Member for Oxfordshire (Mr. Henley), we shall have a considerable surplus over what is called the establishment—60,000 loads. Under these circumstances I trust the Committee will not hesitate to vote the money. It is not that we are going to expend this timber, but what we want is to lay in a stock of it. There is an item in this Vote of £100,000 for an iron-cased ship to be built in Chatham Dockyard. I know that there is an opinion that it is unwise in Government to attempt to build iron ships in Her Majesty's dockyards. I am not prepared to say whether hereafter it would be advisable to turn our dockyards into iron ship-building establishments; but the Admiralty have thought it advisable, with the view of ascertaining the comparative cost of building iron-cased vessels in the dockyards and of building them by contract, that one of these vessels should be built in Chatham Dockyard. I may add that the six vessels now in progress of being built by contract will cost eventually an additional sum of from £114,000 to £116,000, over above the sum of £228,882 asked for in these Estimates, being all, I trust, that will be required for their completion. There are items set down for two troopships, but I can assure the Committee we seek to build these vessels simply in lieu of ships that have been lost. We are asking you to assent to no augmentation of our usual transport fleet. We are not desirous of imitating our neighbours over the water in constructing a great many ships of this class. We are anxious to maintain only that comparatively small number which it is positively necessary we should have for the purpose of the continued relief of our troops. Two of our troopships have unfortunately been lost, and these it is expedient that we should replace. The new ships will cost £70,000 each, and for that sum we can provide vessels which will carry a complete battalion of troops from one station to another. There is also, in the Vote of which I am speaking, an item of £10,000 for the construction of a store ship—a class of vessels of which I am aware the hon. Member for Sunderland very much disapproves, but with which I do not think it would be either wise or economical altogether to dispense. I at the same time go with the hon. Member so far as to regard the question as one of degree. I do not think it would be well to get up a great fleet of Government transports and storeships, as the French have done; but I am, nevertheless, of opinion that it would be impolitic to trust entirely to private ships. This, however, is a subject which will be fully discussed before the transport Comitteee, and I shall not, therefore, enter further into it at the present moment. There are in this Vote no other items to which I consider it necessary to call the attention of the Committee, and I shall at once proceed to give them a general idea of the way in which the money they have granted under this Vote for the navy for the year has been spent.

We, have, I regret to say, been too

much in the habit of accepting the Estimates without really knowing what it is we get for our money, so that the statement I am about to make may be regarded as wearing somewhat the aspect of novelty. I have endeavoured to set down on paper that which we have to show for the large sums which Parliament has granted, and this is the result:—We have built during this year 9,075 tons of line-of-battle ships, 12,189 tons of frigates, 4,138 tons of corvettes, 6,367 tons of sloops, 1,409 tons of gun and dispatch vessels, and 102 tons of gunboats, making a total of 33,280 tons. I may further observe that so far as large vessels are concerned, we are in a very satisfactory position. I need not read to the Committee a return of the ships afloat and building, inasmuch as one lies on the table of the House. I shall content myself with simply stating that it is not, in consequence, our intention to build during the coming year any more line-of-battle ships. Of frigates and corvettes we do not propose to build a great many, our intention being to devote our energies mainly to the construction of those most useful class of wooden vessels—sloops and gun and dispatch vessels. The improvements which are taking place in this class of ships are such that I feel assured the Committee will concur with me in thinking that the Admiralty would act wisely in directing the labour in our dockyards to the completion of a great number of them. We intend to build 19¾ eighths of frigates, 16 eighths of corvetes, 126 eighths of sloops and small vessels, &c. So far as steam-engines are concerned, we have added 8,760 horse-power to the navy during the present year, and I may state generally that the total horse-power is now exclusive of this, 128,612, to which we propose to add, for the year 1861-2, 9,370. Having said thus much I have no further remark to make on this Vote, and I shall therefore proceed to the next, which is that for new works, This Vote shows a small increase as compared with the corresponding Vote for the current year, and in dealing with it the first important point which presents itself is the enlargement of Chatham dockyard. Now I have been very anxious to lay on the table of the House the plan on which it is proposed that this work should be constructed; but it is, I am sorry to say, not quite ready. Inasmuch, however, as there is no chance that this Vote will come on for discussion to-night, the delay is not of very great importance, and I shall, with the permission of the Committee, defer going into the details of the plan until it is before us, which I hope will be in a few days. I shall simply say now that we propose going on this year with that portion of the work only which is being done by convict labour—the embankment of St. Mary's Island, in which considerable progress has been made. But the announcement which I think the Committee will receive with satisfaction is that it is the intention of the Government to commence the establishment of a system of naval barracks. This is a question with respect to which we feel very strongly. It is, I may add, my candid opinion that if you establish at our principal ports good and commodious and wholesome barracks for your seamen you will so far improve their position, and do away with the discomforts to which they are now subjected, as to render the service more popular than you would make it by almost any other means. With this view we propose, should we obtain the sanction of the Committee for the project, to purchase this year some land at the upper part of Keyham dockyard and contiguous to Devonport. There we propose to erect naval barracks, and the sum of £80,000 is put down under that head. We also propose to build a new salt meat store at Deptford. If is false economy to keep our salt meat under temporary sheds. Both the meat and the casks are damaged. We propose also to go on with the new docks at Portsmouth and at Devonport. Another considerable item is for the enlargement of the marine barracks at Devonport. The Committee is aware that there has been a great increase in the corps of Marines and Marine Artillery. Increased accommodation is wanted. We propose to build barracks at Fort Cumberland for the latter. The site is a healthy one, affording great ranges for guns, and the land has already been purchased, partly by the War Office and partly by the Admiralty. In this Vote there is also included a small sum for the erection of a dining-room for the workpeople at Portsmouth Dockyard. That will add much to the comfort of the men and it will also save time, by rendering it unnecessary for the men to go home for their dinners. The only other new item in the Vote is a small sum for a lock-up house in each of the dockyards. The object is to have a place in each of our dockyards where disorderly persons may be confined and kept under careful guard. In the two succeeding Votes, 12 and 13, there are no great changes. The Vote 14 is for half-pay. When we are told of the great cost of the non-effectives of the navy it is at least satisfactory to know that the Vote is a gradually decreasing one. The old officers of the war are gradually dying off, and consequently a Vote which now appears enormous may be expected to be in a few years considerably less than at present. It only remains for me to call attention to the increase in the Vote for civil pensions. The House has generously made, by means of the recent Superannuation Act, a large increase in the retired allowances granted to workmen and labourers of every description. It must, therefore, expect a large increase in Vote 16 for civil pensions and allowances. There is an increase in the present Estimates. It is as yet scarcely perceptible; but I am anxious to impress the fact upon you that in a few years the increase in the Vote for civil pensions must amount to a large sum. A single word upon No. 17, the Army Department Vote. That Vote this year, as I explained at the outset, will show a large decrease, because we do not ask for any sum on account of the war in China. It is but fair, however, that I should state to the Committee that the Government may have to ask for a Vote of Credit for winding-up our accounts in China. Last year we took a Vote of Credit for £1,777,000 on behalf of the navy for the expenses of the Chinese war. I cannot tell the Committee what the state of the balance is. We have no means of knowing. It is impossible for the Admiralty to control as they could wish an expenditure going on at the antipodes. All we can do is to inspire our authorities out there with a desire to economize in every possible way; and I am bound to say, with respect to the expenditure in China, that that most excellent, gallant, and heroic officer, Admiral Hope, has shown, as far as we are aware, the greatest desire to carry economy as far as possible, consistently with the success of the expedition. Notwithstanding the difficulties with which he has had to contend, notwithstanding his severe wounds, he has been unremitting in his endeavours to check extravagance. I believe I have now gone through all the Votes. There are, no doubt, many details which I have not laid before the Committee, but I am afraid of trespassing further upon your attention. I cannot conclude, however, without expressing the great satisfaction I feel that the affairs of the navy are daily assuming greater importance in the estimation of Parliament and the country. It must prove of the utmost advantage to the navy itself that those naval matters which for years seemed to awaken no interest either in this House or out of doors should now be made the subject of numerous and animated debates. I may say for my colleagues and myself that we are most earnest in our endeavours to maintain the efficiency of the navy, not only to maintain its material strength, but to increase the comforts and improve the position of its officers and seamen. The noble Lord concluded by moving a Vote of 78,200 men of all classes for the fleet and Coastguard service.

SIR JOHN PAKINGTON: The attention with which the Committee has listened to the long and able statement of the noble Lord affords a very gratifying proof of the deep and increasing interest which is now taken in all matters affecting the efficiency of the Royal Navy. In taking that interest I am confident this House only reflects what is the strong and unanimous feeling of the public. The noble Lord has made a very able, clear, and, upon the whole, a very satisfactory statement. My object in rising is rather to ask for explanations, or to remark in terms of approbation upon what has fallen from the noble Lord, than to make any comments of a hostile nature. I shall at once proceed to touch upon some of the principal points to which the noble Lord has directed our attention. The first in order is the reduction in the number of men to be voted. The nominal reduction is, I think, 7,300; but the noble Lord proceeded to explain that in fact 4,000 men were voted last year who had never been obtained, and, therefore, that the practical reduction is about 3,000. Well, this practical reduction the noble Lord accounted for by the termination of the China war. So far as the termination of the China war is the real cause of that reduction it is impossible for the Committee to take any exception to it; on the contrary, we must feel thankful that the successful issue of that war has enabled us to make the reduction. The noble Lord proceeded to state, if I rightly followed him, that the amount of force the Committee is now asked to grant is amply sufficient to maintain completely effective the naval force now in commission; but there are two parts of this subject on which I feel it necessary to ask some further explanations from my noble Friend. He stated, as I understood him, that the amount of force for the present year has been sufficient to enable us to keep, on the average, 1,500 supernumeraries in our ports. Do I understand him rightly to say so? Because this relates to one of the recommendations made by the Commission on Manning the Navy in 1852, and it is one of the points which ought not to be lost sight of; on the contrary, I cannot refrain from expressing my opinion that the number of 1,500 supernumeraries in our ports is not so great as it ought to have been. I think we ought to have a supernumerary available force of not less than 3,000 men. But, taking the lower figure 1,500, I want to know if I rightly understood my noble Friend to say that these 1,500 were in fact available seamen; men who would occupy our barracks if these were in existence, and who are, therefore, actually available to be put on board men-of-war, if their services should be wanted for that purpose? [Lord CLARENCE PAGET: Hear, hear!] I understand the noble Lord by his cheer to confirm that statement. [Lord CLARENCE PAGET: They are disposable.] I am very glad to hear that there is so large an available force; I only regret it is not larger. In connection with this I must express the great satisfaction with which I heard the concluding part of the noble Lord's statement, in which he informed the Committee that the Admiralty has decided without loss of time to erect barracks for our seamen in port. I think preceding Boards of Admiralty are open to some censure for not having at an earlier period undertaken this improvement, and I am happy to hear from the noble Lord that the necessary operations are really to be commenced. I will now turn to what fell from the noble Lord with respect to the reserve force. I am sorry to say I do not think this part of the noble Lord's statement so satisfactory. In speaking of the new reserve force his prospective calculation was 7,000 men.

LORD CLARENCE PAGET: The actual number is 4,000.

SIR JOHN PAKINGTON: Precisely. 7,000 is the number my noble Friend hopes to have at the termination of another twelvemonth; but the present number is 4,000, and he calculates the expense of these 4,000 at £107,000.

LORD CLARENCE PAGET: The cost of the 7,000 men is taken in the Estimate.

SIR JOHN PAKINGTON: I am very glad to hear that. There is another part of this important subject—the only part—on which I am bound to say the noble Lord was not perfectly clear. I allude to the number of boys in training. In the training ships he said there were 2,000 boys, and subsequently I understood him to state that there were 9,639 boys. Perhaps my noble Friend will explain?

LORD CLARENCE PAGET: We have 2,000 boys in training ships specially devoted to boys; but we have on board receiving-ships, flag-ships, and the fleet generally, a total of 9,639 boys.

SIR JOHN PAKINGTON: That makes the statement of the noble Lord much less satisfactory. In our training ships there are only 2,000, and the number of 9,639 includes all the boys who form part of the crews on board our ships. While I do not at all undervalue the great importance of the Naval Reserve, recommended by the Royal Commission on Manning the Navy, and think the Admiralty are only doing their duty in carrying out that portion of their recommendation, I must say I myself have attached more interest and importance to the recommendation of the Royal Commission with reference to training boys than to any other. I believe the best and most effective means by which we can insure the manning of the navy is by training boys on a large scale. And, bear in mind the recommendation of the Royal Commission relative to the training of boys for the Royal Navy went to training boys round the coast with a double object. One object, no doubt, was to assist in the best manner to man our navy; but another object, only secondary —if secondary—in importance to that was to improve our mercantile marine. [Mr. CARDWELL: "Hear, hear!"] I am glad to hear that cheer from the right hon. Gentleman, as I recollect that he sat upon the Committee that considered this subject. By training boys in such a manner as to insure that improvement, we should insure a national advantage of first-rate importance, an advantage which would react in a most valuable manner on that body of sailors to which in times of emergency we must look for recruiting the Royal Navy. With these opinions, I confess I was sorry to hear by the statement of the noble Lord that the Admiralty were doing so little. I am afraid from this statement I must infer they are doing nothing towards carrying out this portion of the recommendation of the Royal Commission—by far the most important part of the recommendation of their valuable Report. All that most interesting portion of my noble Friend's statement with regard to the great and important question of iron-plated men-of-war I heard with the most unqualified satisfaction and approbation. I do not put my opinion in competition with that of my noble Friend, he being an experienced naval officer, but I hope without presumption, from the attention I have been obliged from my official position to give the subject, I may say the noble Lord has not expressed an opinion here in which I do not entirely concur. The only portion of his statement to which I have any disposition to take exception is with regard to the delay which occurred in the launch of the *Warrior.* The noble Lord stated that the contractors were to blame. I cannot allow this opportunity to pass without saying that I think that delay most unfortunate. When the late Board of Admiralty entered into the contract for building the *Warrior*, the contract was that she should be launched in May last. Then we were told she would be launched in August; but the event did not take place till the end of December. The noble Lord says that was the fault of the contractors; but, unless I have been misinformed, I am inclined to think that one cause of the delay had been the alterations which, from time to time, were adopted by the Admiralty, and enforced on the contractors.

Lord CLARENCE PAGET: I said that the contractors were to blame for the delay as to the iron ships generally; I did not particularize the *Warrior.*

Sir JOHN PAKINGTON: I am informed that a sum of £10,000 or £12,000 was expended on an alteration of the plates of the *Warrior* in consequence of the Admiralty determining that, instead of their being placed in contiguity to each other, they should be tongued and grooved. The expense of these vessels is, we know, enormous, but I believe that their value will be proportioned to their cost. The Admiralty are right in proceeding to build a number of them; but, as the noble Lord himself admits, and as we must all be aware, in this complete change in the reconstruction of our men-of-war, we have in all probability much to learn. The late Board of Admiralty took the greatest pains to ascertain the most promising mode of constructing these vessels, and I doubt not the present Board have done the same; but still the whole matter is experimental. I deeply regret, therefore, that there should have been any delay not only in launching the *Warrior* but in fitting her out and sending her to sea, in order that it might as soon as possible be tested, before great sums were expended on other vessels, how far the model adopted for her gives you what I trust you have, but what I believe the French have not—namely, not only an armour-covered ship but a good seagoing man-of-war. I have great hopes that the *Warrior* and ships built on her model are as fit to be sent across the Atlantic, or to any other part of the world, as any other class of vessel in Her Majesty's Navy. I doubt whether as much can be said for *La Gloire.* I believe that all the noble Lord has stated as to the superiority of iron over wood in these ships is fully borne out, and, notwithstanding the criticisms that have been offered, I think we are right in leaving the bow and stern of these vessels unprotected with plates, with a view to insure those other important *desiderata*, speed and good seagoing qualities. *La Gloire* is, I believe, simply a wooden ship plated with iron, and very much what our own floating battery, the *Trusty*, was in point of construction, as regards the application of 4½-inch plates to a wooden vessel. Another important distinction between the ships building in England and those being built by continental nations is this, that while *La Gloire* is a wooden ship covered with 4½-inch plates, the *Warrior* is an iron ship, not only covered with 4½-inch plates, but with eighteen inches of teak intervening between the armour and what is called the skin. That is a distinction much in favour of the resisting power of the English ship. The noble Lord also pointed out with great truth that we do not know yet of what thickness the iron may be that will give the required resistance; and, therefore, it will be a great advantage to have vessels with such a floating capacity that if thicker armour should be necessary they will be able to carry it. With respect to the building of other iron-covered ships of considerably smaller tonnage, the subject is one on which I think we may fairly ask for further information. The late Board of Admiralty decided on building ships of the gigantic size which they adopted because, after the most anxious consideration and consultation with the most able scientific men in England and Scotland, they were led to believe it to be impossible to combine in smaller vessels all the requisites essential to such a man-of-war. Last year the noble Lord, in introducing the Estimates, told us the present Board of Admiralty had determined on building ships of what he termed the *Resistance* class. The two ships of these reduced dimensions are the *Resistance* and the *Defence*. I was struck with that intimation, and I inquired what advantage had been sacrificed; for, according to the information we received, something must be given up to enable ships of that reduced size to be built. The answer I obtained was, "Yes, it is true we have made some sacrifice in order to get a reduced size, and consequently a reduced cost, and that sacrifice is the speed of the ship." Now, I believe that to make these armour-covered vessels what they ought to be, effective men-of-war, you must have a good rate of speed; and I therefore think it most unfortunate that the Admiralty should have determined to sacrifice that important *desideratum*. I hope the noble Lord will be able to give some satisfactory explanation on this point, with reference not only to the *Defence* and *Resistance*, but to two other ships about to be laid down, because, if I am rightly informed, two other ships out of six, if not exactly of the same size as the *Defence* and *Resistance*, are at all events to be of considerably reduced dimensions compared with the *Warrior*. In proposing to try the experiment of building one armour-covered ship of the *Warrior* class in one of their own dockyards I think the Admiralty are acting wisely. The objection to having timber ships built by contract—namely, that it is almost impossible to secure that the materials shall be well seasoned, cannot apply at all to iron ships, or, at least, not in the same ratio; but if the Admiralty find that they can build these iron ships as economically and as well in their own yards as by contract it will be advantageous to do so. The noble Lord's explanation of the very considerable reduction in the number of hired labourers was, I think, quite satisfactory. With regard to Vote 10, I certainly heard with pleasure that the Admiralty intend to ask for a much larger Vote to increase our stock of timber. I agree with my noble Friend that it is a visionary idea that iron will entirely supersede wood in the construction of ships; and, to build your ships properly, you ought not to allow your stock of timber to get so low as it has been during the last two or three years. The noble Lord took some credit for giving us a frank *resumé* of the amount of work done in our dockyards during the past financial year. I am afraid, however, that his statement in this respect was not so generally intelligible as was to be desired. He told us, indeed, the number of tons built and the number of "eighths" completed, but the information he gave us would, I believe, be found more valuable when it goes forth to the public if, instead of being so technical as only to be understood by persons who have transacted business with the Admiralty, it showed how many of each class of ships has been launched during the year.

LORD CLARENCE PAGET: You have only to divide by eight and you will get the exact number of ships you want.

SIR JOHN PAKINGTON: I beg my noble Friend's pardon, but I hardly think even that will convey to the public a clear idea of what has been done, because within the year some vessels may have been commenced, some may have been continued, and some completed; and I think it would be much more satisfactory to know what has been the actual addition to the navy during the year. In former years it was pointed out that our navy was deficient, especially in frigates, as compared with the force of other countries. The noble Lord's statement will scarcely enlighten the public as to the addition made to that class of vessels.

LORD CLARENCE PAGET: It is given in the Returns now on the table.

SIR JOHN PAKINGTON: I was much gratified with that part of the noble Lord's statement in which he announced the intention of the Admiralty on the subject of the increase of the dockyard accommodation at Chatham. During the short time that I had the honour to be at the head of the Board of Admiralty there was no subject which occupied more of our attention; and the more we considered it the more we approached to that decision to which the present Board has arrived with respect to Chatham being the place at which it was desirable the addition should be made.

I would here close the few remarks that I have ventured to address the House, were it not that I feel obliged to allude to another part of the subject, which I confess I cannot approach without great hesitation and doubt; but which, at the same time, I consider, perhaps, the most important point of all. I mean the present state of discipline in the navy. Again, I say that I approach this point with a sense of its delicacy and difficulty; but I am so strongly impressed with its overwhelming importance and so struck with statements that have reached me, and which it is impossible for me not to believe, that I cannot help calling the anxious attention of the noble Lord and the public to the subject. I hope my noble Friend will believe me when I say that I do so in no party spirit, but through a sincere sense of duty; because, I believe, that it is absolutely essential to our best interests that everything should be done to make this great arm of our war service as efficient as possible in all respects. On a former occasion, in reply to an observation made by the hon. and gallant Member for Portsmouth (Sir James Elphinstone), the hon. Gentleman opposite, who is one of the Lords of the Admiralty (Mr. Whitbread), gave it as his opinion that as soon as certain bounty men were got rid of the state of discipline would be satisfactory. The noble Lord (Lord Clarence Paget) has adverted to this matter again this evening in terms which I heard with great satisfaction; for, of course, in my noble Friend's position his sources of information are better than those at the command of private Members. That being so I am not to be understood as impeaching the assertions of the hon. Gentleman or the noble Lord; but I am bound to say that the statements which have reached me are of such a character that I cannot disregard, and I cannot help fearing that the officials of the Admiralty may have been in some degree misled. The public are already excited and alarmed, and I only allude to the matter in the hope—the anxious hope—that the Admiralty may be able to make a statement that will allay the uneasiness on the subject. Palpable facts are within the knowledge of all who read the newspapers. Every one has heard of the unhappy mutiny which occurred about a year ago at the paying off of the *Princess Royal*, and that was followed shortly afterwards by the mutiny on board the *Liffey* in the harbour of Portland. If these were isolated cases they might not be regarded in so serious a light, but when taken in connection with other circumstances, they cannot fail to excite a feeling of anxiety. We have all read in the newspapers that a squadron of ships of the Royal Navy could not proceed to North America to accompany the heir to the British Crown to that part of Her Majesty's dominions without losing by desertion a considerable portion of the crews. If report be true those ships were deterred from going to the port of New York lest further desertions might take place. Some time ago I moved for a return of desertions from Her Majesty's ships of war; and from the paper laid on the table it appears that in 1858 the number was 1,811; in 1859, 1873; while for nine months of 1860 it was 2,322, showing a very great increase. I have here letters which have been written by officers in command of our ships in different parts of the world. I think I had better abstain from reading them, but the statements which they make on the subject of desertions—and especially desertions in the Mediterranean—are very distressing. As to the appointment of Admiral Martin to the command of the Mediterranean squadron, I believe it would have been impossible for the noble Duke at the head of the Admiralty to select an officer in the whole range of the navy list more likely to restore good discipline. But the state of discipline in our ships has become a subject of comment not only in this but in other countries. I have in my hand the translation of a pamphlet entitled *Reflections on the Navy*, and written by a Capitaine de Frégate—Capitaine L. Foillouy. Referring to the various measures adopted in this country from time to time during a considerable period for alterations in our rules as regards the sailors aboard men-of-war, the writer observes—

> "Experience will show what degree of success may attend these measures, directed be it said, by an imperious necessity; but it is already easy to perceive that granting certain concessions to the habits and tastes of English seamen has sensibly weakened discipline and lowered the bearing of the crews on board their ships."

I have conversed lately with several distinguished naval officers who have had an opportunity of watching the discipline on board ships of war, and they have assured me that the statements which I have received are not exaggerated. Some of those officers are now unemployed, but others are in command of ships. The noble Lord and the hon. Gentleman told us that the evil was to be attributed to the inferior sailors whom the high bounty offered by the late Board had induced to enter the service. If that be so, as the bounty has been lowered—and properly lowered—the cause may be removed; but

I find that many attributed the deterioration of the discipline to this fact—that, rightly or wrongly, there does exist on the part of officers in the British naval service a dread that if they resort to those measures that often are necessary to maintain discipline on board a ship they would not be supported by the Board of Admiralty. If this be a true statement it is one that affects not the present Board of Admiralty only, but also those who have preceded it. I bring it forward in the hope that the noble Lord will turn his attention to it, and be able to diminish the public anxiety on the subject. From the information which has reached me from various quarters, I cannot resist the conclusion that some such feeling as I have referred to exists; and I am sure the public will feel with me, if it does exist, that all the questions we have been discussing, important as they are, are not equal in importance to the restoration of the crews of our ships to that high state of discipline that used to distinguish them, and which is so essential to the security of the country. The noble Lord adverted to the statement of my hon. and gallant Friend (Sir James Elphinstone) that dissatisfaction exists among the officers of the navy, and expressed his opinion that no feeling of the kind exists to any such extent as would prevent them doing their duty to the country. In that opinion I cordially agree with the noble Lord; and I am sure that nothing would give my hon. and gallant Friend greater pain than to have it supposed that anything he said implied a doubt as to the officers of the navy doing their duty to their country. It cannot be denied, however, that there are serious doubts as to the condition of the crews, and to that subject I earnestly hope the attention of the Admiralty will be directed.

Mr. BAXTER said, that the few remarks he had to offer would be chiefly directed to the subject of which he had placed a notice on the paper, the relative proportions of the navies of France and England. He knew that it must always be an invidious and unpopular task on the part of a private Member to endeavour to effect a reduction in the Navy Estimates. He quite agreed that the nation would never concur in any sweeping reduction of our navy, or in its being permitted for a single year to fall into a position of inferiority to the navy of any other great maritime Power. Entertaining such sentiments, he should be the last man in the House to propose any course which would imperil our naval supremacy, deprive our trade of adequate protection, or offer temptation to foreign aggression. Still he was at a loss to discover good and valid reasons for voting a sum of £12,000,000 sterling for the year 1861. Unless the noble Lord could give additional reasons for asking the House to vote that enormous sum of money, he should feel bound to take some course such as that proposed by the hon. Member for Sunderland for placing his vote upon record. Within the last four years the Estimates had risen from £9,000,000 to £12,000,000. The papers laid upon the table the other day displayed some very remarkable returns. From them it appeared that our naval force consisted of 505 steam-vessels of war, and 129 sailing-vessels of war; there were also 57 vessels building—making a total of 688 ships of war. The aggregate tonnage of those vessels was 720,212 tons; the aggregate horse-power, 124,820 horses; and they carried 17,265 guns. A gentleman who had paid great attention to the subject remarked to him the other day that they had ships enough to surround within signal distance the whole coast of Great Britain and Ireland. He maintained, therefore, that they had a navy not only capable of coping with the largest which could possibly be brought to bear against them, but an armament equal to the armaments of any of the other two or three leading nations in the world. It appeared that the French spent only a sum of £5,000,000 on their navy, and Russia £4,000,000. Therefore, we were in this position, that we were spending 30 per cent more in naval preparations than the two leading maritime nations in Europe combined. He believed our Estimates were based upon an exaggerated estimate of the naval preparations of France. It was universally admitted both in that House and the country that we had no danger to fear from any other Power except France. He would, therefore, ask the attention of the Committee to a few facts taken from official documents, showing the numerical proportions of the navies of France and England. The figures relating to the English fleet were taken from the *Navy List* of the 1st August, 1860, and those relating to the French fleet were dated the 1st of July in the same year. He found in the aggregate including steam-liners, frigates, inferior vessels, and transport ships, the French had 268 vessels and the

English 492 afloat. With regard to vessels carrying more than 20 guns, how stood the case? The English fleet consisted of 73 liners and the French of 37 liners. Of frigates carrying more than 20 guns, the British had 67 and the French 38: making a total in all, in these two classes, of British vessels of 140, and French vessels 75. Many hon. Gentlemen admitted all this, but they fell back on the number of iron-cased vessels the French were said to be building. He understood the noble Lord himself to tell the House the other night that the French might in a very short time complete no fewer than 15 of those ships. He understood the noble Lord now to say that of these 15, 4 were blockships and 5 gunboats. [Lord CLARENCE PAGET: Five gunboats and ten large vessels.] That was 4 blockships and 6 large ships, which tallied with the statement of the hon. Member for Sunderland (Mr. Lindsay). He had last year made inquiries and derived information from sources quite distinct from those to which the hon. Member for Sunderland had access, but the results were nearly the same. He found that the French had *La Gloire* afloat, another was to be completed in the present year, and the *Magenta* and the *Solferino* were expected to be launched in the course of 1862. In confirmation of what had been said of the little activity that prevailed in the French dockyards he referred to the report of a gentleman who had been sent out by the *Scotsman* newspaper, the leading paper in Scotland, and the organ of the Government in that country. That gentleman had written home that he visited Cherbourg in the expectation of finding preparations being carried on in the dockyard at that place on a gigantic scale, but he was greatly astonished by the general tranquillity of the place. At Cherbourg there was but one large ship in the harbour, the *Arcole;* one frigate was building, and *La Normandie* was receiving her plates. At Brest there were but three ships. At L'Orient there were four frigates; at Rochefort only four small brigs, a steam transport, and a frigate in course of construction. At Toulon there were only two large vessels building, one the *Intrepide,* a sister ship to *La Gloire,* approaching completion. There were also a number of small transports, but there were not fifty men at work in the large forging house. He would turn next for five minutes to another subject—namely, a comparison of the number of men in the fleets of France and England. On that subject he had made inquiries, and he found that last year there were in the French Imperial navy 30,588 men and boys. Parliament had last year voted for the English Navy 84,000 men and boys, but it now appeared that only 81,000 had been employed. Now, he believed that if any hon. Gentleman would examine the subject he would find that 84,000 men were more than the total number of seamen in the entire merchant service of France. The number of merchant seamen in France has been variously estimated at from 51,000 to 80,000. It, therefore, came to this, that in the whole of the merchant navy of France there was a less number of men than in the Royal Navy of England alone. But, perhaps, he might be asked how that could be, seeing that in 1860 the total number of names on the French maritime conscription was 156,000. Well, that number startled him, but on inquiry he found that it included not only the men and boys in the Imperial navy, and all the sailors serving on board the merchant ships of that country, but all the workmen down to the commonest labourers in the dockyards, all the mechanics in the Imperial establishments, all the fishermen on the coasts, and all the boatmen on the navigable rivers. He believed that if they took the number of seamen in the French merchant navy at 70,000 they would be about right. This no doubt was a small number, but when they came to look at some remarkable statistics it would be seen that there was a diminution and decadence in the merchant navy of France. In 1859 it consisted of 42,000 tons less than in 1857, and there were other proofs that it was gradually and steadily declining. Well, then, taking the number of men in the French merchant navy at 60,000 or 70,000, what comparison did that bear to our merchant navy? Why, we had, according to the last Returns, 288,000. Now, if they took the French plan and added to our merchant seamen those in the navy and dockyards, there would be a total of 484,000 against the French 156,000. In order to prove still more the fact of the decadence of the French mercantile marine, he would refer to the Returns made to that House, which showed that the total value of French goods imported into this country in 1858 was £13,271,890. In 1859 the value of French goods imported into this country exceeded £16,869,960, being an increase on the year of £3,598,000. There was, however, a great decrease in the tonnage of French vessels. In 1858 the number of French ships entering our ports was 7,010, while, in 1859, they had fallen off to 5,946. There was, in fact, a steady progress downward in the mercantile power of France. He believed the French had laid down no great wooden ship, whether line-of-battle ship or frigate, since 1856. [Lord PALMERSTON: They launched one the other day.] He had said they had not laid one down since 1856, and he believed he was correct. He did not object to building a few *Warriors* and *Black Princes*, but it was impolitic to persist in building so large a number of wooden ships. The difficulty of manning the navy was matter of general complaint, and that was an additional reason for not going on building more ships. He had risen to make these remarks in no unfriendly spirit to the Government; but, believing that their Naval Estimates had been based on an exaggerated notion both of the naval preparation and naval strength of France, he had, he thought, given the Committee reasons for reducing them. He trusted that this extravagant fit of the nation would soon be over, for the House and the Government were not alone to blame. Perhaps sooner than they might expect hon. Members would be called to account and blamed by their constituents for this enormous, unwise, and unnecessary expenditure.

MR. BENTINCK said, that before adverting to one or two points which had been touched upon in the able and clear statement of his noble Friend opposite (Lord Clarence Paget), he wished briefly to refer to what had fallen from the right hon. Baronet below him (Sir John Pakington). The first point to which he wished to refer was that which the right hon. Baronet had stated on the subject of the discipline of the navy. It was impossible to overrate that question. He was not going to enter into the subject as to whether it was or was not a discreet proceeding on the part of the right hon. Baronet to broach such a subject before a Committee of the House of Commons, but since the right hon. Baronet had brought it forward it was of no use attempting to blink it, and he (Mr. Bentinck) felt bound to say that, having had access to sources of information similar to those which the right hon. Baronet had quoted, he thought the right hon. Baronet had arrived at a very erroneous conclusion. The right hon. Baronet had told them that he had heard upon good authority that the discipline of the navy was in a very bad state. Now he (Mr. Bentinck) could only say, in reply to that, if such were the fact no more painful statement could have been made in that House; but he (Mr. Bentinck) had the good fortune to live on terms of intimacy and friendship with those who had been actively employed in the navy of late years, and he had seen a good deal of the Channel squadron in the last few years. He had lived upon terms of friendship with the distinguished officers who had been in command of the Channel squadron, and what he had seen and what he had heard went very much to mitigate the views put forward by the right hon. Baronet. He did not pretend to say that the discipline of the navy was either what it had been or what it ought to be; but he did believe, from the sources of information at his command, that the right hon. Baronet, misled by wrong information, had overstated the case, and that the discipline of the navy, though capable of great improvement, was not so bad as had been described by the right hon. Baronet. The right hon. Baronet said that the matter was traceable to successive Boards of Admiralty. To a certain extent the right hon. Baronet was right, although he had not gone to the real source of the evil. It was perfectly true that successive Boards of Admiralty had not properly supported the officers in the navy in the maintenance of the strictest discipline, and it was owing to that circumstance, probably, that the discipline of the navy had fallen off; but the real culprits were those whom he then had the honour of addressing. The real culprits were the House of Commons, and it was owing—the expression he was about to use was not a classical one, but he could find no other that could so well convey his meaning—the falling off in the discipline of the navy was owing to the clap-trap speeches that had been made in the House of Commons. He would appeal to any hon. Gentleman whose experience in that House enabled him to give a confident opinion on the subject whether, when the question of flogging in the navy had been brought forward they had not always had flowing, but somewhat unmeaning speeches on the subject, strongly condemnatory of the practice. He believed that to no persons was the practice more obnoxious than to the officers in command in the navy. The infliction of that punishment was one of the most painful duties that they had to perform. But that punishment, it should be remembered, was advocated by all the best men in the navy; he meant those very men who were themselves subject to it, for they knew that without the power of inflicting that punishment the discipline of the navy could not be maintained. If hon. Gentlemen wanted a proof of that let them refer to the records of the great mutinies at the Nore and at Spithead. When the fleet was under the command of the men themselves flogging was inflicted to a far greater extent than during any other period in the history of the British Navy. Hon. Gentlemen who made speeches such as those to which he had referred, should bear in mind that of all descriptions of courage the most difficult to find was that moral courage necessary to face responsibility. Could they, then, expect men of various characters placed in the command of ships to maintain discipline with the consciousness that if they resorted to punishment they might be hauled over the coals by the House of Commons, and that if they were they would not be defended by the Board of Admiralty? So long as that was the case it was utterly hopeless to maintain the discipline of the navy. With regard to what had fallen from the hon. Gentleman who had just sat down, he seemed to have fallen into a popular delusion which existed on the subject of invasion, and the subject of the comparative strength of the French and English navies. The hon. Gentleman complained of the increase of our navy in the last four years. Why, to what was that increase owing but to the increase of the French navy, and the consequent necessity of maintaining our relative positions? Well, then, the hon. Gentleman took upon himself to say that the invasion panic was a mere delusion. If it were, why then about nineteen-twentieths of the people of this country were living under that delusion, for it would be very difficult to find a hundred men in any town whatever who were not of opinion that every precaution taken against invasion was a wise and proper precaution. The hon. Member also had quoted the cost of the French navy. If his hon. Friend could depend upon the figures he had quoted, then he (Mr. Bentinck) quite admitted that they told in his hon. Friend's favour; but would his hon. Friend tell him that he was prepared to vouch for the accuracy of those figures? In a country where the expenditure took place without the possibility of its being overhauled, how was it possible to tell what the cost of the navy was? The parties themselves told them it was £5,000,000, but it might be £15,000,000 for what the hon. Member or anybody else knew to the contrary. His hon. Friend talked of the proportion the number of men enrolled in the French conscription bore to the number of men employed in the British marine. Why, it was precisely the number of men employed in our mercantile marine that showed the necessity of an enormous navy in this country. It was because we had distant colonies and extensive commerce; and, therefore, the argument which the hon. Gentleman had used told directly against himself. The question he (Mr. Bentinck) had always ventured to ask was, what did the French want with a navy except for one purpose? He defied any man to show that the French Government in constructing not only a large navy, but the description of vessels they were constructing, could have any other possible or conceivable purpose but in the expectation that at some time or other they might be called upon to invade this country. Such a navy would enable France to interfere in other countries, and to threaten us if we should in any way thwart her plans upon the Continent. Nobody supposed that we were going to invade France. [An hon. MEMBER: The French people do.] That might be, but the French Government did not. In dealing with the question of invasion the enormous standing army of France must also be taken into account. Owing to the extremely economical views which were entertained in that House we were deprived of a standing army, and, therefore, we were without adequate means of defence. When, therefore, the hon. Gentleman talked of the proportions of the two navies, he should take into consideration the 500,000 French troops. His noble Friend (Lord Clarence Paget) had told them that a reduction in the number of men had taken place consequent upon the termination of the Chinese war. That might have been a valid reason for a reduction if we were quite sure the Chinese Treaty was anything more than a mere truce. His noble Friend had also touched briefly on the subject of the Naval Coast Volunteers. He (Mr. Bentinck) held in his hand the correspondence of Captain Harcourt and his noble Friend opposite (Lord Clarence Paget). In that correspondence Captain Harcourt suggested that a number of small vessels should be employed for the purpose of giving those men a certain number of days' training in the summer.

That seemed to involve an important proposition. It was generally admitted that the Volunteer force was to be a cheap means of defence to this country, and therefore too much encouagement could not be offered to any description of Volunteers. His noble Friend declined on the ground of the expense which would be incurred if these ships were obliged to put to sea from stress of weather. Even if they were blown off for two or three days the cost of victualling the men would hardly be worth mentioning. Again, it would be easy to put them for the time under martial law, if it were objected that discipline could not be kept up. He thought the number of boys in training for the navy should be increased, as supplying one of the best means of filling up the ranks of our navy. With regard to the *Warrior*, he should like to know on what principle it had been decided, in casing her sides with iron plates, to make her nearly wall-sided, instead of adopting the angle of forty-five degrees, at which, according to Captain Coles, the iron-plates would have been almost impenetrable. He would also ask whether it was not intended to send her out to sea, in as short a time as possible, in order that her performances as a ship might be fairly tested. He believed that a great many opinions were extant as to the form of the *Warrior*, and that doubts existed as to whether she had been designed on the best lines for the purposes for which she was intended. Men learned in such matters had given it as their opinion that the *Warrior* had not that amount of displacement, and therefore that she did not possess the utmost amount of carrying power which could he obtained.

Sir MICHAEL SEYMOUR said, he regretted that the Naval Estimates were so large in amount, but he did not believe they exceeded the amount reasonably required for the navy. Expenditure in former years had been allowed to fall so low that a very large outlay was required to prepare our fleet for the possibility of war ; and political considerations required that especially at present we should have a formidable force afloat. It was true the commercial marine of France had considerably diminished of late years, but every man had been more or less trained to service on board ships of war and was ready to serve when required ; so that at any moment the naval power of France was capable of large development. For that reason he was sorry to see any reduction

in the number of men of the British Navy. He wished to know whether the reserve of 1,500 men, who were called supernumeraries, did not include men who had been paid off, and were borne during leave, and also various other denominations of officers and such classes of persons as were not available as seamen. The training of boys was most important, as laying a groundwork for the future manning of the navy, and it could not be carried on too largely; the number of boys at present being 9,630, he did not see why it should be reduced. He observed also that out of 38,000 seamen, there were 5,000 casualties, including the deserters. Undoubtedly desertion was very much to be regretted, but it did not belong to the navy only. He believed that every year at least 14,000 or 15,000 men quitted our merchant shipping in the same way in various parts of the globe, and between 4,000 and 5,000 of these deserted on the coasts or in the ports of the United States. As to the future building of our ships, he had understood the noble Lord to say that it was intended to build large ships of iron only. He was glad to hear that intimation, as he believed the substitution of iron for wood would lead ultimately to economy and efficiency for war. He hoped the *Warrior* would be tested as soon as possible, to set at rest the question of her merits. It should be observed, however, that iron ships, from the corroding of the metal, especially in warm climates, required frequent cleansing, or their speed would soon be affected. It was impossible to say to what extent gunnery would be improved, but in any case iron ships would be better to cope with such gunnery than wooden ones. Allusion had been in the course of the discussion made to the discipline of the navy, and he, for one, while regretting that there should be any cause of complaint on that score, found it impossible to say to what the incidental irregularities which had been commented on were to be attributed. They might be owing to the fact that a large number of men were on board vessels lying a good deal in harbour, and to the degree of indulgence which was allowed, but at all events he felt assured they were not of such a nature as to prevent our navy from doing its duty with accustomed loyalty and gallantry whenever occasion arose.

Mr. LIDDELL said, he hoped that the statements of the hon. Member for Montrose (Mr. Baxter) would not be allowed to pass without some Minister of the Crown stating on his own personal knowledge and on his own experience the reasons why it was undesirable that our Navy Estimates should be materially reduced. He hoped that such explanation would be given, in order that the people of this country should not be deluded into the idea that large supplies were granted which were unnecessary. The hon. Member for Montrose had omitted two important facts. He had entirely omitted the fact that our navy had undergone a complete process of reconstruction, and he had also forgotten that as against the 156,000 naval conscripts from which France could draw men the next day, we could not calculate on an organized reserve of more than 4,000 from the population on our coasts. He (Mr. Liddell) confessed he looked upon the Naval Reserve with some degree of pride when he reflected that the northern ports of this country had furnished the largest portion of that reserve. The port of Sunderland had supplied the largest number of picked men, whose services could be obtained at a moment's notice. He was glad that his noble Friend (Lord Clarence Paget) had contradicted the assertion that this force had turned out a failure. He (Mr. Liddell) considered the Naval Reserve to be a great success. He regretted, however, that our want of faith to the continuous-service men, after the Crimean war, and other shortcomings on the part of the Admiralty, had caused great dissatisfaction on the part of naval men. He would strongly urge on the Government the justice and propriety of giving increased remuneration to the shipping masters, who were the chief means of introducing men into the Naval Reserve, and whose duties were of the most onerous description. He confessed he had heard the statement with great satisfaction that officers of the merchant service were to be permitted to enrol themselves among the members of the Naval Reserve, inasmuch as the two services would thus be brought together in a manner which could not fail to be productive of the greatest advantage. But while he had listened with pleasure to the statement to that effect which had been made, he was sorry to find that no notice had been taken of that which constituted the gist of the recommendations of the Royal Commission, the establishment of training ships at some of our chief ports. He supposed that they would be told that 2,000 boys were annually turned out for the navy from the training ships, but upon that subject there was a discrepancy. His noble Friend talked of turning out 2,900 boys annually for the fleet; but if so, how did it happen that the Admiralty only asked for a Vote for educating 2,000 boys?

LORD CLARENCE PAGET was understood to say that he had referred to the receiving ships and the fleet generally.

MR. LIDDELL: What he wanted the House to look at was this, that they were educating only the *minimum* number of boys required in time of peace, and if an emergency occurred where were they to look for that supply of seamen which would be indispensable? He was prepared to show that the English mercantile marine was not in a position to supply men as it formerly did. The abolition of the apprenticeship system had most materially crippled the means of the mercantile navy to supply the country with seamen in time of war, though he did not complain of that abolition for it was but an act of justice. Our tonnage had increased 33 per cent in ten years, but English seamen had only increased 10 per cent, and the deficiency was made up mainly of foreign seamen who would not be available in time of war. He wanted to see efforts made to supply the mercantile navy with well-educated boys who would become a resource to the country in time of war; and, therefore, he regretted to see that the Government was not prepared to carry into effect the recommendation of the Royal Commission for educating from 1,200 to 2,400 boys yearly. He repeated that he was glad to hear that the Naval Reserve was progressing. He held in his hand a spontaneous address from seamen belonging to the chief ports on the northern coast, explaining the advantages of the reserve to their comrades, and recommending them to join it, and he believed that that document had done great good in removing the prejudice which had formerly existed against it.

MR. LINDSAY said, he was glad to find that the hon. Member for Montrose (Mr. Baxter) had confirmed every word he had stated respecting the French navy. The noble Lord the Secretary to the Admiralty had told the Committee that he was obliged to frame the Estimates on the armaments of other Powers. Somehow or other, the public had a vague impression that a neighbouring Power meant mischief to England, and the hon. Member for Norfolk had gone so far as to intimate that France was preparing vast naval armaments to invade England. The public had received that impression from the Treasury

Bench. He was no alarmist, and, therefore, he much wished to know if the noble Lord, the Secretary to the Admiralty, had laid before the Committee the truth, the whole truth, and nothing but the truth? What was the fact with regard to the armaments or France? A writer, who entertained the idea that the chief object of France in increasing her navy was to acquire a maritime supremacy over Albion, and who was, therefore, not likely to over-estimate the power of England, or to under-rate that of France, had made the following analysis:—The number of steam vessels mounting 20 guns and upwards owned by France was 75. England owned 140 such ships. Taking the navies of the world, he found that France had 75 such vessels; Russia, 30; Denmark, 3; Spain, 5; Sweden, 6; Norway, 2; United States, 7; Holland, 3; Austria, 6; and Prussia, 2; making a total of 139. So that, in fact, at this moment we had more efficient steam vessels mounting 20 guns and upwards than all the navies of the world combined. What more did we want? There ought to be some consideration, under these circumstances, for the heavily taxed people of this country. Now, with regard to the men, it had been stated by the hon. Member for Northumberland (Mr. Liddell) that the number of French seamen was 156,000, while the hon. Member for Montrose had stated the seafaring population, including even the dockyard labourers, was but the same number. It was said, that by the system of conscription the whole of that 156,000 would be available at once at the command of the French Government, and, consequently, they would have a very much greater force than we could possibly have. But 50,000 of that number were 'long-shore men and dockyard labourers, and 2,000 were mechanics, and not more than 74,000 to 80,000 were seamen; so that, in fact, we had in our navy now, in a time of peace, more men than were to be found, not merely in the navy of France, but in the whole mercantile marine of France as well. Many of the French seamen also were away trading in distant parts of the world; and though, no doubt, France could, by her conscription, command a large number of men, when he considered that we had 480,000 seafaring men, he did not think that there would be any difficulty, in a much less space of time, in our getting three times as many efficient seamen as France could command from all sources. He held the opinion that it was necessary that England should have a powerful and efficient fleet to protect her vast commerce in all parts of the world; but every additional vessel became a threat towards others. Our vessels were of a more efficient class than those of France, or any other country in Europe. A great deal had been said two years ago about frigates, and it was then stated that France owned 17 screw frigates. Now, what were the facts? Five of those vessels were only of 200 horse power, and one of 450 horse power was still on the stocks unfinished, so that the number was reduced at once to 11. Then, again, it had been said that France had 18 paddle-wheel frigates. But out of these one was His Majesty's yacht, and if that was to be included, we might also include the *Victoria and Albert.* Moreover, 16 out of the 18 French vessels had been built so far back as 1840, for mail service between France and America. If they were to be counted as frigates, we should, with better reason, be justified in putting on our list the vessels of the Cunard Company, the Peninsular and Oriental Company, the West India Mail Company, and all the vessels of the subsidized lines, many of which were far better adapted for carrying guns than those 16 paddle-wheel vessels. In 1850, they had had the bugbear of building line-of-battle ships, then the bugbear of more frigates, and now that of iron-cased ships. The noble Lord had said, in a tone of alarm, that the French had 15 such vessels. Now, 5 of that number were gunboats, mounting 2 guns each, and 4 were block-ships, solely meant to defend the harbours of France. There were really only 6 vessels of the *Magenta*, *Solferino*, and *La Gloire* class. Of those, one was afloat, and another would be in the course of the year, but the others could not be ready under two years, or two and a half years. We were building, and should have ready in two years or eighteen months, 7 iron vessels. The noble Lord, the Secretary to the Admiralty, had admitted that the *Warrior* was double the size of *La Gloire* and able to carry double the weight of metal. He believed the *Black Prince* was not inferior to the *Warrior.* It followed that the two iron-cased vessels which we had already launched would be a match for four ships like *La Gloire.* We had, therefore, nothing to fear from the French as far as iron-cased vessels were concerned. He had stated what he believed to be the facts of the case. It was possible that his information might be erroneous, but, in that case, the Government ought to lay the truth before the Committee.

Lord CLARENCE PAGET said, he took it for granted that they were all desirous of arriving at the truth. The Government had no wish to overstate the naval resources of France, or to understate those of England. All the apparent discrepancies arose from the different views which hon. Gentlemen took of naval matters. Some supposed that a ship of 6,000 tons should always be able to capture two ships of 3,000 tons; others, with more reason, thought that two ships of 3,000 tons were more formidable, as warlike engines, than one ship of 6,000 tons. He admitted that our iron-cased vessels were much finer than those which had been built abroad; but the difference between the navies of England and France were not so great as some hon. Gentlemen seemed to imagine. He assumed that hon. Gentlemen would accept the statement of the British Navy he had laid before them as correct, and that showed that we had 53 screw line-of-battle ships afloat, and 14 building and converting, making a total of 67. The French had 35 afloat and two building, making a total of 37. We had 31 screw and 9 paddle frigates afloat, and 12 building, making a total of 52. The French had 21 screw and 18 paddle frigates afloat, and eight building, making a total of 47. He did not think that the discussion had extended to the smaller classes of steamships; but including them the French had 266 vessels afloat and 61 building, making a total of 327; while we had 505 afloat, and 57 building, making a total of 562. It thus appeared that we were in a very satisfactory condition, and it was for that reason that the Government had thought it incumbent upon them to reduce the shipbuilding expenditure for the coming year. The dockyards had been reduced to their normal state, and the only reason why the Vote for timber and other stores had not been proportionably reduced was that the Government wished to replenish the stock of timber and stores, in order to be ready for any emergency. He had already stated the facts with respect to the French iron-cased ships. He believed that the two largest—the *Solferino* and the *Magenta*—would be ready to be launched in a very short period, and might be sent to sea within a few months. Of the four frigates one was already at sea, and the others were progressing in various stages. The four floating batteries—a powerful class of vessels, with a light draught of water—were also in an advanced state, and might be sent to sea in the course of the present summer. These vessels, according to the statement of the French themselves, were intended for the defence of their coasts, and he could only hope that such was indeed the purpose to which they were to be put. He had reason to believe that the French had, in addition, five iron-cased gunboats, which, although mounted with only two guns each, had iron shields to protect their crews from projectiles, and would prove formidable vessels in the event of war. The facts with regard to men might easily be stated. According to the best accounts, there were now about 34,000 men in the French navy. Of that number 10,000 belonged to the conscription, and were able-bodied men from the maritime provinces; the remaining 24,000 belonged to the inscription, and were drawn from the seafaring population of the coast of France, who were all liable to serve in the navy. His honest belief was that the French could—particularly in the winter time, when their seamen were at home from the Newfoundland fisheries—add 25,000 additional men to their navy in the course of a month, or at furthest six weeks. He could not deny that it would be very much damaging their mercantile marine, but he believed the French could add another 25,000 men in the course of three or four months. These were the figures taken from French accounts and from French officers. He believed that, supposing a *mandement* were placed on every seafaring man, France could produce in no very long period a force not far short of 85,000. Of course, there would have to be deducted from that a certain number of men serving abroad in distant colonies; but he believed it represented something like the actual force of France. He would now turn to the subject to which the right hon. Baronet, the Member for Droitwich, had alluded—namely, the disturbances which had occurred on board several of Her Majesty's ships. The right hon. Gentleman had expressed himself in extremely guarded language; and he was sure that the object was to call the attention of the Government to the disturbances, with the view to correct any errors which might exist. He very much regretted that those proceedings should be brought before the House of

Commons. The bringing these things continually before the public naturally raised a presumption that the navy was deteriorating — that the officers were not so zealous as to discipline as they used to be—and that, in fact, the navy was in an unsatisfactory state. He believed that there was no cause whatever for alarm. What had they done? They had succeeded within the last two years in maintaining a large squadron in the channel which was supposed to be impossible. He was sure that his gallant Friend the Member for Christchurch (Admiral Walcott) would tell them that for many years it was supposed to be impossible to keep a fleet on the coast of England—that the men would all run—that discipline could only be maintained by severe conduct on the part of the officers as in former years. They had, however, succeeded in creating such a force. It was true that there had been disturbances which he greatly regretted, but they were incident to a young fleet—to a great body of men being hastily thrown together without, or rather with a great lack of, petty officers and leading seamen to teach them their duties and how to behave themselves. It was true that there had been very lamentable disturbances but he could assure the House that satisfactory accounts had been received from the gallant Admiral who commanded the Mediterranean fleet. With the permission of the House he would give them an idea of what these disturbances really were. Everyone he believed, misbehaved himself more or less on Christmas day. Last Christmas day there arose disturbances on board two of the ships in the Mediterranean squadron. In one of them a certain number of men made a noise on the lower deck. In short they behaved extremely ill and richly deserved punishment. It was on board the *Neptune*. What happened to those men? Two of them, the ringleaders, were reported by the petty officers of the ship. The petty officers requested the boatswain to express to the captain the indignation of the ship's company at the bad behaviour of some of their comrades. Those men received corporal punishment by sentence of a court-martial, and there were no further disturbances in the ship. It arose out of the circumstance of the men having somehow or another smuggled into the ship a quantity of liquor. The other case was in the *Orion*. He believed the right hon. Gentleman alluded to that case. It was a much more serious disturbance. The men behaved extremely ill. They commenced throwing shot and other things about, and in former days it would have been a very serious matters. In these days it betokened a want of discipline, but nothing amounting to disaffection. The petty officers did not behave as they ought to have done. They did not report the men. The result was that the Admiral thought it right to distribute all the men who had been concerned in the riot among the various ships in the squadron. The ship herself was sent to sea to cruise. There had been no complaint since, and the report of the Admiral received to-day stated that the whole of the disturbances had passed away, and nothing could be better than the behaviour of the ship's company since. One man in the *Orion* was the ringleader. Who was he? He was said to be a teetotaller. He was a teetotaller who got drunk on Christmas-day. Vice Admiral Martin on the 4th of January reported—

> "Having made every endeavour to elicit the true cause of the disturbance, I may state my opinion that it was not caused by disaffection or discontent, but that the men had succeeded in smuggling on board or otherwise obtaining more than the ordinary quantity of spirits, and that the noise and uproar were after a fashion too frequent on shipboard on the afternoon of Christmas day."

He thought the House would see that these disturbances were magnified beyond their real importance. Every little occurrence was noticed in the press, whereas he was old enough to remember that when these things occurred, as they did occasionally in past times, there was no court-martial, and, therefore, no publicity. The men who misbehaved themselves were corporally punished then and there upon the spot. Nobody heard of it, and there was an end of it. He did not mean to say that that was a better plan than the present. He wished these things to be made public. He desired no mystery about corporal punishments. But he wished to show that these occurrences did not deserve the epithets bestowed upon them in the House and out of doors. So far from there being any cause for alarm, he believed that the fleet was getting into a very good state of discipline, and that although there might and probably would occasionally occur bad conduct on the part of individuals, the state of the fleet was extremely satisfactory.

Sir JAMES ELPHINSTONE said, that as the discussion had turned on the relative forces of this country and France, there was one point to which he wished to direct the attention of the Committee, and it was the extraordinary position in which the French had placed themselves all over the world. There was not a single artery of communication with our great colonies, or a single course where our stream of trade flowed, which the French did not command by some possession. They had Réunion which commanded the Cape. They had the Comoro Islands which commanded the entrance to the Red Sea. They had failed in establishing themselves at Cochin China through the bad climate; but they would have an establishment somewhere in the north of the China Sea. New Caledonia commanded the Java Sea, and stood in the way of the traffic to Australia; and Otaheite commanded Cape Horn. In the last war a miserable ship, the *Essex* — an American frigate, with thirty-two carronades—stationed off Cape Horn, destroyed fifty or sixty South Sea men, and completely cut up our South Sea trade before she was taken. That showed what might be done again. The object of the French in having these positions dotted all round the world was to draw away our fleet from the Channel. The whole of our American, West Indian, East Indian, Chinese, New South Wales, and West Coast of Africa trades must be guarded by separate squadrons, and at every point we must have a squadron superior to the French. This Vote turned upon the number of men. Between 2,000 and 3,000 seamen, in a high state of efficiency, were coming home from China, and he would suggest that they should be retained in the place of an equal number of the worst men in our fleet. He would ask whether the *Marlborough* had been brought home from the Mediterranean to be paid off? [Lord CLARENCE PAGET: To be repaired.] Well, then, he wanted to know whether any proper arrangement had been made by which that ship's company would be secured, because he believed the men to be in a high state of discipline, obtained under Admiral Martin's flag-ship? He had been accused of suggesting measures which would cost a great deal of money; but he wanted to know, if the Government maintained a large force of ships and men in India and China, why they should not call on the Government of India to pay some portion of the expense of that supplemental squadron? With regard to boys the Naval Commission certainly contemplated a much larger number than 2,000. They did not specify the exact places where school ships should be placed, but at least twenty were thought desirable, and vessels might easily have been draughted for the purpose, in which 100 to 500 boys might have been trained. This would have given 7,500; and if boarders had been taken they would have helped to pay the expense, as well as gone far to supply good, well brought-up, handy boys, young men of good education, fit to take their place as mates in the merchant service. With regard to iron-cased ships he hoped that they would be constructed upon such a cellular principle as would prevent them sinking rapidly if they happened to strike upon a coral reef. We had lost two ships in China by being driven on coral reefs. He looked upon the victualling of seamen as a most important point. The life of a seaman was very much shortened by the nature of his food. The practice of continually filling up salt beef casks and carrying them from one commission to another as long as the beef was of a good colour and not corrupted tended to abstract the gelatinous and nutritious parts of the beef. Hence, scurvy, debility, sore legs, ulcers, and those other diseases to which seamen were so liable. These were all the effect of a low state of constitution brought on by the consumption of deteriorated food. He would advise his noble Friend to take the advice of some eminent chemists on this subject, for he believed the addition of some saccharine matter to the food of seamen would check the tendency to scorbutic affections and be the means of prolonging the lives of sailors. The most important point in the noble Lord's statement was that which had reference to the erection of barracks for seamen, in accordance with the recommendation of the Naval Commission. He thought, however, the noble Lord would have done much better if he had come down to the House with a comprehensive and systematic plan as to where those barracks were to be placed. He was not prepared to say whether the Vote for the Devonport Barracks was judicious or not. But he was convinced that the proposition to take the convict prison at Portsmouth for the purpose of barracks would be neither popular nor effectual. The idea, too, of hanging up hammocks for the seamen instead of giving them beds in those barracks would not go down with them. The Admiralty ought to build barracks with every accommodation and convenience which had been introduced into military barracks. The great object in drafting these men into barracks was to humanize them, to improve their habits, to encourage them to give up their idle, roving, and thoughtless habits, which rendered them so difficult at present to manage. He protested against any partial manner of introducing barracks. He recommended the Government to consider the question well—whether it was not absolutely necessary that barracks should be confined to docks with exercising and play-grounds, and that money should be taken to purchase land at once. It would not do to build barracks at Plymouth, and not at Portsmouth, or *vice versâ.* The barrack system would introduce a very great and radical change in the habits of seamen, and their adoption should not be piecemeal. That would neither be beneficial to the country nor satisfactory to the seamen. He had intended to touch on the discipline of the navy in a former debate, but when he came to look into the accounts he had received he quite shrunk from it. He agreed with his right hon. Friend the Member for Droitwich. He was quite convinced of his own knowledge that the discipline of the navy was below par, and the sooner it was brought up to the proper point the better. He believed the cause of this laxity of discipline was very much that the Admiralty took on themselves other duties besides their own. If they left captains of ships to do their own duty they would very soon bring their ships into good order. He had served on the Naval Commission, and had investigated the subject most carefully. He would confidently say that the seamen in the English service had nothing to complain of. There was nothing to justify those disturbances of which they had heard so much. The leaders of those outrages ought to have received condign punishment; they were let off too easily. The laxity of punishment was by no means agreeable to the really good men of the navy. The feeling that proper discipline was not maintained rendered the well-conducted men discontented, inasmuch as they felt that they had to do the work of the skulker, the blackguard, and lazy fellow. A good seaman would say he did not object to punishment, because he always benefited by being in a ship where a proper system of discipline was maintained. So long as there was a community of 500 men enclosed in a ship flogging must continue, for there were no other means of preventing thieves, skulkers, or blackguards getting amongst them than by the use of the lash. All good men would support such a system, as otherwise they would have to suffer for the bad.

MR. P. W. MARTIN said, all must admit that the reductions in the number of seamen were most moderate, and, he had no doubt, most judicious. He was of opinion that the Votes for the payment of the seamen were not those to which they could look for great reductions in the Navy Estimates. It was, he thought, to be lamented that the Government should have discharged so many men at the end of the Russian war, inasmuch as he believed the country would have to pay about half a million more now to make up the deficiency than it would have cost it to retain them. He considered it very bad economy to reduce the number or pay of the naval force, and a ruinous step in regard to the efficiency of the public service. If reductions were necessary, those reductions ought to be made by the consolidation of the departments connected with the administration of the navy, and by the removal of superfluous clerks and unnecessary officials.

ADMIRAL WALCOTT: Widely as hon. Members may differ upon the merits and details of the speech in which the noble Lord the Secretary for the Admiralty has laid before the House the Naval Estimates for the present year, there cannot be, he should apprehend, a second opinion with respect to the evident candour and honesty of purpose with which they had been proposed by him in the execution of an arduous and difficult duty. For his part he must reiterate his conviction that it is indispensable to the efficient discharge of his very important and responsible position that an honorary seat at the Board of Admiralty should be allotted to the Surveyor of the Navy as the only means which can assure him that he is free to express his opinions and urge with effect his attainments and experience. The change would lay no additional charge upon the country, but would conduce materially to his influence and secure his independence from improper interference, which, under the present system, hampers his best energies and denies them fair play. And he still thought that it would be attended with the most material advantage to the country if a Committee were nominated by the Board of Admiralty to be composed of men the most conversant in naval architecture in all its various cognate branches, and under all its fluctuating aspects. A Board so constituted would carry authority, and meeting from time to time weigh with respect and dispassionate interest the propositions and plans advanced by men of science and practical experience which the country would be satisfied that in the construction of our ships every precaution was used and every test applied without haste or under momentary external pressure so as to preclude unnecessary expense and mere crude experimentalizing. An Estimate is taken for the expense of rearing of 2,000 boys for the service in training ships. He trusted he might repeat that if his earnest and repeated entreaties that boys from fourteen to eighteen years of age should be trained in this manner in numbers from 3,000 to 4,000 annually had been carried out some years since we should now have felt no lack of able seamen. We require training ships not only at Portsmouth and Devonport, but likewise to be stationed at every naval port, and in every large and consequential mercantile harbour. He did not know what course may be proposed with regard to the crews of ships coming home from the China station, but this he would venture to say that the country would not look tamely on if out of that number every able seaman is not retained for its service; dismiss, he prayed, the bad, the worthless, the lazy, the incompetent; we ought to be rid of them, but do not let us again see our good seaman in despair shipping under the colours of another country and lost to us for ever. He was sorry to have to concur in much that had been said of laxity of discipline, and he could not too strongly reprehend the absence of loyalty and impropriety of conduct which was shown by that falling off of discipline. He could not help thinking that if the Channel fleet had been sent more to sea instead of remaining in port till the ships, in sailors' phrase, "grounded on their own beef bones," the discipline would have been more satisfactory. When the men were idle the "sea lawyers," the worst description of men ever created gained an influence over the men's minds and led them into breaches of discipline. Another cause was the little encouragement which was given to the petty officers who were to the navy as essential as good sergeants and corporals were to the Army. With regard to iron ships and other improvements the Admiralty must not be deterred either by expense nor labour from keeping ahead of all maritime Powers. Peace is always a matter of uncertainty—our commerce extends to every sea, our colonies are scattered over the face of the earth—others apply their whole hearts to adopt every scientific improvement and augment their navy. We cannot stand still. Not to proceed is to recede. And it is little less than treason to our country not to keep pace with the advances of other nations for a false economy or to expose her to the bare possibility of a hostile descent or national panic.

LORD CLARENCE PAGET said, in reply to the remarks of the hon. Member for Norfolk, with reference to the Naval Volunteers, he had to state that so anxious were the Admiralty to give every possible effect to the great Volunteer movement, that they had sent down to all the various Coastguard stations to ascertain what facilities they could give with a view to assist the Volunteer practice, and it was possible they might be able to make some arrangements that would give satisfaction to the country in this respect. He had been asked whether the lines of the *Warrior* were such as he approved of. Now, he did not construct the *Warrior;* and, although she was a very fine ship, he did not entirely approve of her lines, and could not say that she was perfection. In his opinion a very flat midship section was the best form for all vessels which carried heavy weights. With regard to the shipping masters, who were said to be inadequately paid, the Admiralty were in communication with the Board of Trade on that subject, with a view to increase their pay where it was obviously just to do so. As there would be several opportunities for discussing the iron-clad ships he should not now enter further into the subject.

MR. BRIGHT: Mr. Massey, Sir, the discussion has been a very interesting one as far as it has gone. I am not sufficiently acquainted with the details of this question to enable me to enter into it at any length; but I wish to call the noble Lord's attention to one or two omissions in his speech in reply to the observations of my hon. Friend near me (Mr. Lindsay). The noble Lord told us a great many things, but he did not answer that part of my hon. Friend's speech which referred to the 18 vessels built more than twenty years ago for conveying mails across the Atlantic—a commercial undertaking which did not succeed, and which ended in the absorption of those vessels into the French navy. In the list which he gave us he reckoned those vessels as if they had been first-class frigates, and made no allowance for my hon. Friend's statement. Then, with regard to these screw frigates, which were stated to be many of them of only 200-horse power, the noble Lord made no reply whatever. These are points of considerable importance, if we are to discuss this question with any regard to the figures offered us on both sides of the Channel. But I have come to the conclusion that the Secretary to the Admiralty, and First Lords, and all the rest of them, are themselves in a great quagmire and puzzle respecting this question. Nothing they lay before the House seems to agree with anything else. I find a classified summary of the Royal Navy in April, 1859, published in a book, which is an authority with many people, and this gives the whole number of vessels as 751. We know that an enormous sum of money has been voted within the last two years, and that shipbuilding has been carried on faster perhaps than it has ever been carried on before; yet we come to a return now laid on the table and find the whole number of vessels set down as 688. Therefore, according to the Admiralty Returns, the more you build and the more you spend, the fewer ships you have. I do not think you are a bit the worse for it, because either of the numbers I have given is far beyond what any rational Minister would ask for or any rational Parliament would permit to exist. Again, in a Report of this very Session it appears that there have been as many ships under repair during the last year, within one, as the number given us as constituting the whole navy; that is, of the whole navy, consisting of 688 ships, 687 are put down as under repair. I have come to the conclusion that the House can place extremely little reliance upon those statistics, and I suspect there are many ships of which the House knows nothing, and probably the Admiralty itself knows very little. There is another point in the noble Lord's speech which I think is worth notice—where he referred to the number of men which the French Government could in a certain time put on board its navy. If I recollect right, he said that there were 25,000, that other 25,000 might be added, and after that about 25,000 or 30,000 more—the second 25,000 in the course of a month, and the last 25,000 or 30,000 in the course of three or four months. What was his object in making that statement? Was it to convey a true or a false impression to the country? I should be the last man to charge the noble Lord with endeavouring to create a false impression, because I have always regarded him as one of those Members—and there are many such in this House—in whom you see at once, or imagine you see, entire frankness and honour and honesty. But such is the effect of official life that a man getting upon that bench somehow or other takes another colour, as it were, from the very atmosphere he lives in, and the food he exists upon. The Treasury bench seems to be not "the bourne from which no traveller returns," but the bourne from which no honest man returns. In making this statement the noble Lord has done that which, read by persons in the country, must give them an incorrect impression of the facts. It was no use his telling us about 75,000 or 80,000 men unless for the sake of showing that, under certain circumstances, in one, or three or four months, the French Government would have this number of men on board their ships. But the noble Lord was obliged to admit that when this happens every man now in the Imperial navy will be there, and every man engaged upon the coasts of France in maritime affairs or in fishing boats, every man from the French fisheries on the other side of the Atlantic, and every man in French merchant ships all over the globe. What does this suppose? Why, that the 1,000,000 tons of which the French mercantile navy is composed would be all in port. Not a single ship bearing the produce of France would leave her ports, or bearing the produce of other countries to France would be upon the ocean. But this is an absolute impossibility. Everybody knows it to be so. Even the hon. Member for Norfolk (Mr. Bentinck) knows it. It would be just as practicable for the First Lord of the Admiralty and his confederates in this vast extravagance to call home from all parts of the world 300,000 or 400,000 English sailors, or whatever is the number which might be obtained if all the English mercantile marine was denuded of its crews. I protest against that kind of argument. When the noble Lord says that in the French navy the number of men does not exceed 34,000, and that it varies from 30,000 to 34,000 (I believe the number voted this year is smaller than either of these figures) the proper course is to compare that number with the number voted by this House. I have heard, not from the noble Lord, but from his predecessors in office, and from every First Lord for the last eighteen years, that the number of men is the proper guage by which to estimate the naval power of a country and the expenditure which is to be incurred for the navy for the service of the year. Now, we have 78,000 men this year, and last year had 84,000. The utmost that the Government naval officer who is kept in Paris to report upon these matters—the utmost that he can make of the number of men in the French navy is 34,000. If it be true, then, that we have had 84,000 and they but 34,000 sailors, and that in order to bring them up to our number every French fisherman and every sailor in every part of the world must be included in the calculation, I want to know why it is that this alarm has been created during the last two years—an alarm which I do not hesitate to say is founded on a falsehood the most monstrous and the mos criminal which any Government ever attempted to impose on a people? I say that the Government themselves are guilty of thus imposing on the people, and levying upon them an amount of taxes for which there is not the smallest necessity. My hon. Friend (Mr. Baxter) blamed the Government and the House for this, but said he blamed the country also, because the country had been alarmed. But he knows perfectly well that what is called the country must necessarily take its opinions at second-hand. Manufacturers, farmers, professional men, shopkeepers, artisans, and labourers do not con over these blue books of ours and read the accounts minutely given in the French votes. They know very little of this. They take their opinions from what is stated in this House and in the public press. And, of course, when there are men in the high position of the noble Lord at the head of the Government and others associated with him, who have been in the service of the country for twenty, thirty, or forty years, it is only reasonable that the opinions which they express and the statements which are made in their hearing, but which they do not take the trouble to contradict, should sink into the minds of the people and become with them a fixed belief, although founded upon no knowledge whatever. I have never heard the noble Lord at the head of the Government or any of his Colleagues make a distinct statement. They do not condescend to particularize on this matter, but they allow these alarms to exist and these assertions to circulate throughout the country. They make use of them for the purpose of seizing on a time of popular delusion to add to the navy and to the expenditure of the country. Instead of that, if they were to tell the people the truth, which they know, which I know that they know, which to my certain knowledge their own officers send to them from Paris, they might have saved millions during the last few years. There is not a man in Paris, whether Bonapartist, Orleanist, or Republican, who does not entirely disbelieve and disavow all the statements made in this House and in this country as to the gigantic naval preparations of France, and the disposition of its Government towards England. My hon. Friend the Member for Stirling (Mr. Caird) called attention the other night to the public expenditure in connection with the present condition of the country; but it does not seem to affect the Votes in the least degree. The diminution in the Estimates is altogether trifling. Everybody, for instance, admits that you should not build any more wooden ships; yet a large sum is taken for timber of which you have already great quantities in stock, that in all probability will never be necessary. Surely, after what was done in consequence of the panic, excited when the right hon. Member for Droitwich was at the Admiralty, and considering that this is a time of peculiar pressure, when a general discontent is arising in different parts of the country at this enormous expenditure, the Government might easily have reduced the Military Estimates of the year by four or five millions! And I do not believe there is a man in the kingdom, with the slightest knowledge of politics, who would imagine that we were not quite as safe as we shall be when all this money has been voted and these vast sums expended. The noble Lord at the head of the Government has disappointed the country and those who usually support him in this House in some things; but, seeing how little necessity there has been for our interference by force in Europe during the last few years, when a war of very considerable magnitude has prevailed, surely he might have concluded that there was no likelihood of a necessity for our interference this year or the next, and might with credit to his Government and satisfaction to the country have touched these Estimates with a bolder hand, and given his Chancellor of the Exchequer the means of making some amends to a heavily taxed nation for the other failures and shortcomings of the Administration by producing a Budget which might save much of the money they so hardly earn.

VISCOUNT PALMERSTON: The hon. Member who has just sat down says it is remarkable how much hon. Gentlemen who pass to these benches from other parts of this House are apt to change the opinions they may have previously entertained on matters of fact. Now, Sir, that is perfectly true, and it arises from this simple circumstance, that those who speak on such subjects in other parts of the House are frequently uninformed as to the facts on which their opinions are based, and that when they come to this bench and know the real state of things in a greater degree than before, their views change with the change of their information. Why, so natural is that that if the hon. Gentleman himself were to come and sit here among us, and become acquainted with all those details on which alone an opinion can properly be founded, and if he were, moreover, charged with that responsibility from which he is at present free, I should not at all despair, knowing the power of his mind and the accuracy of his observation when the facts of any case are fully before him, of finding him one of the stoutest advocates for good naval and military establishments, quite adequate to defend the country from any attack to which it might be liable. The hon. Member says we are highly culpable for sitting still and not contradicting assertions which we know to be erroneous. Well, I do not wish to be any longer subject to that reproach; and, therefore, I rise to contradict the hon. Gentleman's own erroneous assertions, as well as those of the hon. Members for Montrose and Sunderland. Those hon. Gentlemen came here propounding opinions based on extracts from some newspaper or other. I really think it was a Scotch newspaper that one hon. Member quoted. They recount to us what they were told by friends whom they met at Paris, and they repeat the denials given there by persons excessively interested in misleading public opinion here, and making us all believe that nothing can be more harmless than all the military and naval preparations of France. Why, these gentlemen come here like the Trojan horse in order to deceive us as to the real possibility of danger to which we might be exposed. I say, *Equo ne credite, Teucri*. How inconsistent is the argument of the hon. Member for Sunderland (Mr. Lindsay) to-night with what we heard him not long ago state in the broadest possible terms! Why, he gave us an account of his conversation with the Minister of Marine in France, who endeavoured to persuade him that France had no navy at all—or only a very small one—when my hon. Friend, like an Englishman, stoutly told the French Minister, and if I mistake not also told the French Emperor, that, whatever the French navy might be England ought to have, and England would have, double that amount of force. He said, "It is of no use for you to go on increasing your navy, because, if you think that by that means you can get a superiority, I tell you you are totally mistaken; for, whatever sacrifice may be necessary for the purpose, we are determined to have double what you may have." But my hon. Friend to-night makes it an accusation against Her Majesty's Government that we happen to have, according to his own statement, not quite double the amount of the French force, because he states that the French have seventy-five ships of a particular kind, while we have 140. Therefore, we have hardly yet come up to his own standard of what we ought to have in comparison with the French navy. Really, Sir, it is shutting one's eyes against notorious facts, to go on contending that the policy of France—of which I certainly do not now complain—has not for a great length of time been to get up a navy which shall be equal, if not superior, to our own. Why, everybody knows more or less the result of that elaborate work *L'Enquête Parlementaire*, published some years ago, and which studiously and laboriously aimed to inculcate that policy on the French Government. An instance of the way in which my hon. Friend the Member for Sunderland has been misled by the recent communication he had at Paris is this:—He says there were sixteen innocent mail packets built expressly for the passage between France and America, and these vessels not being wanted for the purpose for which they had been destined, the French Government knew not what else to do with them except to add them to its navy, although they were just as fit for warlike purposes as any of the Cunard Line. Now, I happen to know something about these sixteen steamers, because I was at the Foreign Office at the time they were constructed, and we understood perfectly well that they were built for the purposes of war—that it was a mere sham to say they were Transatlantic packets. Well, it soon turned out, as we foresaw when we heard of their construction. By a stroke of the pen they were all one fine day added to the warlike navy of France, and the pretence of their being intended for the Transatlantic communication was henceforth entirely at end. Therefore, I say that as regards ships the French navy has been considerably increased; and we have hardly yet that double proportion which my hon. Friend admits that we ought to possess; and we ought to possess it for this plainest of all reasons,—the French have very few colonial establishments. My hon. Friend said their commerce is falling off, and therefore, they have smaller interests to protect at distant stations. The hon. and gallant Member for Portsmouth (Sir James Elphinstone) described how they are acquiring military and naval positions in every part of the world where we have only commercial relations. By those means, in the event of any unfortunate difference between the two countries, the French forces would be on the spot and able to interrupt in the most serious manner all our extensive commercial operations. And at these stations they now have a naval force superior to ours. On the other hand we are obliged to scatter our naval force over every quarter of the globe. If we did not do so, and any interest should unfortunately suffer for want of protection, I ask who would be blamed for the damage and disaster that might be caused by the neglect? I am really sorry to be discussing the possibility of feelings of hostility between two countries that, I hope, will long remain friends; but it is with the object of impressing on the House and on the country that there is no possibility of peace and friendship between two wealthy and powerful nations unless each is on such a footing as to its defences that neither may invite attack by the other. It is, therefore, in the interest of peace that I am addressing the House. France, for her own defensive purposes, has no reason for scattering her naval force widely over the globe; and, whatever navy she has, she can concentrate it almost all, at the commencement of a war, either on her own coast or on any given point, for an attack, either in the Mediterranean or on these islands. Now, as to the number of men. France has 34,000 in her naval service now, and in a few months about 50,000 more can be added, as my noble Friend has stated, to that number. But then, it is said, to do that France must take into her navy all the fishermen of her coast, all her mercantile seamen, all her sea-faring men of every kind; and why should she not do so? If a war took place she would naturally call on all her mercantile seamen. They would be of no use at sea for commercial purposes; she would take all within her reach, and put them into her war navy, to attack your commerce. It is no argument whatever to say that, to obtain the additional 50,000 men, it would be necessary to take all her mercantile population into the navy, because that is just what France would do, and ought to do. And her power of doing that with facility should never be overlooked. We have not the same means, because our institutions do not give the Government the power of sweeping away into our navy so great a proportion of our civil population. That power the French Government possesses. Our commercial seamen are scattered over every part of the world; when hostilities began, many of them would probably be at sea, and many might go to France as prisoners of war if taken by French frigates cruising in different parts of the seas. I only point out what has been stated, because I am glad the acknowledgment has been made, that, in point of fact, our navy, as far as wooden ships are concerned, is in a satisfactory condition; that it is in the relation to the French navy we ought to occupy. And I think great credit is due to the right hon. Baronet opposite (Sir John Pakington) and to the present Government that they have taken the measures required to place it in that condition. But there is one point in which our navy is not in a satisfactory condition; it is with regard to iron ships. With the iron ships the French have already—they will, when those now building are completed, have a superiority in this point. We know the French Government has recently ordered the construction of ten vessels of the same size and force as *La Gloire*. At present, then, we do not stand in the same position as to iron ships as we do in wooden vessels. But the House must not suppose that iron ships will wholly supersede those of wood; we may depend on it that, in case of war, wooden line-of-battle ships will play their part, and that an important part, especially on distant stations. You cannot send the iron ships to keep the sea for any length of time where they cannot clean their bottoms of the incrustations and the vegetable matter that impede the steering and management of the vessel. For this reason, in the Mediterranean France has a great advantage. Her ships can go to Toulon and there be put in a proper condition, whereas our iron ships in the same sea would have no port, except, perhaps, Malta, where any repairs could be done. On all distant stations, wooden ships, especially frigates, will still be the kind of vessels required. There seems, then, no ground for saying that, large as I admit the demand is for the naval service of the country, it is larger than the interest and safety of the country require. I am persuaded the country knows that. When I am told that the country knows nothing on this subject except what is told from the Treasury bench, I say it is a mistake. The country knows more of what passes in France than what it hears from those who sit on this bench, or from those who send information from Paris. The French make no secret of their preparations; but when some well-intentioned gentleman asks them if they really mean to invade this country, if they really have any hostile intentions towards us, of course, they say not the least in the world, their feeling is one of perfect sympathy and friendship with us, and that all their preparations are only for their own self-advancement. But in this country it is perfectly well known what exertions have been made by successive Governments of France to establish a powerful and formidable navy; and we also know that France has an army six times as large as that of England. France has an army of 600,000 men; 400,000 are actually under arms; and there are 200,000 men belonging to different regiments, on temporary leave, and liable to be called back to the ranks in the course of a fortnight. And in estimating the number of men each country can bring into action, for a particular purpose, we must not throw the military establishment of France quite out of the question. For operations in the Channel, and crossing from one shore to the other, soldiers would be almost as valuable as sailors for manning the ships required for the purpose. However much, then, we may regret that our Estimates are so large, the House and the country must remember that the magnitude of the expenditure is occasioned by changes and improvements in the construction of ships. That, to a certain extent, is a temporary increase. With regard to iron ships, it was well stated by the hon. Member for Sunderland on a former occasion, that they do not require the same amount of repairs as wooden vessels, and that, though they cost more at the outset, the expense of maintaining them is less. But whatever the opinions expressed no one has proposed any reduction of the Vote; I, therefore, hope the House will answer the expectations of the country, and give the Government the means of maintaining that amount of naval force it thinks necessary. The hon. Member for Birmingham seems to think there is some peculiar pleasure or advantage to a Government in proposing a great amount of expenditure. But if a Government could consult its own wishes I believe it would reduce everything it possibly could reduce. A Government can have no interest or advantage in proposing a large military and naval expenditure. But on the responsibility of its position, that renders it a duty towards the country, every motive of a personal kind that can influence a Government would lead it to propose as low an Estimate as it believed compatible with the safety and interest of the nation.

MR. CONINGHAM said, he could not but regret that the Estimates always seemed to be framed on the supposition of hostile intentions on the part of the French nation. In his opinion the Emperor had of late given us the most emphatic and positive assurance of his goodwill towards this country, especially by the Commercial Treaty; while the recent changes in the internal administration of France might be regarded as an additional security for peace. The speech of Prince Napoleon was the best answer to the serious alarm by which it appeared to be the intention of Her Majesty's Government to disturb the peace of Her Majesty's subjects.

Vote *agreed to;* as were also

(2.) £3,122,580, Wages;

(3.) £1,328,259, Victuals.

House *resumed;*

Resolutions to be reported *To-morrow.*

Committee to sit again on *Wednesday.*

RED SEA AND INDIA TELEGRAPH BILL.

COMMITTEE.

Order for Committee read,

MR. KINNAIRD expressed his regret at the course the Government had pursued upon this matter. No one could reasonably doubt the validity of the contract, and it was the first time in the history of this country, in a case where the faith of the Government was distinctly pledged, that faith had been broken with those who had advanced their money upon a Government guarantee. The contract had been drawn up by the Solicitor to the Treasury, and then the Attorney General had been employed to pick a hole in a contract thus prepared. The Government could hardly be aware of the feeling that had been excited in the City by the course they had taken, and he was convinced it would have a serious effect in deterring capitalists from advancing their money in future upon Government guarantees.

Mr. AYRTON said, he hoped the right hon. Gentleman the Chancellor of the Exchequer would be in his place when the Bill was read a third time, as the present position of affairs was not quite clear. The effect of the Bill would be to give to shareholders an annuity for forty-eight years at the rate of 4½ per cent upon their capital, with something added for the expenses of the Company. According to the present rate of Consols, the shareholders would be receiving something like £100,000 more than if, as provided under another article, they were repaid their whole capital. It was the duty of the Government to consider whether it would not be more for the benefit of the nation to repay the capital and take possession of the telegraph, worthless as it might be at the bottom of the sea.

Mr. WYLD said, he did not agree that the telegraph in its present position was worthless. He understood that the right hon. Gentleman the Chancellor of the Exchequer intended to propose a Committee to inquire into the circumstances of the telegraph, and certainly both this country and India had a right to demand that they should enjoy any benefit that might be derivable from the money already expended. He was informed that by the expenditure of £200,000 it was possible to restore the telegraph to working order.

Mr. CONINGHAM reprobated the conduct of the Government in evading responsibility by handing over this question to a Committee. It was a question they ought to decide for themselves.

Sir HENRY WILLOUGHBY observed, that the House was now called upon to affirm the proceedings of a Select Committee without knowing what had passed before it. They were going to saddle the country with a burden of not less than from £1,200,000 to £1,400,000, taking the whole of the payments for forty-eight years, which would amount to that sum. He believed, indeed, that they were so tied up in the matter that they could not help doing it; but he would ask how was the assent of Parliament to that private Bill obtained? The Bill was substantially passed by the last Parliament, in which it went through all its stages, and when it first came before this House of Commons it was in the shape of an agreement to the Lords' Amendments. Now whatever was the guarantee entered into by the Government of that day it was one contingent on the passing of an Act of Parliament, but it could not have been contemplated that this House should be entrapped into passing such a Bill. They were now put in a most ridiculous position, for they were accused of not keeping faith, whilst they were going to vote away £36,000 a year for forty-eight years, and that for nothing at all, so that the money was literally thrown into the sea.

Mr. PEEL said, it was true that the present House of Parliament was not responsible for the contract. The opinion of the Attorney General was decided that under the contract the Government were not bound to pay as long as the line was not in working order; and, therefore, when the period for the payment of the charge arrived, as Parliament was not then sitting, it was clearly the proper course for the Government to abstain from paying the dividend until such time as they should have received express authority from Parliament. The hon. Member for the Tower Hamlets (Mr. Ayrton) had inquired whether the value of the annuity which Government was to be liable to pay for this long term of years was not in excess of the capital of the Company on which the interest was to be paid? He could not answer that question at the moment, but the subject should receive the consideration of the Government. It was to be observed, however, that the Government would retain after the passing of the Bill all the powers and remedies it might now be entitled to. The proceedings of the Committee were confined to the matter referred to them, which was simply to ascertain whether it was a conditional guarantee or not. The Committee examined those gentlemen and members of the Government who were most conversant with all the facts of the matter, and satisfied themselves that it had been the intention of the Government in making that contract, that the guarantee should take effect even although the line should not be in working order. The Government thereupon took care to confine the Bill strictly to a declaration to the effect that the Company should have guarantee for interest, although the line might not be in working order; but in every other particular it would leave the Government and the Company in the same relation to each other as they stood before. As to the question of the hon. Baronet the Member for Evesham the Committee had not considered the point, but he believed the Amendment in the House of Lords was to insert in a schedule the contract agreed to by the Government; and to that Amendment the consent of the House of Commons was necessary.

Mr. VANSITTART said that, if the Company were to receive 4½ per cent, what was the use of a board of directors who received £3,000 or £4,000 a year? If they were to give an imperial guarantee, of what use were these miserable directors?

Mr. DUNLOP said he did not see what other course the Government could have adopted after the opinion given by the Attorney General; but he hoped that Government would never give a guarantee of this kind again without the sanction of Parliament.

House in Committee.

(In the Committee.)

Clause 1 *agreed to.*

Clause 2,

Sir HENRY WILLOUGHBY again complained that the country should have to pay this annuity for a number of years.

Mr. PEEL said, that the Bill contained a provision enabling the Government to purchase up the annuity.

Clause *agreed to.*

Remaining Clauses *agreed to.*

House *resumed.*

Bill *reported,* without Amendment; to be read 3° on *Thursday.*

House adjourned at One o'clock.

* * *

HOUSE OF LORDS,

Tuesday, March 12, 1861.

The House met:—And having gone through the business on the paper.

House adjourned at half-past Five o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 12, 1861.

Minutes.] Public Bill.—1° Disgavelling of Lands.

THE WAR IN NEW ZEALAND.

QUESTION.

Mr. ADDERLEY said, he wished to ask the Under Secretary of State for the Colonies, Whether any arrangements have been proposed to the New Zealand Government as to the proportion of the expense of the present Native War which is to be charged on the Colonial Treasury; and, whether there has been such an offer made as that the expenses of whatever local Militia may be raised should become a charge on the Colonial Treasury, but that all expenses incurred by the employment of British Troops should be borne by the Imperial Treasury?

Mr. CHICHESTER FORTESCUE, in reply, said, that no arrangement of the kind on the subject of the distribution of the expenses of the war had been made by his noble Friend, the Secretary for the Colonial Department, with the Government of New Zealand. The despatch of the necessary forces was not made dependent upon any such arrangement. It would be utterly impossible to come to such an arrangement in the present stage of the proceedings. His noble Friend had taken the opportunity of conveying to the Government of New Zealand his repudiation of the idea contained in certain expressions which had come from that country, that the whole expenses of the war should fall on the Imperial Government. He also instructed the Governor to refuse to issue from the Commissariat Chest any further contribution to the expenses of the local force, except upon the condition of its repayment by the Colonial Government.

THE ADMIRALTY.—SIR BALDWIN WALKER.—QUESTION.

Captain TALBOT said, he wished to observe, in explanation of the question of which he had given notice on the paper respecting Sir Baldwin Walker, that Lisbon was within four hours' telegraphing distance from London, that at that moment there were several men-of-war, some of them very fast vessels, lying idle in the Tagus, that Madeira was within easy reach from Lisbon, the passage required being easily performed by a fast vessel within seventy hours, that vessels going to the Cape of Good Hope were in the habit of almost invariably touching at Madeira on their way out, and that, as Sir Baldwin Walker was reported by Her Majesty's ship *Penguin* to be off the Eddystone that day (Tuesday) week, he believed that if the Admiralty had not already acted on this suggestion there would be even now every probability, owing to the blowing and boisterous weather that we had experienced, and to anxiety to save fuel at the beginning of such a long voyage, that Sir Baldwin Walker would be intercepted. He, therefore, wished to ask the Secretary to the Admiralty, in reference to the search for Sir Baldwin Walker, Whether the Admiralty have telegraphed, or intend to telegraph to our Minister at Lisbon to send a fast ship from the Tagus to Madeira, in order to intercept the *Narcissus* when she calls there?

LORD CLARENCE PAGET said, in answer to the question of the hon. and gallant Member, he had to state that the Admiralty had not telegraphed, nor did they intend to telegraph to our Minister at Lisbon to send a fast ship from Lisbon to Madeira to intercept the *Narcissus*, because they had no reason to believe the *Narcissus* would touch at Madeira.

WORKHOUSE OFFICERS (IRELAND). QUESTION.

MR. LANIGAN said, he would beg to ask the Chief Secretary for Ireland, Whether Her Majesty's Government have any intention of introducing (this Session) any Bill authorizing the Poor Law Commissioners to grant compensation to Workhouse officers who, having spent the best portion of their lives in the Public Service, may become, from old age or other causes, unable to discharge their duties?

MR. CARDWELL said, the subject of compensation to retired Poor Law Officers in Ireland was one well worthy of consideration, and he had no doubt it would be well considered by the Committee on the Administration of the Irish Poor Law.

NEWFOUNDLAND FISHERIES. QUESTION.

MR. ARTHUR MILLS said, he would beg to ask the Secretary of State for Foreign Affairs, Whether the Commission on the Newfoundland Fisheries have presented their Report, and whether any recent Correspondence affecting the settlement of this question has taken place between the Governments of England and France?

LORD JOHN RUSSELL said, the Commission on the Newfoundland Fisheries made their Report in August, 1859, and in March, 1860, a gentleman was sent to Paris with a view to his coming to some arrangement with the French Government on the subject. He stayed in Paris some time, and came to an arrangement with that Government, which had been all but completed, but there were two points upon which a difference prevailed. In November, Her Majesty's Government made a proposition to the French Government in regard to those two subjects, and they had not yet received an answer.

IMPRISONMENT OF ENGLISHMEN IN NAPLES.—QUESTION.

MR. EDWIN JAMES said, he rose to ask the noble Lord the Secretary of State for Foreign Affairs, Whether Her Majesty's Government have received any information of the liberation from confinement of five Englishmen, followers of Garibaldi, who had been sentenced to two years' imprisonment for stealing some fowls, by the Neapolitan Government, after they had been pardoned by Garibaldi himself.

LORD JOHN RUSSELL said, the men had not been imprisoned for two years. [MR. EDWIN JAMES: But they were sentenced.] They were sentenced to two years' imprisonment. He had inquired and found that they had been sentenced for pillaging and plundering. He was informed that all the five had been liberated, and that four of them had left Naples.

REPRESENTATION OF THE PEOPLE. RESOLUTION.

MR. T. DUNCOMBE said, he rose to move a Resolution, of which he had given notice, in the following words:—

> "That it is the opinion of this House that, immediately after the publication of the Census of the present year, it will be the duty of this House to lose no further time in giving such complete effect to the Act of the last reign, whereby reforms were made in the Representative system, as shall carry out the subsequent recommendations of the Crown, and fulfil the just expectations of the people."

He wished, however, to ask the permission of the House to make an alteration in the Resolution as it stood on the paper. He proposed to omit the first clause, and the Resolution would then stand as follows:—

> "That it is the duty of this House to lose no further time in giving such complete effect to the Act of the last reign, whereby reforms were made in the representative system, as shall carry out the subsequent recommendations of the Crown, and fulfil the just expectations of the people."

He had done that because he understood that some misconception existed, and that it was thought, if the Resolution were passed as it originally stood, it would interfere with the progress of two Bills which were before the House—one for extending the franchise in boroughs to houses of £6 by his hon. Friend the Member for Leeds, and the other for reducing the franchise to £10 in counties by his hon. Friend the Member for East Surrey. Now his object was not to obstruct, but if possible to expedite, those Bills. He had, therefore, made the alteration. He begged to thank the two hon. Gentlemen for having introduced those Bills, and as far as his humble endeavours went, they might be commanded to assist in bringing the measures to a triumphant issue. When the noble Lord (Lord John Russell) introduced his Reform Bill last year he (Mr. Duncombe) took the liberty of predicting that it would create no very great enthusiasm throughout the country, and he also stated that he did not think the country would be inconsolable at its loss. Those predictions had been verified; but he must confess that he did not expect the subject of Reform was to be altogether abandoned. But at that moment it was at least indefinitely postponed; for it would be remembered that in the debate on the Address the noble Lord (Lord John Russell), when he was found fault with for not having promised a measure of Reform, twitted the House for not accepting his little miserable Bill of last year. Why, it was the fault of the Bill itself that it was not accepted. But the noble Lord went further. He not only twitted them with not accepting his Bill but snapped his fingers in their faces, and congratulated himself and complimented them on being satisfied with the Act of 1832. The noble Lord knew such was not the fact. He (Mr. Duncombe) would say that the question of Reform was in an unsatisfactory position; nay, he would say more—the position of the question was most humiliating to Reformers; it was discreditable to the Government, disrespectful to the Sovereign, and most insulting to the people. Then, if that were so, he thought something should be done for the credit of Reformers. So far from being satisfied with what the noble Lord called his Act—but which was no more the Act of the noble Lord than it was his—so far from being satisfied with that Act he (Mr. Duncombe) might state that within two years after its passing he, for one, submitted several Motions to the House to the effect that the Act was not sufficiently comprehensive. And it had now come to that point that the whole spirit of the Act had completely evaporated. What with ratepaying clauses and the complex machinery of registration, and what with the ingenuity of parties, the country had gone back in point of fact to the old plain, straightforward, unblushing, dishonest system of nomination which previously to the passing of the Act was prevalent at such places as Gatton and Old Sarum. Indeed, now some of the counties were no better than nomination boroughs. Well, then, how could the noble Lord suppose that Reformers could be or would be satisfied with the Act of 1832? It was perfectly true that this Parliament was not called together for the purpose of discussing a Reform Bill. It was the House of Commons of the right hon. Gentleman opposite (Mr. Disraeli). The Earl of Derby dissolved the then Parliament, and appealed to the country, and to do justice to the right hon. Gentlemen the Member for Buckinghamshire (Mr. Disraeli), in his address to his constituents he said nothing about Reform; on the contrary, the whole subject was dropped, and he said merely that two Administrations had been unable to command the confidence of the country, and he called upon the country to comprehend the evil and to apply the remedy. The way they applied the remedy was by returning to that House a majority—a small one certainly—which enabled it to declare against the Earl of Derby's Government, and the noble Lord the present Prime Minister of the Crown then came in on the distinct understanding that they were to introduce a measure of Reform. Well, what was the first step after that? Several Bills on the subject of Reform were proposed by private Members, and leave was given to bring them in. He himself introduced one on registration, making it quarterly instead of annual. They were, however, asked not to proceed any further with those Bills, as the Government pledged themselves in the following year to introduce a Bill on the subject of the representation. The House was told now that it was inconvenient to pledge themselves to anything like Reform. Why the Government in 1859 pledged themselves, and the Bills which had been introduced by private Members were withdrawn on that understanding. He would next show that the conduct of the Government on this question was disrespectful to the Sovereign and insulting to the people. In 1852 the House of Commons agreed to an Address in which they

> "Thanked Her Majesty for the expression of Her opinion that this is a fitting time for calmly considering whether it might not be advisable to make such Amendments in the Act of the late reign, relating to the representation of the Commons in Parliament, as might be calculated to carry into complete effect the principles upon which that Act was founded."

Now that was eight years ago. He asked what had been done? In 1854 what did they do? What was the pledge given by the Government then? In the speech from the Throne Her Majesty said—

> "Measures will be submitted to you for the amendment of the laws relating to the representation of the Commons in Parliament. Recent experience has shown that it is necessary to take all effectual precautions against the evils of bribery and corrupt practices at elections. It will be also your duty to consider whether more complete effect cannot be given to the principles of the Act of the late reign, whereby every just cause of complaint in the state of the representation of the people may be removed."

That was in 1854. He asked had they removed "every just cause of complaint in the state of the representation of the people?" Then they came to 1860. And they then begged

> "To thank Her Majesty for informing us that measures will be laid upon the table for amending the laws which relate to the representation of the people in Parliament, and for placing that representative system upon a broader and firmer basis, and to assure Her Majesty that we will give our best consideration to that important subject."

Now, he again asked, was the position of the Reform question satisfactory as regarded the Throne, and the expression of thanks which they had offered to the Throne for the consideration which the Throne had promised to give the subject? He repeated it was disrespectful to the Throne and insulting to the people. And who was responsible for that state of things? Why, nobody more than the noble Lord the Member for the City of London. And then this year, after all the declarations by this Whig Minister in favour of a reform of our representative institutions, not one word was said on the subject in the speech from the Throne. There were two ways of omitting so important a matter. When the leaders of parties proposed to make changes in their policy it was usual to call their adherents together and explain the reasons on which they acted. The least the noble Viscount could have done was to call his supporters together and tell them why Reform was to be altogether omitted from the Queen's Speech. Instead of which they were left in ignorance of the noble Viscount's intention until the last hour, when it became necessary to move an Amendment. The Liberal party was then humiliated by the manner in which the noble Lord made his exit as a Reformer. The Reform party ought to be rescued from such a position, and he should, therefore, take the sense of the House on the Resolution he was about to submit. No one, he repeated, was more responsible than the noble Lord the Member for the City of London for the present state of the question. The Liberal party for twenty years had constant contests with the noble Lord in endeavouring to break down his finality doctrine. Over and over again he had brought forward Amendments which the noble Lord opposed, and they (the Reform party) always divided from eighty to one hundred against three or four hundred, because the Whigs joined with the Tories upon those occasions, as he supposed they were ready to do again. The noble Lord went on in that way until 1838, when his (Mr. Duncombe's) hon. Colleague (Mr. Wakley) moved three Resolutions—one simply that it was expedient that the franchise should be extended; another in favour of triennial Parliaments; and the third in favour of the Ballot. The noble Lord then made one of his usual violent speeches against anything that at all interfered with the finality of the Reform Bill. But what occurred? In the debate it was asserted that there was a sort of compact made, from the manner in which the Reform Bill was passed in 1832, that it was not to be disturbed. But what occurred? Who came out on that occasion? No less a person than the Lord Chancellor of the Cabinet which proposed the Reform Act. And he was enabled to quote not only the opinion of the noble Lord with regard to finality, and that no such compact was entered into, but also what the noble Lord would consider a proper amendment of the Reform Bill. The noble Lord (Lord John Russell) at that time addressed a letter to the electors of Stroud, who were then favoured by having their representation in the hands of the noble Lord. Lord Brougham answered that letter.. In that letter, which was addressed "Dear John Russell," and dated "May 4, 1839," the noble Lord denied the doctrine of finality, or permanence. He said the Reform Act had called into existence many boroughs with so few voters that great scope was given to jobbing and direct corruption. That learned Lord said that his remedy for this was not disfranchisement, but the extension of the franchise and the protection of the voter. That remedy, he added, would remove an evil far greater than jobbery and corruption—the exclusion of so many thousands who had as good, and in many cases a better, right to be represented than those who now possessed the franchise. The noble and learned Lord did not consider the possession of a house any test of fitness, and said that even if every householder had a vote he was far from thinking that enough had been done. What, he asked, could be a safer depository of political power than personal respectability and a good education? He said let the Government bring in a Bill like that without delay, and, if defeated, let them take a bold course and appeal to the people of the country. Let them not bring in such a maudlin measure as that of last year, but one founded on comprehensive principles, and then the people would stand by them. If they had not the courage to do this, then the Members of that House must go on fighting as well as possible with Bills like those of the hon. Members for East Surrey and Leeds, and must bide their time until there should be at the head of affairs men with stronger hands and stouter hearts, who would be prepared to do justice to the great, generous, and loyal people of this country. The hon. Member then moved the Resolution.

Motion made, and Question proposed,

> "That it is the duty of this House to lose no further time in giving such complete effect to the Act of the last reign, whereby Reforms were made in the Representative System, as shall carry out the subsequent recommendations of the Crown and fulfil the just expectations of the People."

SIR GEORGE LEWIS: Sir, whatever charges of inconsistency the hon. Member for Finsbury may make against the members of the Government for declining during the present Session to bring forward a Reform Bill, I think he must admit that he is obnoxious to a still graver charge of inconsistency in making the Motion now under the consideration of the House. As the notice originally stood, and as it remained until we came down to the House, it was, in fact, a Motion directed against the Bill of my hon. Friend, the Member for East Surrey, and against the Bill of my hon. Friend, the Member for Leeds. It called upon the House to abstain from action during the present Session, and pledged it to take no step in the road of Reform until the results of the census of this year had been published. Therefore it is quite clear that, according to my hon. Friend's original conception, the House was proceeding at too rapid a rate in the road of Reform; and that it had become necessary for him to interfere, in order to put on a drag and diminish the speed at which the Legislature was travelling, and to say, "Do not pass—do not even entertain—any measure upon the subject of the county franchise during the present Session." [Mr. DUNCOMBE: I did not say anything of the sort.] I am sorry to disturb the equanimity of my hon. Friend, but he perhaps will allow me to explain the way in which I understood—and I think I may venture to say every hon. Gentleman in the House understood—the notice which he gave. My construction of his Motion, as it originally stood in the notice paper, was, that it was to this effect—that the House is of opinion that, immediately after the publication of the census of the present year, it will be the duty of the House to lose no further time in passing a measure of Reform. That certainly meant that nothing was to be done until that census was published. Now the returns of the enumerators cannot be made until the month of April. I do not know what time will be necessary for collecting them; but I feel quite certain that this House will not be in possession of the results of that census until some time in the next Session. It is absolutely impossible that all that immense mass of figures can be collected and printed before the end of present Session. Therefore, I maintain that my construction was not only the obvious, but the inevitable construction of my hon. Friend's notice. He evidently meant to say, "I wish to arrest the course of the two Bills of the hon. Member for East Surrey and of the hon. Member for Leeds, with regard to the county and the borough franchise, until the House have the results of the census in their hands, and those results they cannot obtain until next year." If any Gentleman can put any other construction upon these very plain words, I confess I shall be greatly surprised, and I can only repeat what I have already said appears to me to be the true construction of them. Therefore, the House must feel that my hon. Friend so framed his notice in order to obtain a declaration from the House that the two hon. Members were making too rapid progress in the course of Reform. I suppose that circumstances have occurred during the last two or three days, or this morning, to change his opinion. I am, of course, unable to say what may have been the cause that induced him to shift his direction from north to south, and entirely box the compass with regard to this Motion; but it is clear that he now thinks it is incumbent upon him to call upon the House to proceed without further delay in the path of Reform. It seems to me that, having started with a Resolution which, whether expedient or not, was at any rate intelligible, he now proposes a merely superfluous and nugatory Resolution, because we have now before the House two measures of great importance and of great extent exactly complying with the definition given in this Resolution. They deal with the two great branches of the representative system—namely, the county franchise and the borough franchise. It is open to the House to read these two Bills a second time. It is open to the House to make any change they may think fit in those Bills consistent with their titles. I really do not see, if the House should carry the Resolution, what would be done in pursuance of it that has not been already done by private Members, unless any Gentleman should wish to introduce an extensive measure for transferring seats—for disfranchising some boroughs, and transferring their franchise to other boroughs. If my hon. Friend thinks that enough has not been done by the two measures which have been already submitted to the House, it appears to me that the more practical course would be for himself to lay upon the table an extensive measure for the transfer of seats. Whether he will be able to carry that measure during the present Session is, of course, a matter of uncertainty. At any rate, by introducing that measure he would complete the picture, parts of which have been presented to the House by the two hon. Gentlemen. The whole canvass would be then filled for the inspection of the House, but it seems to me that, if we were to agree to this Resolution, no advance would thereby be made in the cause of Reform; it is a mere formula leading to no practical result. It is, therefore, unnecessary for me to go into the question how far the census is connected with the question of Reform. That subject is now withdrawn from our consideration. We are merely called upon to say that it is the immediate duty of the House to consider the question of Reform. Such a Resolution, however, is unnecessary, as the House, having given permission to the two hon. Members to bring in two measures embracing the whole question of the county and the borough franchise, has afforded facilities for the discussion to which this Resolution points. If any hon. Gentleman considers these two measures as insufficient in extent he has nothing to do but to propose an additional Bill. The Resolution seems idle and nugatory, without any practical result whatever, and for that reason I certainly shall not give my vote in favour of it.

MR. WARNER said, he came down to the House intending to vote for the Motion as it originally stood, but he was also prepared to vote for it in its present form. He did so on a similar principle to that laid down by the late Mr. Henry Drummond for never voting against any Budget. He (Mr. Drummond) held that the prejudices and interests arrayed against taxation in all its forms were so formidable that those whose duty it was to contend against them deserved all the sympathy of the House, even when they failed to lead its convictions. Parliamentary Reform was now so unpopular, both in the House and elsewhere, that with his (Mr. Warner's) views of its necessity, he could not bring himself to vote against any proposition which might even seem to promote it. But the present Motion had something more than a mere negative claim upon the attention of the House. The present Government had been placed in power for the express purpose of carrying a Reform Bill, and the vast majority of both sides of the House were pledged to the principle of such a measure. When he observed the change which had taken place in the policy of the Government, and the altered tone of the great Leader of the Reform party—the noble Lord the Secretary for Foreign Affairs—from the boiling enthusiasm of opposition in 1859 to the cold irony of office in 1861, he thought it due to the reputation of the House, and the pledges which Members had given to their constituents to put on record their continued adherence to those principles which so many of them were sent there to advocate. The Motion was not certainly quite so clear as it might have been. The hon. Mover had failed to show any recognized incompleteness in the Reform Act of 1832 which would be established by a reference to the text of that Act, or to the speeches of those who took the chief part in passing it. He also thought the last phrase in the Motion, "the just expectations of the people," was too indefinite. It seemed to him that the whole difficulty of Reform had been to know what were the expectations of the people, and how far they were just. But he would not quibble about words. He supported the Motion because it recognized the duty which the House owed to the constituencies. He was glad that his hon. Friend had struck out the reference to the Census. He could never see how the results of a new Census could influence the principles of a Reform Bill. The most sanguine enthusiast in that House never dreamed of even an approximate equalization in the numbers of constituencies; and, except with a view to some such arrangement, the accurate results of a new Census had no bearing on the question. The House was not now called upon to do anything extravagant or to recognize any revolutionary doctrine, and he trusted the opportunity would not be lost of affirming its adhesion to principles of Reform. There was great danger in doing nothing on this subject, for, while such a policy offered no guarantee against violent change, it would throw further into the distance than ever all hope of a safe and durable settlement, it would encourage the movements of those who lived by agitation, and lead to unreasonable demands.

Mr. BRIGHT: I feel indebted to my hon. Friend the Member for Finsbury, not for the Resolution which he has submitted to the House, but for the speech by which it was prefaced. I think there is great truth in what he said, and I feel assured that the question of Reform has gained from every discussion that has taken place in the House upon it. But with regard to the Resolution, although I believe my hon. Friend's intention was to pledge the House again, and more especially the leaders on this side, perhaps on both sides of the House, to take this question up at some not very remote period, I am bound to say that I have never thought very much of official pledges, and on this subject at this moment I think they are, if possible, worth less than nothing. Therefore, I would not recommend my hon. Friend, even if he could see a prospect of being able to carry the Resolution, to put it to the House as being a thing of any value. The House will understand, and my hon. Friend will understand, that I should not value the pledge of the noble Lord, for example, the Member for the City of London, or the pledges of his colleagues with regard to this question. But looking at the Resolution as a matter of business before the House, it appears to me quite unnecessary, because the House has before it at this moment—that is so soon as they may come up in the progress of the business—two Bills of great importance upon this question; and if this Resolution were passed to-night, and if anybody, the Government for example, were to choose to bring in a Bill in consequence of it, that Bill could not come on in anticipation of the Bills now before the House. Therefore, it does appear to me that the passing of this Resolution would not facilitate the question at all; and, this being so, I should hope that my hon. Friend—having made the speech which he has made, and which was very much to the point—will be content not to ask the House to divide upon the Resolution — a course which practically will be of no value, for although it may be successful in extracting pledges from those who do not like Reform, can only tend, should they break these pledges—which the experience of the past shows to be a thing not at all improbable—to add to the other sins they might have committed. I would ask my hon. Friend, therefore, to be content with the discussion that has taken place, and not to ask the House to divide upon the Resolution.

Mr. T. DUNCOMBE said, when the right hon. Gentleman the Home Secretary stated that he thought this a nugatory Resolution, he had evidently overlooked certain words. If he had recommended that the question of Reform should not be proceeded with until the Census had been taken there might have been some point in the right hon. Gentleman's observation, but what he had said was "not to lose further time;" consequently he had at once stated that he considered the House —at the present moment—was losing time. His object, however, in bringing forward the Resolution was to expedite, and not to delay, the passing of a measure of Reform. If, however, the pressing it to a division appeared to those who entertained views on the subject similar to his own likely to be of no practical utility, he should, with the permission of the House, withdraw it. He was aware that the present was an anti-Reform Parliament, and he, for one, was not anxious to afford hon. Gentlemen opposite an opportunity of displaying their strength on the question under the present circumstances.

Motion, by leave, *withdrawn.*

DWELLINGS FOR WORKING CLASSES.

SELECT COMMITTEE MOVED FOR.

MR. SLANEY said, he rose to move for a Select Committee to consider the means of improving the dwellings of the working classes in populous towns, and of obtaining for them air, exercise, and occasional recreation, so as to conduce to their health and comfort. The question was one of the utmost importance to a very large number of the inhabitants of this country, while the present moment, from the absence of party feeling, and the great attention which was beginning to be paid to the welfare of the humbler classes, was peculiarly favourable for the Motion. There could be no doubt that the condition of the working classes in all our great towns had been most lamentably neglected, and the cause of their crowded dwellings was to be found in a large measure in those changes which had proved beneficial to every other class of the community. We were no longer spending, as during the great European war, many millions every year for carrying on hostilities. Since the peace £300,000,000 had been laid out upon railways; but those great works, while they had conferred incalculable benefits on the community, had inflicted a great injury upon the lower classes in London and other large towns by destroying their dwellings, and thus forcing them to herd together within still narrower limits. During the same period no less than £200,000,000 had been spent in buildings for the upper, the middle, and perhaps the third class; but the lowest class of all, so far from reaping any advantage from that vast expenditure, were worse off than ever. Since his recollection, the Metropolis had seen added to it three great cities. The first extended from Camden Town to Paddington; the second was that called Belgravia; and the third Tyburnia; but of each the same thing might be said—it had covered fields in which the poor used formerly to enjoy air and recreation, and it had swept away numerous dwellings formerly inhabited by the poor. On the north east of London, namely, the district from Hackney to Somers Town, and in the western portion of the district south of the river, similar results had followed; besides all which, recent improvements within the Metropolis itself had greatly tended—as as had been so ably shown by the Earls of Derby and Shaftesbury in "another place"—to increase the discomfort of the humbler classes. For some time past the increase in our town population had been no less than 30 per cent every ten years, while there had been less room for the humbler class of dwellings. The working classes in too many instances had been driven by the overcrowded state of their dwellings into habits of inebriety, and they were now compelled to herd together in places where they were decimated by disease, and where their children were neglected. He believed that the Act for improving the health of towns — passed by the efforts of Lord Carlisle—had done a great deal of good, but the evils of overcrowding had gone on increasing, and up to the present time little or nothing had been done to remedy the mischief. The Report of the Committee on the Health of Towns in 1840, and the Report of the Poor Law Commission in 1842, testified even then to the necessity of something being done. The Report of the Health of Towns Commission in 1845, also showed the enormous evils that had sprung from the neglect of which he complained. Having investigated the state of fifteen towns and a sad part of the Metropolis, he could say that if hon. Gentlemen having a feeling of compassion for their fellow subjects would visit those spots, they would see necessity for endeavouring guardedly but firmly to mitigate those evils. It appeared from the Report of the Commission of 1845 that the Commissioners had visited fifty great towns with a population of three millions, and that the dwellings of the humble classes were destitute of necessary comforts, including ventilation and the supply of water, and that consequently they endured the greatest sufferings. The late Mr. Porter, the author of that well known work, *The Progress of the Nation,* said that the present defective arrangements of our large towns led to an immense amount of self-imposed taxation, in the shape of tobacco and spirits, that would otherwise not be consumed, but for which there was now an irresistible craving in consequence of the depressing effects of an unwholesome atmosphere. He had lately had placed in his hands a valuable little work by the Bishop of Ripon, wherein was pointed out with great force the moral, social, and economical evil to which the state of our towns necessarily gave rise. The subject had also been adverted to with great power in a recent debate in the House of Lords; but to that he would not further allude. The report of the health officers of the City of London stated that third class residences were being divided in order to be re-let to working men, so that their condition was worse than before. As to the cost of the system, it had been calculated that of the £4,000,000 expended in poor rates there might be a saving of £2,000,000; in the expense occasioned by crime there might be another saving of £2,000,000; and in the cost of hospitals and charities rendered necessary for this miserable class and their children there would be another saving of £2,000,000; making together an annual saving of £6,000,000. Besides all this, if the improvements he suggested were carried out, they might save £14,000,000 now spent in intoxication. Here, then, was an annual sum of £20,000,000 which might be devoted to improvements, and in the diffusion of the greatest blessings to the greatest number in the country. He now came to the remedies; and first as to improvement in dwellings. He suggested that a block of dwellings fitted for the humbler classes should be placed by different railways, and within a few miles of great towns, these classes being conveyed to and fro in say eight minutes, at 1*s.* a week, which would effect to them a saving of 2*s.* per week. The moment was propitious, because there was an immense amount of capital seeking investment at every side. During the last fourteen or fifteen years — particularly during the last ten—a great improvement had taken place in the condition of Ireland, and, comparatively speaking, very few Irish now came here to undersell the people in the labour market. In consequence of discussion, education, and of increased intelligence, the working people were ready for the most part to take advantage of any reasonable proposition to elevate their condition. They were willing to help themselves, and should enjoy as well as other classes the accommodation afforded by railways. If they were taken out only a few miles on the different railways they would be able to have gardens and playgrounds for their children. They might have Sunday services, and on Sunday evenings enjoy the walks about their dwellings. It was also necessary to have some improvements effected within the towns. They should have a number of model lodging houses, properly divided and fitted and managed in a way to ensure the enjoyment amongst the inmates of all the comforts and decencies of life. He knew the site was a matter of difficulty, but let them carry up the buildings six stories, which would afford enormous advantages in a limited extent of space, and above all there should be a hoist or lift to save both time and cost in ascending to the higher floors. If the roof was flat covered with cement or lead and railed round there would be an airy playground for the children. Again, public wash houses were a modern invention, and the extension of them would be of the greatest use to women. Now, with regard to the means by which these improvements in the dwellings of the working classes might be carried out, he thought it could be done by means of that greatest of modern practical discoveries—namely, the combination of small sums for a great end, on the principle of limited liability. They had many recent examples of it among the rich and middle classes, and even the railways throughout the land had been carried out by this means. That magnificent hotel close by had been raised through this means, and he had seen in the enterprising cities of America some magnificent hotels, devoted to the accommodation of the middle classes, all of which had been raised by small shares combined with limited liability. Then why should not working men, with proper facilities afforded them, join in such a movement for the improvement of their own condition? He had received a communication made by Mr. Hill, the Recorder of Birmingham, in a letter to Lord Brougham, and which had been published in the transactions of the Social Science Meeting. It was there stated that in Birmingham, Rochdale, and many others of the large towns, a great number of working men, under the sanction of the Co-operative and Provident Act, 15 & 16 *Vict.* c. 30, which he had the honour of introducing into that House, were joining together, and under limited liability, and with small means at the commencement, were forming stores, buying in provisions, and then selling them again at good weight for ready money. They had also erected mills for the purpose of grinding corn, which ground per week many thousand sacks of wheat; and, lastly, they were turning their attention to erecting manufactories by means of joint capitals. One had been lately erected at a cost of £40,000, which had been paid by the working men. Further encouragement ought to be held out to those who had done so much for themselves ; and if the wealthy and benevolent would invest their capital in the erection of improved dwellings for the labouring classes, they would obtain without risk a net return of at least 4 per cent, while they also conferred an incalculable boon on the humbler orders. He did not advocate that scheme as a mere charity, for his object was to hasten the day when the working men would become part owners, at least, of their own houses. To facilitate that end an enabling Act ought to be passed, empowering the holders of property that was strictly entailed to sell portions of their land in order to afford sites for all such improvements. Care might be taken in such measure that the proceeds of these sales should go to benefit the entailed estates. The Government ought likewise to turn its attention to the framing of a General Building Act, which should prohibit the construction of such human habitations as must be injurious to health, decency, and comfort. He thought, also, there should be some mode of regulating the outlets of towns, that there might be good avenues for the sake of health and of comfort. In the New Road for example, there were many places which within his memory had only gardens in front of them, but where now there were shops and dwellings rising up, narrowing the space, and that, as he believed, against the law. There remained one other point, and that was, as to the means which should be adopted for affording to the humbler classes opportunities of taking more air, exercise, and occasional recreation. In this respect the condition of the children and parents in our large towns was most lamentable. Now, the Temple Gardens were open to the public at certain times, and he did not see why something of the kind should not be done with reference to Lincoln's-inn-Fields. He would ask if it was not practicable that that place could be open on Sundays under proper regulations; and for, say two hours in a morning early, and two hours in an evening of week days for all classes? With respect to the public walks in the vicinity of towns, he had the honour, in 1833, to move for the first Committee on this subject. The result of their recommendations was seen in Primrose Hill and Victoria Park, Kennington Green, Battersea Park and elsewhere near many large towns. In the neighbourhood of Birmingham the hon. Member for North Staffordshire (Mr. Alderley) had given space for the humbler people to enjoy themselves. In Manchester and other large places similar things had been done. He hoped something of the same kind might be done with regard to the open spaces which were yet left near London. He had had the good fortune to propose and pass two Acts of Parliament 22 *Vict.* c. 27 and 23 *Vict.* c. 30, by which greater facility was given to persons to make grants of land to the public, and by which whenever half the amount required for obtaining such land was raised by donations, the ratepayers might tax themselves for the remainder. But he would appeal to gentleman there who had large and beautiful places in the neighbourhood of great towns, not to do that which was unfortunately too often done unthinkingly, namely, put high close fences round them, but to have open rails for small space with a seat for the humbler classes outside to enjoy the view and fresh air. Then, he thought, something should be done with respect to the footpaths in the vicinity of towns. He hoped that in the Highway Act, which was before the House, some clause would be inserted to compel he keeping of these footpaths in good order. They were as much the highways of the humbler classes as the carriage-roads were of the higher classes. How much they needed regulation might be seen by the state of the footpaths round town and near Hampstead, where the humbler people resorted in great numbers for fresh air on Sundays. They were in such a condition that no one could go on them after wet weather without the greatest discomfort. It would also be a great boon if a few seats were placed along the suburban roads. Then he thought great advantage would be derived from the establishment of pleasure fairs in the neighbourhood of large towns, say for two days at a time, in August or September, under due regulations. At the time of the accession of her most gracious Majesty, a pleasure fair was held for three days in Hyde-park, and there were no irregularities, or riots, or disturbances. The late and present Lord Dartmouth had lent land in the neighbourhood of Birmingham for such a purpose, and a similar thing was done by the late Earl of Ellesmere. He had thrown out these various suggestions as subjects for the consideration of the Committee if it should be appointed. Those hon. Gentlemen whom he addressed enjoyed the comforts of fresh air and comfortable dwellings, and had the opportunity of enjoying field sports, and he appealed to them individually and collectively to consider these subjects and to assist him to do justice to the labouring classes, whose health was their only property.

Mr. WILLIAMS seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to consider the means of improving the Dwellings of the Working Classes in populous towns, and of obtaining for them air, exercise, and occasional recreation, so as to conduce to their health and comfort."

Sir GEORGE LEWIS: Everybody who is acquainted with the character of the hon. Gentleman who has just addressed the House, and who has heard his former speeches on similar subjects, as well as the speech he has just delivered, must agree with me in thinking that the hon. Gentleman is eminently distinguished by benevolence. But when a Motion is made in this House, and we are asked to agree to a practical Resolution, it is necessary we should consider something more than good and kind intentions, and be able to trace a connection between the end and the means. I have listened with great attention to the interesting speech of my hon. Friend; but I do not see that it might not as well have been addressed to a Congress of the Social Science Association with as much fitness as to the House of Commons. It contained very many excellent ideas on the improvement of the condition of the working classes; and if a Bill were introduced, founded upon some of the recommendations, there would be something on which the House could pronounce an opinion. But I confess I fail to perceive how the appointment of a Select Committee would promote the benevolent objects my hon. Friend has in view. In the first place, he laid the basis of his recommendations on statistics that seemed to me somewhat adventurous, and that I must consider as resting more on conjecture than proof. He said if the measures he proposed were adopted there would be a saving of £2,000,000 a year in the expense of punishing criminals; £2,000,000 a year more in the expense of relieving the poor, with a further saving of £2,000,000 in miscellaneous expenses; that there would be, in all, a saving of £6,000,000, by improving the dwellings of the poor and other similar measures. He then quoted a statement from Porter's *Progress of the Nation*, that the annual expenditure of the working classes in this country on spirits and tobacco amounted to £14,000,000, and he calculated that if the working classes were better lodged the whole of this expenditure would be saved.

Mr. SLANEY explained. He had stated that a saving of that nature might be expected if improvements of the kind were carried out. Mr. Porter calculated that the saving would be much larger.

Sir GEORGE LEWIS: That amounts exactly to what I have said; but limiting the assumed saving on spirits and tobacco to £14,000,000, a total economy of £20,000,000 annually would be the result of the improvements. Now, except in the calculations of Mr. Macgregor on the subject of free trade, I have never heard such large totals presented for the consideration of the House. And I must venture to affirm that the hon. Gentleman has drawn more on his imagination for his statistics than on arithmetical calculation. But what we have to consider is, really, the catalogue of proposals the hon. Gentleman has submitted to the House; and I am at a loss to see the necessity of appointing a Select Committee to inquire into these proposals, inasmuch as they admit of being brought before the House, not by a circuitous course, but in the shape of Bills. My hon. Friend says that one great means of providing accommodation for the poor would be to divert capital from investment in foreign countries, and promote the formation of companies for constructing new blocks of buildings as dwellings. But I do not see that new legislation is wanted for this purpose. In fact, a company is now forming, on the principle of limited liability, having this object; and I am not aware that any additional facilities are needed for its operations. It is clear that no compulsory law can be passed to prevent persons from transmitting their capital to foreign countries; nor can we compel them to invest their money at home in building dwellings for the working classes. This must be left to voluntary action. Another proposal is to establish large hotels, similar to the American hotels, for the use of working people. If the hon. Gentleman can show that such an investment of capital would be remunerative, and return 4 per cent, he will not have much difficulty in inducing capitalists to enter into the speculation. But the hon. Gentleman said that what he mainly required was an enabling Act to obtain sites for buildings in the neighbourhood of large towns. I assume that what he proposes is that a Bill should be brought in embodying some of the Lands Clauses Consolidation Act to be applied to this purpose; but why does not he himself introduce such a Bill to the consideration of the House? With regard to all these plans of improving the dwellings of the poor, the formation of parks, and other suggestions, they are all separate subjects, and I do not see any practical advantage likely to arise from appointing a Committee to inquire into them; all these proposals admit of being laid before the House in the form of separate Bills. Fully recognizing the good intentions of my hon. Friend, and repeating my assurance of it, if the House should think any practical object can be obtained by the Committee, I will offer no opposition to it. But the House will remember that a great many public Committees have been appointed lately; and many of the Members who take the most active part in public business are already nominated on two or three Committees, and there are also many Committees sitting on Private Bills. Not seeing my way clearly to any practical result, I would ask my hon. Friend not to press his Motion; but I would suggest that he should select from his various proposals some of those most likely to meet with success, embody them in the form of Bills, and in that way submit them to the House. I am sure anything that offered a fair prospect of carrying his benevolent intentions into effect would receive a patient consideration.

Mr. SLANEY said, that after what had been stated by the right hon. Gentleman, he would not press the Motion; but he hoped that some of the measures he had proposed would be well considered by Her Majesty's Government, and that some younger men would take up the subjects, and persevere till they were carried.

Motion, by leave, *withdrawn.*

RAILWAY ACCIDENTS.

RESOLUTION.

Mr. BENTINCK said, he had to beg the House to remember that the Resolution he was about to move was designed to ensure greater security to the lives and limbs of the great mass of Her Majesty's subjects. If he should show that additional precautions could be taken to ensure greater safety in railway travelling, he should, he believed, establish a case with which that House might be fairly called upon to deal. He admitted, however, that the subject was surrounded with considerable difficulty. But he was sure that the House would be prepared to deal to the best of its power with that difficulty if he should be able to prove that the loss of life which frequently occurred on railways might be diminished by the adoption of precautions on the part of the companies which they had not hitherto practised, although they had been recommended by the highest authorities upon questions of that description. Three years ago he had had the honour of moving for a Select Committee on railway accidents; and the House having assented to that Motion he had secured for the Committee the valuable services of many Members of the House peculiarly conversant with railway matters. Out of the eleven Members of the Committee not less than six were directly connected with railway companies. He had also obtained the valuable aid of the right hon. Gentleman the Member for Calne (Mr. Lowe); and he could assure the House that the Committee had been animated by an earnest desire fairly to investigate the subject referred to their consideration, while the conclusions at which they arrived were of a nature for which he had not himself at the commencement been in the least prepared. Two reasons had been adduced against any interference on the part of the House with the action of railway companies or investing the Government with any power in that matter. The first of those reasons was that they would thereby diminish the responsibility of the directors of the different companies, and thus remove one of the best possible precautions against danger in railway travelling. He was not prepared to deny that there was considerable force in that argument; but he believed he could show that many of the most frightful accidents which had occurred on railways were owing to the absence of precautions which had been recommended by the most competent authorities, but which had never been adopted on the principal lines in the country, and Parliament might surely require that those precautions should be taken without in any way diminishing the responsibility of the respective companies. The second reason put forward against interference was that the number of railway accidents was very small as compared with the number of railway travellers. But that was a very singular, and, as it appeared to him, a very ineffective argument. It amounted to this: if ten men out of a million travellers were maimed or killed they had no right to grumble, because the percentage was small, and they had no right to ask for legislation on the subject, even if by legislation that percentage could be reduced. With the permission of the House he would refer to a few of the paragraphs of the Report of the Committee over which he had had the honour of presiding, for the purpose of showing what were the principal measures that might be taken with a view to ensure greater security in railway travelling. The first question to which the Committee had directed their attention was that of speed; and upon that subject, after having examined a great number of witnesses, among whom were all the principal railway officials of the country, they had arrived at the following conclusion:—

> "Your Committee is of opinion that a rate of speed considerably in excess of what is considered safe, in the opinion of the great majority of the witnesses examined, is sometimes attained on many of the lines."

Now, if it could be shown that an excess of speed had been the cause of many of those frightful railway accidents they had of late had to deplore, it was manifestly desirable that there should be some means of preventing that excess. The next question which had engaged the notice of the Committee was the irregularity in the departure of trains; and upon that point they had arrived at the following decision:—

> "That the evidence taken further tends to show that such excessive speed has arisen, not so much from the average speed required as advertised by the railway time-tables, as from the want of strict punctuality in the time of the departure and arrival of trains from each station, which leads to an excess of speed for the purpose of endeavouring to make up lost time."

Again, if it could be shown that the irregularity in the period of the arrival and of the departure of trains had been a main cause of railway accidents, that was evidently a reason why an authority should be vested in some public body for the purpose of preventing that evil. On the subject of excursion trains, the Committee reported—

> "That your Committee is of opinion that it should be made imperative on railway companies to advertise a sufficient time before-hand the exact hour of departure and arrival of each excursion train at each station."

It must be obvious to every one that if, with their already enormous traffic, they had the power of starting excursion trains at all times and on all occasions, sending them out like comets in eccentric orbits, they must disturb the regular arrangements of the line, and the largest staff would not be able to deal with the confusion which would ensue. The next point on which the Committee reported had reference to the important matter of establishing a communication between the guard and driver. With respect to this improvement it was clear that the Government should apply for more stringent powers than they yet possessed. No one could say that such a precaution was not necessary. It was one which could be attained without any possible inconvenience or hardship, and if it had been adopted it would have prevented some of the most fearful accidents which the public had had to deplore. It was a simple precaution and a cheap one, and would conduce most materially to the comfort and safety of the passengers. What he contended for was that in the event of fire or of a train going off the line the guard should have power to arrest the progress of such train. The Committee reported on this head that

> "They are also of opinion that it should be imperative on every railway company to establish a means of communication between guards and engine drivers."

Yet the majority of lines were entirely without such a precaution, and the very fact of it not having been more generally adopted was one of the strongest arguments in favour of conferring additional powers on the Board of Trade. On another point the Committee laid great stress. They reported that

> "They had received much evidence with respect to the advisability of enforcing a system of telegraphic communication, and the utility of enacting that trains should not be dispatched without having ascertained by such communication that the line was clear."

It had been clearly shown that some of the worst accidents on crowded lines had occurred from the multiplicity of trains starting within five minutes of each other. The Committee spoke strongly on this point also. They said—

> "Your Committee is not prepared to define the distance at which such telegraphic stations should be placed, but it is of opinion that a recourse to this system would be a most effective means for the prevention of railway accidents, the largest proportion of which arise from collisions."

Now, he was informed that the Directors of the North-Western Railway, which, with its many branches, was one of the principal lines of the Kingdom, had become so convinced of the indispensable necessity of this precaution, that they had recently carried it out on a great scale, and it was their intention as soon as they could to extend it to all the lines under their control. Such a system would not have been introduced by that great company if they had not been convinced that it was absolutely required for the safety of the travelling public; and if so, his right hon. Friend ought to have the power of enforcing it on every other line, though he did not mean to diminish or impair the present responsibility of the railway companies themselves. On these grounds the Committee had wound up their Report by saying—

> "That your Committee is, therefore, of opinion that it is incumbent on the Board of Trade to apply to Parliament for such further powers as may enable that department to carry out the above recommendations, which, in the opinion of your Committee, would tend greatly to diminish the number of railway accidents."

He would remind the House that the great majority of the Gentlemen who sat on that Committee were largely connected with the management of railway business; that they had examined the officials of all the principal lines of railway in the Kingdom, and that they had arrived at the conclusion to which he had now called attention. The right hon. Gentleman the President of the Board of Trade would, he thought, admit that the Government would incur a grave responsibility if they declined to look into this question. No member of the Government could assert that these precautions were not indispensably necessary, or that the neglect of them imperilled the lives and limbs of millions. He trusted, in conclusion, that the right hon. Gentleman would not lose sight of the points now pressed on his attention. He repeated his only object in submitting these Resolutions was to attain additional security for the lives and limbs of the population who travelled on railways, and upon the Government would rest the responsibility of declining to deal with a subject so important.

Motion made, and Question proposed,

> "That in consequence of the great number of Railway accidents which have recently occurred, some of which have arisen from the non-adoption by Railway Companies of precautions recommended in the evidence given before the Railway Accidents Committee by many of the principal Railway officials in the country, it has, in the opinion of this House, become desirable that Her Majesty's Government should introduce further legislation on the subject of Railway traffic, with a view to enforcing the adoption, by all Railway Companies, of those precautions, which, by the general testimony of Railway officials, have been shown to be desirable."

MR. JACKSON said, he could bear testimony to the able and impartial manner in which the hon. Gentleman who had just sat down had discharged the duties of Chairman of the Committee on Railway Accidents. In all his experience of Select Committees, he seldom remembered a case in which the Chairman had gone into the inquiry with such a disinterested desire to get at the truth, and nothing but the truth. Scant justice had been done to the Committee by the manner in which its recommendations had been pooh-poohed by the Government. As an old railway man of twenty-five years' experience, though not now connected with their direction, he had felt any interference of the Government with their management to be a nuisance. But if they were to interfere at all they should do it effectually. At present, however, they did nothing at all. If the Board of Trade undertook to discharge certain duties, let those duties be discharged. The whole railway world was at sea. There was a Government authority over all railway companies existing, and instead of guiding the companies the Government allowed them to take their own course. Indeed they did more. Although it was said that high rates of speed conduced to accidents, they had the Post Office offering a premium to railway companies to increase the speed of mail trains. There was not a man at the Board of Trade who had ever made a mile of railway. How, then, could it be expected that eminent civil engineers would respect the opinion of such persons, when they were sent to certify that a new line was perfect, that tunnels could be safely passed through, and that bridges would carry the weight required? When the inspectors had acquired a certain knowledge about railways, they were removed to other appointments.

Captain Galton, one of the best of them, was sent to superintend the building of barracks. His successor was sent to China to be shot at, and another gentleman was now in his place. But the Royal Engineering was not civil engineering, and the present inspector had still to learn his business. A more honest inquiry was never made than that which was instituted by the Committee of which the hon. Member was the chairman, and there was but one feeling in the minds of the witnesses who were connected with railways, namely, that proper supervision, so as to compel all the companies to act upon one common plan, would tend to the safety of the public. Hundreds of railway tires had broken during the late frost. Why could not the Government have appointed a Committee of Royal Engineers, civil engineers, and scientific men to inquire into the various classes of iron used in the manufacture of tires? It was said, "Let the railways do it." But if the railways were to do it, they might as well do away with the Board of Trade altogether. They only produced a compilation of accounts, and he would undertake to find a man to do the whole business for £200 a year. Railway servants risked their lives as well as railway passengers, and he was sure the railway companies were as anxious for inquiry as the hon. Gentleman who had moved this Resolution or any member of the Government could be. He hoped the Government would declare what was their position—whether it was one of responsibility or one of non-responsibility. If it were one of responsibility, let them take action. If it were one of non-responsibility, let them throw the responsibility on the railway companies, and should the law at present not be strong enough make it so. But the Government ought not to allow the lives of the public to be endangered by a want of union between the Board of Trade and the railway companies.

Mr. THOMPSON had listened attentively to the speech of the hon. Member for West Norfolk, and although he agreed with him that all practicable means ought to be adopted in order to reduce railway accidents within the narrowest possible limits, he dissented altogether from the conclusion at which he arrived that Parliament should undertake to decide on the best means of prevention and enforce them by legislative action. He believed that it would be a grave mistake for the House to take any such course, as it would inevitably diminish the responsibility which now rested on railway companies to adopt all practicable means of averting such catastrophies. If any special preventive machinery were selected and enforced by Act of Parliament, on the occurrence of an accident the attention of juries and Government inspectors would be too much confined to the single point of ascertaining whether the standard preventive was in an effective state instead of rigidly criticising every part of the machinery and system of management of the company on whose line the accident had occurred. Much stress had been laid on the importance of a communication between the guards and drivers of trains, and as he had lately received a Return showing the results of the adoption of a communication of this kind on the railway of which he was chairman, he would state to the House the leading facts of that report. The system of communication consisted of a cord which ran the whole length of the train, and which when put in motion by a wheel and axle in the guard's van, rang a bell on the tender close to the driver of the engine. This machinery though simple was, he believed, the most efficient yet discovered. It had been approved by a Committee of the Railway Clearing House specially appointed to examine and report upon it, and the Board of the North Eastern Railway adopted it in the year 1855. It had consequently been used on that company's lines for the last six years, and trains having this communicating cord had travelled seven millions of miles. During that time four casualties to trains had occurred of a kind in which such a communication might be expected to be useful. On two occasions the tire of a wheel broke and the train was stopped speedily by means of the machinery in question. On a third occasion the tire of a wheel of the van broke and the van was thrown off the rails and tossed about so violently that the guard was unable to get hold of the wheel to signal the driver. After running about a mile the driver discovered that something was wrong and stopped the train in time to prevent further mischief. The fourth casualty also arose from the van getting off the line, by which the guard was thrown down. On recovering himself he found that the driver had already discovered the accident and stopped the train. It thus appeared that in two out of the four mishaps, the guard was unable to use the remedy though close at hand. In the other two he succeeded in quickly stopping the train and possibly preventing an accident, had the drivers not, as on the other two occasions, discovered what was wrong for themselves. The contrivance might occasionally be of service, and therefore it was right to continue its use; but the House must not be led away by the idea that communication between the guard and driver would have any great effect in diminishing the number of railway accidents. The most efficient means of prevention were—First, To use the best materials in the construction of the permanent way and rolling stock. Secondly, To engage the most careful and skilful servants And thirdly, To adopt a rigid and unflinching discipline, under which any one guilty of carelessness or neglect would be at once dismissed. It might be asked by what means these measures could be enforced enforced upon railway companies. He believed that the existing system under which the whole responsibility in cases of accident was thrown upon the directors and managers, was the best that could be adopted. Directors of railway companies whatever might be said to the contrary were fully impressed with the grave character of that responsibility which was enforced not only by heavy pecuniary pecuniary penalties, but still more strongly by that natural regard for life and limb which was common to all human beings and if these considerations would not induce proper precautions no amount of legislation would produce the desired effect.

MR. H. BAILLIE remarked that the responsibility of accidents was thrown upon railway companies at the present moment, but that it did not prevent them. The Government had no right to wash their hands of the matter and leave the public to take care of themselves. The proportion of railway accidents in England to those in Germany was nine to one, and to those in France seven to one. The rarity of accidents on the Continental lines could not be attributed to their superiority either in construction or materials. It was due to the efficient surveillance of the various Governments, who took care that there was a proper interval between the starting of each train, and that due precautions against accident were observed. At home these matters were left entirely to the railway companies who looked only to their own immediate interests.

MR. DUTTON maintained that railway directors were animated by higher motives than were imputed to them by the hon. Gentleman who had just sat down. The safety of the public was the great object they had constantly in view. It was the subject of their most anxious thoughts. Considering the vast extent and complicated relations of the railway systems of the United Kingdom, he did not believe that it was possible for the Government to exercise proper supervision over it. There was no difficulty in establishing an efficient communication between the guard and driver of a train, for it had been done for years on the line with which he was connected—the South Western; but he was not aware that it had ever proved of any service. Certainly it could not have prevented the recent lamentable accident in which Dr. Baly lost his most valuable life. It was to be regretted that the cause of that sad catastrophe had not been discovered. The engine-driver, however, stated that the engine and train were in the most perfect order when he started. He believed it would be fraught with danger to allow drivers to rely upon any other guidance than was afforded by semaphore signals. Accidents always occurred in direct proportion to the speed attained. Railway directors had no interest in maintaining a high rate of speed, because nothing was so prejudicial to their lines; but they were compelled to adopt it by the public, who always gave the preference to the railway that ran the fastest trains. As to accidents on the Continent he had to remind the hon. Gentleman that they did not receive the same publicity there as in our own country. He admitted, however, that they were not so frequent abroad as at home, the reasons being that fewer trains were run—in many cases only three or four a day on a main trunk line—and that the rate of speed was much less—only thirty miles an hour being allowed for *la plus grande vitesse.* But the English public would never tolerate such things. He thought that the management of the lines had much better be left to the railway companies themselves. An accident was a most costly affair—involving a loss of from £10,000 to £60,000—and caused great pain and anxiety to the whole staff. The officials were most careful in ascertaining that every train was in proper working condition before it started, for their own lives were at stake. The railway companies had a deep interest in preventing accidents; and he did not believe that the public would derive any further protection from the supervision of the Government.

SIR FREDERIC SMITH said, he should not have taken any part in the discussion but for the fact that Mr. Labouchere, when President of the Board of Trade, had appointed him first Inspector General of Railways. A Committee composed of Sir James Graham, the late Sir Robert Peel, the Duke of Somerset, Mr. Labouchere, the late Lord Granville Somerset, and other distinguished men, after carefully considering the matter, resolved that no Government supervision of railways beyond that which then existed should be exercised. The most eminent engineers, including Mr. Brunel and Mr. Stephenson, and several railway secretaries, were examined before that Committee, and they all strongly expressed their disapproval of the Government being allowed to exercise any further control over the railways than they did at that time. He had bestowed much study and reflection on the question, and it was his belief that the management of the railways would be much better in the hands of the directors of the several companies than of the Government. The chief witnesses examined before the Committee were all of opinion that the only effect of Government supervision would be to relieve directors from responsibility which they bore at present. All that could be done to increase the safety of travellers would be to limit the number and speed of trains, and he did not think that the public would tolerate any diminution in either respect. Mr. Brunel, when before the Committee, spoke of trains going not only at sixty, but even at 100 miles an hour, and expressed his belief that the public would never be satisfied till they obtained that degree of speed. The directors were certainly not desirous of running rapid trains, because they injured the lines very much. He at one time proposed that there should be an interval of fifteen minutes between each train, but the railway companies laughed at the idea, for they said the public would never tolerate it. Putting aside his own case, he believed that the Board of Trade had always selected the most able officers of the corps of Royal Engineers to act as railway inspectors. The duty of those officers was not, however, directly to establish regulations that would have a tendency to prevent accidents, but to see that the lines were so constructed as that accidents were not likely to occur from any fault of construction. The management of the lines was left to the directors; and he believed that the general desire on the part of Boards of Direction was to do all in their power to make their lines safe. It was only natural that they should be so, because in endeavouring to prevent such casualties, they were not only doing what humanity suggested but also that which was best for the pecuniary interests of their shareholders.

COLONEL GILPIN said, he thought that the hon. Member for Norfolk deserved the thanks of the House and the public for having brought this subject under discussion. Reference had been made to the recent accident on the South-Western Railway; and an hon. Gentleman connected with that line had said that it was impossible to account for it. It was also said that the engine driver had examined his engine before he started. No one doubted that the engine was in good order, but the hon. Gentleman had said nothing about the tender. He (Colonel Gilpin) believed that the accident might be attributed to the imperfect condition of the tender and the excessive speed at which the train was traversing a complete net-work of rails. There was conflicting evidence on this point, because the company brought officers from other companies to support their view of the question; but the jury, though puzzled on that account, could not avoid commenting on the state of the wheel of the tender. He was in the train at the time of the sad occurrence, and he was free to admit that a communication between the engine driver and guard would not have been of any use; but still such a communication might prove of the greatest service on other occasions.

SIR JOSEPH PAXTON said, that the hon. Member for Norfolk (Mr. Bentinck) had totally failed to show that the House and the Government ought to interfere more than they did at present with the management of railways. He (Sir Joseph Paxton) had for a long time been a director of one of the largest railways in the kingdom, and he knew from experience that when an accident occurred the directors, officers, and every one connected with the line was in the greatest consternation. An accident had several effects. In the first place, if many lives were lost, there was a great deal of money to be paid by way of compensation. He had known as much as £20,000 to be expended in that way. It was, therefore, for the interest of the directors and shareholders that every precaution should be taken in order to ensure the safety of the passengers. Accidents did occur occasionally; but he believed that no other system had ever been brought to the same state of perfection in the same period of time as that of railways. They all knew that in Germany and France great pains were taken to ensure safety on railways; but in those countries there were only two trains a-day on many of the lines. It was only on great lines that there were four. The train was generally a long one, and the speed was slow. It was a mistake to suppose that railway directors were fond of fast trains. A coal-train from one of the collieries in Derbyshire, coming with a good load of coal, paid a company better than the best express. Neither were the officers anxious for fast trains, for they knew that such trains caused much more wear and tear to the permanent way and in locomotives than was caused by slow trains. Expresses were demanded by the public. He had expected some reference to the late accidents on lines between London and the North. He had no doubt that these had been caused by the rigidity of the iron and the speed at which the Post Office required the trains to travel from Holyhead and from Scotland. In the yard of the Midland Company, at Derby, two tires broke without the carriage being moved, and apparently the wheels had been as good as any in the establishment. The company instantly called on other companies to join with them in having an inquiry, with a view of ascertaining the best metal for wheels; and they had called on Mr. Fairbairn to aid them in determining the best kind of iron to be used in the construction of wheels. He could assure the House that railway directors had as good consciences as other men. As to excursion trains, though some accidents had been sustained in them, he thought they were a great advantage to the working classes. The company with which he was connected continued to use a means of communication between the guard and the engine-driver, but accidents occurred so suddenly that any communication between those officers was impossible. The English public would not consent to give up the present high speed; but, if they came to look at the accidents on railways as compared with those on sea, the number was really very small. The Board of Trade officers were of little use, because they were so constantly changed. Almost as soon as an officer was appointed and beginning to be acquainted with his duties he was removed by the Government to some other situation. He protested against the appointment of civil engineers as officers of the Board of Trade. Every Gentleman who had sat on a Railway Committee must have seen the varieties of opinion that prevailed among civil engineers, and he hoped they would not be introduced as officers of the Board of Trade. If the House attempted to enforce an uniform mode of railway management they would fail in effecting any good, and would only cripple the railway system. Signalling by telegraph was no doubt an excellent plan. On the Midland Railway a train never entered a tunnel without telegraphing the fact, but there were many railways where the system was not called for, and to enforce it on all the railways in the kingdom would be to entail upon them vast and unnecessary expense.

MR. MILNER GIBSON said, he wished, before speaking to the Resolution of his hon. Friend the Member for Norfolk, to say a word or two on what fell from the hon. Member for Newcastle-under-Lyme (Mr. Jackson) as to the composition of the railway department of the Board of Trade. Certainly the hon. Member's description of the railway department of the Board was not of a kind likely to encourage the House to invest that department with greater powers, or to hand over to it almost the entire executive management of the railway system. But his hon. Friend was mistaken in supposing that no one who understood the construction of railways was employed by the Board of Trade. The inspectors of railways, whose duties led them to report on new lines, were thoroughly competent persons, and in all respects conversant with the construction of railways. The only reason why there was no permanent engineering officer at the Board of Trade was that there would be no adequate duties for him to perform. At the commencement of the railway system, when new works of great magnitude were undertaken, the Board required the constant advice of an able engineer, but now that railways were constructed on a recognized system all that the Board required to know was that new lines were not inferior to a known standard. Questions of science did not now often arise; and besides that, when railways commenced Parliament had not decided on the amount of interference which Government should exercise over them, but the repeated inquiries of both Houses through Committees had led to the understanding that there should be no increase in the control exercised by the Government; and under those circumstances there was really now no duty of sufficient importance to engage the whole time and services of a valuable officer like Captain Galton.

With regard to the Resolution of his hon. Friend it was not very definite, because it called upon them to pledge themselves to some kind of legislation or other, but it did not say precisely what, in order to make railway travelling more secure, and to prevent the recurrence of accidents. There was no indication in the Resolution as to what they should do. He said they should "adopt those precautions"—that is to say, they should legislate to enforce the adoption of those precautions—"which by general testimony of railway officials have been shown to be desirable." Upon looking over the evidence given before that Committee, we scarcely found a single point on which it could be said there was that general agreement of testimony amongst railway officials to enable the House to adopt it with confidence. Take the question of the rate of speed. On that point various witnesses were examined, who differed materially as to what amount of speed could be undertaken with safety. With one exception he did not believe a single witness went the length of saying that Parliament should indicate a *maximum* speed, which should not be passed, in order to secure the safety of railway travelling. The witnesses differed so much upon every point that it would be found very difficult upon such an instruction for the Government to draw any Bill at all. If they were called upon by the House to legislate on the Report of the Committee itself it would be a somewhat easier task, but still one of great difficulty. That Report stated that the main causes of accidents on railways might be divided into three classes:—1. The inattention of railway servants. 2. The defective nature of the material used in the construction of the permanent way and the rolling stock. 3. The excessive speed of railway trains. He contended that the House could not practically deal with advantage with any one of these three causes. What legislation, for example, could they adopt to insure greater vigilance on the part of railway servants? And how could they lay down rules in an Act of Parliament to regulate railways, as to the quality of the iron and other materials they were to use in the construction of rolling stock? It would puzzle the ingenuity even of his learned Friend the Attorney General to draw a clause that would define the kind of material to be used. Then, as to fixing a *maximum* speed beyond which no railway train should go, that would be found very objectionable. But was there to be no redress? Were persons to be injured in limb, and have their lives risked or destroyed without redress? Certainly not. They had redress under Lord Campbell's Act, and if the jury were satisfied that loss of life had ensued from negligence or causes that might have been avoided large damages were given under this Act. He held in his hand an account of the damages given during the ten years previous to the sitting of the Committee for injuries resulting from accidents on various railways:—The London and North-Western, £60,000; London, Brighton, and South-Coast, £44,000; South-Eastern, £61,000; Great Western, £19,000; Great Northern, £20,000; Eastern Counties, £46,000; Caledonian, £13,000; Great Southern and Western of Ireland, £25,000; North-Eastern, £43,000; making a total of £331,000. [Mr. Roebuck: Were these amounts paid under verdicts or compromises?"] He could not answer that question. The sums were given in the evidence taken before the Committee. He regretted to say that during the last few months there had been a great many accidents. But with the permission of the House he would first read the number of accidents during each of the last five years, the loss of life, the number injured, and also the number of passengers carried during each year. It appeared from the returns and reports made to the Board of Trade, that the number of accidents which occurred to passenger trains during the last five years were as follows:—In 1856, 60 accidents occurred, by which 7 passengers were killed and 281 injured out of 129,315,196 who were conveyed during the year. In 1857 there were 62 accidents to passenger trains, by which 24 passengers were killed and 626 injured out of 138,971,239 conveyed. In 1858, 49 accidents happened, by which 24 passengers were killed and 416 injured out of 139,141,135 conveyed. In 1859, 56 accidents happened, by which 4 passengers were killed and 371 injured out of

149,757,924 conveyed. In 1860, 68 accidents happened, by which 29 passengers were killed and 479 injured out in a number conveyed which may be estimated at about 160,000,000. No doubt, it was much to be regretted that so many accidents should occur ; but still, comparing the casualties with the number of passengers conveyed, they were not in such a very alarming proportion. Well, after all the evidence taken by the Committee, what did they recommend ? The whole of the representations they made resolved themselves into two definite recommendations. Although they mentioned an occasional excess of speed, and noticed the value of telegraphic communication between station and station, they did not recommend legislation on either of these subjects. There was also mention of the desireableness of providing sufficient break-power, so that trains might be stopped in time to avoid collision. Yet, although the Committee admitted the importance of this power, the question of enforcing its employment was a matter so complicated that they felt it could not be dealt with by legislation, and they accordingly recommended it to be dealt with by the railway companies. Well, what were the definite recommendations of the Committee ? The first was that the Board of Trade should come to Parliament for power to inquire into railway accidents, to report them to the House, and to have, he presumed, the power of examining witnesses on oath, and the other necessary consequences of an authorized judicial inquiry. His answer to this recommendation was, that although it was true the inquiries by the inspectors of railways were not authorized by law, and although the information afforded by the companies was given by their own free-will, yet the Board of Trade had not suffered from the absence of legislative powers to conduct these inquiries. The inspectors of the Board of Trade after every accident went to the scene of the disaster, and he could most positively say after due inquiry on the subject that they had never found on the part of any company any disposition to conceal the facts connected with the accidents ; on the contrary, the companies invariably manifested a desire to throw daylight upon the matter and assist the inspector in arriving at the cause of the accident. If it had happened that the companies concealed the facts, and if the inspectors were unable to make a satisfactory and searching inquiry in consequence of the unwillingness of the railway officials to assist them, he should not hesitate to come to Parliament and ask for the powers recommended by the Committee. But as these investigations were conducted to the satisfaction both of the inspectors and the company, as their reports were laid on the table and thus became privileged communications, it would be superfluous in the Board of Trade to ask for powers the absence of which they had not felt. The other recommendation made by the Committee was that it should be rendered compulsory on railway companies to have a means of communication between the guard and the driver. Well, many things are very desirable, yet it did not therefore follow that it became their duty to make them compulsory by an Act of Parliament. He presumed the Committee did not contemplate calling upon the Board of Trade to decide as to the most efficient means of communication, but that they only recommended Parliament to enact that there should be some means of communication. He did not attach quite so much importance as the Committee to this preventative, yet he would admit it was desirable, and further he believed that its adoption would be easy and inexpensive. He could not, however, come to the conclusion that it would be desirable to pass any Bill on the subject. The Board of Trade had urged the adoption of some means of communication upon the railway companies through their inspectors. The following companies had already introduced upon their lines a means of communication between the drivers and guards :—the Great Northern, North-Eastern, North British, Midland, London, Brighton, and South Coast, South-Eastern, the London and South-Western, and a few others. The London and North-Western were making preparations for effecting the same object, together with a system of continuous breaks; still the greater number of the companies were deficient in both these means for preventing or lessening the effects of accidents to railway trains. He believed that before long the plan would be generally adopted, but it would not be desirable for the Board of Trade to interfere by legislation. The subject of railway tires had lately attracted much attention, and Captain Tyler, one of the inspectors of the Board of Trade, had made an elaborate report on the subject, which had been sent round to the various railway companies, and would, no doubt, be productive of great advantage. The advantage of a means of communication between the guard and engine-driver had also been urged on the companies, and with a like beneficial result. He thought the House had better not attempt to become railway directors, or to settle by enactment what exact precautions the railway companies ought to adopt for the security of the public. One interference would necessarily lead to another, till eventually they might find themselves in a position of the greatest difficulty. Every redress which legislation could fairly afford was obtainable, he thought, under the law and under Lord Campbell's Act, giving damages against the companies wherever neglect on their part was proved. He did not say that exceptional cases might not arise, and in that event he should not be deterred from coming to Parliament, but from all the information which he had obtained, and having consulted persons of great experience in railway matters, he had arrived at the conclusion that it would not be judicious for the Government now to ask, nor for Parliament to give, any increased power of controlling the management of railways.

MR. EDWIN JAMES said, he felt inclined to agree with the right hon. Gentleman the President of the Board of Trade, that there was very great difficulty in legislating upon so difficult a subject; but he (Mr. Edwin James) ventured to think that the catalogue which the right hon. Gentleman had read to the House of the amount of damages which had been paid by railway companies for that which juries had found to have been the result of the most scandalous neglect on the part of the railway companies, justified the House in having entered upon the discussion. The right hon. Gentleman was very much mistaken if he thought that the Return which he had read of the sums that had been paid by railway companies for the results of accident was anything like the real amount. The hon. and learned Member for Sheffield (Mr. Roebuck), with the quickness that belonged to him, had asked whether these amounts were paid in consequence of verdicts, or as compromises. He (Mr. Edwin James) could say of his own knowledge with regard to the case of some companies which had been mentioned, and which had been before courts of law, that that Return did not narrate one-half the amounts that had been paid by these companies. What a catalogue of neglect it was on the part of the railway companies! He was aware that the railway interest was very strongly represented in that House; and he knew that the Motion of the hon. Member for West Norfolk had excited great interest, but he was forced to say that cases had come before the public indicating scandalous neglect. [Sir JOSEPH PAXTON: No, No!] It was all very well for the hon. Member for Coventry to say "No," but he was speaking of the result of cases which had undergone public investigation in courts of justice. Acts of Parliament, he believed, would be ineffective in inculcating caution until they required that in every case a director should sit upon the tender. The right hon. Gentleman the President of the Board of Trade had said that, when any railway accident occurred, everything was done to elicit the causes of the accident. He (Mr. Edwin James) would be divulging nothing which came to his knowledge in his capacity of an advocate when he mentioned what happened in the case of the accident which took place on the Eastern Counties Railway by which seven persons were killed and fifteen seriously injured. The cause occupied five days in hearing, and what was the result? The inspectors of the Board of Trade reported that the company had been guilty of scandalous negligence in not having sufficient break power at the end of the train. Engineers were called on the part of the company, and two whole days were occupied in taking their evidence, to the effect that such break-power was unnecessary; and a verdict in favour of the company was returned. What was done? A few days afterwards a rule was issued by the Eastern Counties Railway Company that in future break-power should invariably be placed at the end of their trains. He asked was not that strong evidence of negligence on the part of the company in not having break-power at the end of the train? In another case an action had been brought against a railway company for having permitted a train to leave the station with the carriages fastened only by a hook without coupling chains by which an accident occurred. The Lord Chief Baron tried the case, and stated publicly that it was scandalous that companies should waste their funds by calling engineers and contesting cases of the kind. A verdict was returned for the plaintiff, and within twenty-four hours afterwards a rule was issued that no train should leave without having the coupling-chains attached. These were instances in which some cautionary measures were necessary, and although it might be difficult for the Board of Trade by legislative enactment to interfere in this matter, yet it required the greater caution on the part of the companies, and he thought the House and the country were indebted to the hon. Member for Norfolk for directing the attention of the House to the subject.

Mr. PAULL said, he had no intention of defending railway companies where blame really attached to them, but, believing that no good would be obtained by passing an abstract Resolution containing no suggestion of a practical character, he hoped his hon. Friend the Member for West Norfolk, having called attention to the subject, would withdraw his Motion. If it were possible for legislative enactment to prevent those lamentable casualties which nevertheless must occur at intervals from the state of the weather and other disturbing causes, Lord Campbell's Act would have had that effect. He saw in the instances given by the hon. Member for Marylebone a different spirit from what his remarks would suggest, for as soon as experience had proved that a particular precaution was desirable, no time was lost in adopting it. He believed it would not be advisable to relieve railway directors from their present feeling of responsibility by establishing a supervision by any one department; and the precaution of having a communication between the guard and engine-driver might give rise to an argument in mitigation of damages—namely, that the guard had pulled the bell.

Mr. HALIBURTON said, he should be very sorry to see additional power given to the Board of Trade. There was, however, a want of responsibility in the direction of railways, and what was required was that the Government should adopt some measure by which the responsibility should be fixed somewhere. Boards of direction generally consisted of a number of persons—and they all knew that there was great impunity in number. Many of these individuals, moreover, were quite incompetent to discharge the duties with which they were intrusted, having been appointed by friends to secure the emoluments of office. He knew several cases in which there were directors who might or might not be ornamental, but they certainly were not useful. The right hon. Gentleman the President of the Board of Trade had declared that sufficient protection was given to the public by the damages under Lord Campbell's Act; but, unfortunately, these fell on the wrong persons—the innocent stockholders, who were not at all to blame, while the directors, who were most frequently in fault, escaped altogether. To establish the real responsibility of boards of direction it would be necessary to make their negligence a penal offence, and if a director were hanged occasionally it would be astonishing how the number of accidents would diminish. The right hon. Gentleman the President of the Board of Trade objected to the conferring of additional powers on that department, as they would be very troublesome to exercise; but in the analogous case of travelling by water it had been found expedient that the Board of Trade should ascertain whether vessels going to sea were provided with proper anchors and cables of sufficiently good iron, with an adequate number of men for purposes of navigation, and so forth; and he was unable to see any difference whatever between the two cases. Many accidents during the winter had been attributed to the severe frost; but he, being acquainted with frosts more severe than were experienced in this country, said it was a mistake to attribute the accidents to the frost. They were rather attributable to the bad quality of iron and bad materials. The risk was run for the sake of the saving. In many cases the directors were incompetent for the position they filled, but they ran the risk, and then if an accident happened the blame fell upon their subordinates, while the directors were allowed to escape altogether. The unfortunate men were punished for their want of skill instead of the directors being blamed for the badness of the materials which they allowed to be used. He thought it high time for some protection to be afforded to the lives of Her Majesty's subjects travelling on railways, and the Government should fix responsibility on the directors by making them amenable to the law.

Sir HARRY VERNEY observed, that it had been admitted by the majority of the hon. Members who had addressed the House that some such authority as that proposed was necessary for the control of railways. He had entertained the same opinion for many years. He was on the Committee which had investigated the matter, and a minority of that Committee came to a conclusion that there ought to be a Commission which should exercise a certain authority over railway companies. If the opinion of that minority had been carried out there would have been but one gauge on English railroads, and many lives would have been saved. It was said that one great source of accidents was travelling at too great a speed, and, if that were so, there ought to be some authority on the part of Government to put a stop to travelling at a dangerous rate. What was required was punctuality in railway travelling, the want of which was a great cause of inconvenience and danger, and there ought to be some power to whom individuals could apply who thought the arrangements of railways not convenient for local and general traffic. Very often the object of railway companies was not so much to accommodate the public as to fight and damage one another, with a view of obtaining for themselves the whole railway traffic of particular districts. He thought the House ought to feel obliged to the hon. Member for Norfolk for having brought forward the Motion, and he hoped he would not allow it to drop without obtaining from the Government a promise that they would seriously consider the whole question.

Mr. BENTINCK, in reply, said the first hon. Gentleman who had addressed them admitted that there might be some use in having communication between the guard and the engine-driver, and thus disproved his own arguments. The hon. Member for South Hants (Mr. Dutton) told them that the railway directors were anxious for the safety of the public. That was a fact he had never denied; but what he said was that the mode in which they exhibited that anxiety was not sufficient to satisfy the public. One hon. Gentleman had admitted that great speed was one great element of danger, and he went on to say they could not interfere with it because the public would have it; but if it could be shown that a certain amount of speed was the cause of risk to railway travellers, and that some persons were sufficiently insane to wish to run that risk, then the Government ought to provide for the protection of persons so clearly bereft of reason; but from all he had been able to ascertain he thought his noble Friend was mistaken in his views on the subject of speed. Men of business did not desire great speed; all they wanted was punctuality, and the persons who desired to travel at the rate of sixty miles an hour were generally those who had nothing on earth to do when they got to the end of their journey. One of the causes of trains running at great speed was to enable one company to compete with another in respect of time, when the one went by a shorter route than the other, but both ran to the same district. One hon. Member (Sir Joseph Paxton) connected intimately with railways had let the cat out of the bag when he told them candidly that it was a matter of expense. He admitted that telegraphic communication along the line would be a great element of safety, and added that it was all very well for the London and North-Western to have it. They could afford it, but the small lines could not. But what did that statement amount to but that the profits of railway companies were to be pitted against the blood and bones of the people? He now came to the remarks of the right hon. the President of the Board of Trade. He had exhibited all the eloquence for which he had always been celebrated, and all the official dexterity which he appeared to have acquired since he had occupied a seat on the Government benches, for he had entirely blinked the question; he had entirely misconceived the letter and the spirit of the Report. His right hon. Friend began by telling the House that repeated inquiries by Committees had been made into this question, and that they had all condemned legislative interference in the matter. That was perfectly true; but he had forgotten that those inquiries were made many years ago, when railways were comparatively in their infancy, and that therefore now the whole position of the matter was altered, and that though at that time Government interference was unnecessary, now nothing but that would secure the safety of the public. One Committee, however, had been appointed on this subject, over which he had the honour to preside, and which was composed of several gentlemen who had had much experience in connection with railway matters. That Committee, however, his right hon. Friend entirely ignored, and fell back on those which sat some years ago. His right hon. Friend said that the witnesses who had been examined before the last Committee differed greatly from one another upon many questions, and more especially upon the question of speed. But his right hon. Friend laboured evidently under a misapprehension upon that point. The fact was that, with the exception of a single official connected with a line which had to run its trains at an unusually rapid rate, as it had to compete with another company which had a shorter distance to traverse, the witnesses had all given it as their opinion that the high rate of speed frequently maintained was one of the principal causes of accidents; and he (Mr. Bentinck) had to add that he had never known a case in which evidence had been of so uniform a character as that which had been delivered before the Committee in question. His right hon. Friend, however, sought to prevent them from adopting the Motion by stating that if travellers were maimed, compensation could be recovered from the companies. But what the public wanted was, not that juries should award damages when necks were broken, but that precautions should be taken against the recurrence of such a calamity. He might add that, if any further proof were wanting of the necessity of Government interfence in the case of railways, it was to be found in the large sums awarded by juries for accidents which had taken place—sums which amounted, however, to not more than one-third of the money actually paid under that head, inasmuch as the question of damages was in the greater number of instances settled by compact between the parties, and his right hon. Friend under these circumstances was, he thought, bound officially to take an active part in dealing with the subject; but, while that was his opinion, he would not, in deference to what appeared to be the wish of the House, press his Motion to a division.

Motion, by leave, *withdrawn.*

RELATIONS WITH CHINA.

Colonel SYKES: On rising to call the attention of the House to that portion of the papers laid before the House upon China affairs relating to events at Shanghai, and to ask the Secretary of State for Foreign Affairs what line of policy it was intended to pursue in our future relations with the Taepings or national party in China, and to move an Address for any further papers that may have been received relating to events at Shanghai—said, that upon a proper understanding by the House of Commons of the relative positions of the two great contending parties in China, it depended whether or not we should maintain permanently military garrisons along the coasts, and armed fleets upon the interior waters of China, at the expense of the taxpayers of this country. In the year 1644 the Manchoo Tartars had been called in as auxiliaries by the Emperor of China to assist in putting down a rebellion, and they had put down the rebellion and the Emperor also. They spread over the country and had seized its Government, but they had never fully amalgamated with the Chinese. Most of the cities were garrisoned by Tartar troops, who lived apart by themselves in a portion of the city walled off from the Chinese inhabitants, and almost all offices of trust and dignity were filled by Tartars. In consequence there had been numerous rebellions, and many secret societies had been formed, the last of which were known as the Triads, in hostility to the Government. In the year 1849 a rebellion broke out in the province which adjoined that of Kwan-tung, or Canton, under the direction of a leader, who assumed the name of Taeping. The rebels advanced to Canton and besieged that place, but being disheartened by demonstrations of English war-steamers they were repulsed, and retired to the neighbouring province, whither they were pursued by the Tartars. Whenever these Tartars came to a village which had not resisted the rebels they burnt the place, and put the inhabitants to the sword. Commissioner Yeh was said to have beheaded no less than 60,000 people in one yard in Canton, which became a mass of gory mud, and an American gentleman who called on him on Saturday last told him that he had been a witness to the necessity of straw being laid down before an execution. Notwithstanding those 60,000 executions, the chief of the Taepings made head. He went from province to province, and in 1853 he and his followers were found to be in possession of Nankin, having traversed from south-west to north-east, half the diameter of China, and possessing themselves of six of the finest provinces of China. In that year Sir George Bonham and Mr. Meadows went up the river to Nankin, and discovered for the first time that there was a religious as well as a political element in the movement, and that the religious element was in favour of the introduction of Christianity into China. They also found that the chief of the Taepings had been instructed in one of the missionary schools at Hong Kong, and had acquired there a certain amount of knowledge of Christian principles and Christian history. He had made his followers believe that he had been taken up to Heaven, that he had seen God, and had seen Christ, and that he had been commanded by the Father and the Son to propagate Christianity in China, and to extirpate idolatry. The Taepings maintained themselves in Nankin from 1853 to 1858, apparently doing little, and an impression began to prevail that the movement was in a state of retrogression. At length the Tartars collected troops round Nankin, invested it upon three sides, and reduced the Taepings to great extremities. It was expected that the rebel party would become extinct, or would be driven again to the south-west, and the soldiers became so disheartened that their chief to restore their confidence composed a kind of hymn for them to sing—

"Our heavenly Father, God, mightily reigneth;
Therefore, the Celestial Dynasty shall stand
for ever and for ever.
Our heavenly elder Brother, Christ, mightily
bears our burden;
Therefore, the Celestial Hall is full of glory,
for ever full of glory!"

Shortly after this verse was commenced to be sung by the besieged, two Taeping armies which had been out in the north and the west, suddenly returned to Nankin, and on the 3rd of May took place the utter defeat of the Tartar troops, who threw down their arms and dispersed themselves over the country, burning and plundering wherever they went. They tried to enter Soochow, but were repulsed by the inhabitants, and in revenge plundered and burnt the suburbs of the city, and eventually they made their way with their plunder to Shanghai; but the Tartar governor of that city plundered the plunderers, beheaded a great number of them, and turned the remainder out into the country. The rebels considered their being enabled to raise the siege of Nankin a miraculous interposition, and the verse or hymn is now engraved upon the dynastic seal, but the real cause of the renewed vigour of the rebels was probably owing to Hung Jen, the present Prime Minister, having joined them, an able man who had been educated by missionaries at Hong Kong, and had become a convert and preacher of Christianity. Upon the defeat and dispersion of the Imperial troops the garrison of Nankin followed in pursuit, making their way to Soochow, which they took possession of on the 26th of May. Soochow is about 100 miles from Shanghai. They remained at Soochow until early in August last, courteously receiving visits from Europeans of all nations, mercantile men, missionaries, and others. Early in August they wrote letters to the various consuls at Shanghai, stating that they were coming to take possession of that place on behalf of the national party. Consequent upon the receipt of these and former letters Consul Meadows wrote to Mr. Bruce on the 27th of July, stating that—

> "Mr. Grew, of Shanghai, brought to me a Chinese despatch, addressed by the chief authority of the Taepings, in occupation of the city of Soochow, to the Plenipotentiaries of England, France, and United States. I recommended him to deliver it to yourself directly, and I accompanied him to introduce him and interpret. On that occasion you were pleased to decline receiving the despatch; the knowledge of which fact makes me deem it proper to apply to you now for instructions."
>
> "A foreign cover has just been handed to me, on opening which I found a Chinese envelope, addressed from Soochow by Hung Jen, holding the rank of Prince and Military Councillor to Messrs. Smith, Edan, and Meadows, the three consuls. He is a relative of the Heavenly Prince, the introducer of Christianity, and is the author of a book upon the principles of Christianity."

On the 31st of July Mr. Bruce wrote to Consul Meadows—

> "With reference to the letter addressed to you in common with the Consuls of France and America by one of the leaders of the insurgents, I am clearly of opinion that it is both inexpedient and objectionable, on principle, that Her Majesty's consuls should hold any communication with the insurgents at Soochow, and I have therefore to instruct you to take no notice of it."

A letter from the insurgents was also sent through Mr. Jenkins, the interpreter of the American Consulate, to the three consuls; and Mr. Bruce, writing to Lord J. Russell, says—

> "It is very undesirable, in my opinion, that the consuls should enter into communication with the rebels, and I accordingly instructed Mr. Meadows to that effect. I also directed him in future to decline receiving any letter addressed to himself or others."

On the 1st of August the English missionary, Edkins, was invited by Hung Jen to visit him at Soochow. Mr. Bruce, after a personal conversation with him, writes to Mr. Edkins—

> "That it was very undesirable that he should visit the rebels, although other people went there for traffic."

On the 17th of August Mr. Bruce wrote to Lord John Russell—

> "I think the insurgents will come owing to visits and sympathy of foreigners so openly expressed by them, that if they appear in force we may be persuaded to give up the town to them."

In consequence of Mr. Bruce thinking that the rebels would come to Shanghai, he arranged with General de Montauban to de-

Colonel Sykes

fend the city, although we were at war with the Tartar Government and the foreign settlements were not in any danger, as they were outside the suburbs of the city and well barricaded. On the 17th of August, the day before the Taepings arrived, Mr. Bruce resolves with the French General to intimate to the rebels that Shanghai will be held militarily, and on the evening of that day, Friday 17th, sends the *Kestrel* and the French steamer *Hong Kong* up the river to deliver some documents to the insurgent chiefs, if they were to be met with, as was supposed, in the neighbourhood of Sung Kiang. Scarcely had the steamers reached the village of Ming Hong and got out of sight of Shanghai than the rebels appeared and took Zee-ka-Wei, four miles from Shanghai, and afterwards stormed a camp and redoubt mounted with cannon, two miles from the walls, and chased the imperialists into the city, and tried to get in with them. We had previously manned the walls, and Captain Cavanagh, on duty then, ordered the bridge over the moat to be destroyed, and gave the insurgents a rather warm reception from the city wall with rifles and canister. The rebels took shelter in the south suburb, got into a missionary's house, but finding his avocation left his house and himself untouched. A sharp fire was then directed against a body advancing with the flags they had captured from the imperialists. The firing from the walls both from cannon and rifles was excellent. As soon as canister was useless the foe were treated to shell, thrown time after time into the very middle of their flags. When driven from the south-gate Lieutenant O'Grady, who was waiting for them with a piquet at the south-west angle, gave them another dressing. Captain Maxwell, with the Sikhs at the little south-gate, inflicted no small loss. There was a European killed amongst the rebels, and others were seen. Parties were then sent from various parts to burn down such houses in the suburbs as could afford shelter to the enemy, and the fires raged outside the west and south gates during the whole of Saturday night. Thus ended the first days' work, with no small loss to the enemy, but without a single casualty to report on the foreign side. Sunday morning broke on a scene of conflagration and destruction. During the night the rebels worked round almost to the French quarter, and had planted some flags in the Temple of the Queen of Heaven. The French fired the suburb, which was the residence of the wealthy merchants. The flames sprang up with fearful grandeur, particularly where a sugar warehouse caught fire. About two o'clock the *Kestrel* and French steamer came back, not having found the rebels up the river, and not having, therefore, delivered their proclamations. The narrative speaks of fine rifle practice, and twenty men are said to have fallen to Lieutenant O'Grady's rifle. On Monday, the 20th of August, the rebels returned in greater force than ever. A heavy fire was kept up on them, to which, strange to say, scarcely a shot was returned. The *Pioneer* vessel of war went up the river and dropped 13-inch shells wherever clumps of banners were seen. On Tuesday, the 21st, the rebels had retreated out of range. The conflagration raised by the French in the water suburb was still raging, and it was melancholy to see warehouse after warehouse full of valuable goods falling a prey to the devouring elements. On Wednesday, the 22nd, Mr. Forrest volunteered to take to the insurgent camp the despatches which the steamers had failed to deliver. He rode to the camp and was civilly met by an officer, who complained of the resistance that the foreigners had offered to them, asserting at the same time that the insurgents had been invited to Shanghae by the foreigners of all nations, and Mr. Forrest was pressed to go to Zee-ka-Wei to see the chief Wang, the commander-in-chief. No damage was done in the English or French settlements. The above details are extracted from a narrative published in *The North China Herald*, dated 25th August, 1860. Mr. Bruce wrote to Lord John Russell, dated Shanghai, 28th October, 1860, that he had demanded payment for the expenses of defending Shanghai and the pay of the troops and their rations, &c. Mr. Bruce refused to admit of an Imperial garrison of 3,000 men into Shanghai, because it was held by the Allies. Previously the Tartar authorities being pressed for funds to meet the insurrection, had asked the consuls to aid them in collecting the Customs' duties. European inspectors (Mr. Lay one of them) were given them, and on the 26th of October, Mr. Bruce, in a letter to Lord John Russell, says that in one year the revenue doubled itself; and in 1859 was 2,902,377 taels or £900,000 sterling. Mr. Bruce, on the 4th of September, wrote to Lord John Russell—

"On Sunday, 2nd September. a letter was

brought to me by a chairbearer of the American Consulate."

"Le, the loyal prince, &c., to the three consuls. Previously to moving my army from Soochow, I wrote to you acquainting you that it would soon reach Shanghai, and that if the residences of your honourable nations and the mercantile establishments would hoist yellow flags as distinguishing marks, I would give immediate orders to my officers and soldiers prohibiting them from entering or disturbing them in any way; as you would consequently have received and perused my letter, I supposed you would act according to the tenour of it."

"But though the past is done with, precautions can be taken for the future. My army is now about to proceed directly to Shanghai; and in the towns and villages through which it will pass, should there be churches, I earnestly hope that you will give orders to the people of them to stand in the doors to give information that they are churches, so that there may be no mistake in future. As soon as I personally arrive, I purpose personally discussing with you all other business.—10 year, 7 moon, 9 days."

A second letter was sent from Chung Wang, 10 year, 7 moon, 12 day, to the three Consuls. It says—

"The foreigners, contrary to agreement, have made arrangements with the Imperial Officers to protect Shanghai. That the foreigners, particularly the French, had invited him to Shanghai."

It also says—

"The French, having broken faith, will not be permitted to enter Taeping territory.

"I came to Shanghai to make a Treaty, in order to see us connected together by trade and commerce. I did not come for the purpose of fighting with you.

"Should any of your honourable nations regret what has occurred, and hold friendly relations with our state to be best, they need have no apprehensions in coming to consult me; but if you continue to be directed by imps, follow their lead in all things without reflecting on the differences between you. You must not blame me if hereafter you find it difficult to pass along channels of commerce, and if there is no outlet for native produce to pass along channels of commerce.

"I trust you will favour me with a reply.

"Hence I shall for the present repress this day's indignation, and charitably open a path by which to alter our present positions towards each other."

That the chiefs were sincere in these professions is shown by the courteous reception of Mr. Forrest, and that European establishments were spared is shown by Lieutenant Pricket who went with an escort to the Jesuit College at Zee-ka-Wei on the 31st August. Two French priests showed them over the church, which was in a state of filth and confusion, but no great damage had been done, and *The North China Herald*—no friend of the Taepings—said the rebels in their retreat had not destroyed the crops round Shanghai. The noble Lord, the Foreign Secretary, with the consistency of character which belonged to him, had ordered his subordinates in China to remain neutral in the struggle between the Tartars and the Taepings; but the extracts he had just read showed how little attention had been paid to those instructions; and he needed now to pause a moment to picture the extraordinary and humiliating position in which the authorities had placed the British at Shanghai. We were at war with the Tartar Government, and at the very time that our army was advancing upon Pekin, and that British officers were being tortured to death with the sanction of the Emperor of China, we were, by means of our own officers, collecting the customs' duties of the port of Shanghai, amounting to about £900,000 sterling and even more per annum, and handing them over to Tartar officials, to be employed in the war against ourselves and against the national party. We manned the walls of the Imperial City of Shanghai, and repulsed the attacks of the rebels with great slaughter; who asserted that they had been invited to come to Shanghai by the foreign communities, and which Mr. Bruce himself admits, and we had not the justification of self-defence, as the foreign settlements were free from the city and suburbs, and prepared for resistance; moreover, we had demanded from the Tartars payment for the services rendered by our troops in the shedding of blood—making our troops mercenaries—a proceeding which left an almost indelible stain upon our honour. This strange anomaly of fighting for our enemies and killing our would-be friends would seem to find an explanation in the opinions Mr. Bruce entertained of the rebels, as expressed in a letter to Lord John Russell, dated—

Colonel Sykes

"Shanghai, September 4.

"Every day shows more strongly that no principles or ideas of policy animate its leaders. Even the extermination of the Tartars, the only principle put forward, seems rather a pretext for upsetting all Government and authority, and enabling the stronger to pillage the weaker, than an object necessary of itself as a step necessary towards establishing a more national Government. The framework of society is entirely broken up in the districts occupied by them, by the flight of the educated and respectable classes, &c., &c."

And, again—

"But as the chief is an ignorant fanatic, if not an impostor, and the bulk of his adherents are drawn from the dangerous classes of China, the result is the rule of the sword in its worst form and the pillage of large districts, &c."

Again—

> "Their system differs in nothing, as far as I can learn, from the proceedings of a band of brigands organized under one head."

And Mr. Bruce "Looks upon Hung Jen's book as a crafty device to conciliate the missionary body." These opinions would seem to have been founded upon statements made by Europeans who were in the pay of the Tartar Government, as inspectors of customs and collectors at Shanghai, and upon a private letter from an American missionary of the name of Holmes, printed in the *North China Herald ;* several other private letters from American and English missionaries not being noticed nor transmitted to the Foreign Office with Mr. Holmes's letter. Now, he was not the apologist of the rebels, and he did not doubt but that the waste of life, the plunder, the burnings, and the anarchy spoken of by Mr. Bruce really occurred; but in civil wars, exasperated by religious fanaticism, where the feeling is "to kill, or submit to be killed," to attribute to one side only all the crimes committed, is to forget history and become a partizan. At all times and amongst all peoples such wars have the same lamentable accompaniments. The Jews extirpated the Canaanites; the polished Greeks put the populations of cities to death, as in the case of Miletus. At the Sicilian Vespers, in 1272, nearly 8,000 Frenchmen were massacred, and every Frenchman in Sicily sought out and put to death. The Constable of Bourbon, when he sacked Rome in 1527, inflicted greater evils upon the inhabitants than even the Huns had done. The dungeons of Naples have recently appalled us in their revelations, and in the Abruzzi the most revolting outrages are being now committed. Add to the civil, the religious element in strife, and we find that Gibbon tells us that the difference of a dipthong in two Greek words, implying a difference in religious belief, occasioned bloody contests amongst Christians in the fourth century; he tells us also that the enthroning of Bishop Macedonius cost above 3,000 lives; that the Latin Christians were massacred at Constantinople in the fifth century, and that in the Iconoclastic schism, in the seventh and eighth centuries, thousands perished. The massacre of St. Bartholomew, in 1572, and our own Smithfield fires testify unhappily to the virulence of religious rancour; and we shudder at the massacres now perpetrating in Syria. The Taepings profess to have a command from God to extirpate idolatry and to introduce Christianity into China, and to expel their foreign rulers the Tartars. It is war to the knife, therefore, between them and the Tartars, and though the Chinese Buddhists are now Idolaters, yet they are not zealots, and Buddhism is not the State religion of China; nevertheless, all the Ecclesiastical establishments will be hostile to the Taepings. Idolatry was no part of original Buddhism, and it was not until more than 100 years after the death of Buddha, and after the first convocation at Rajgriha in Behar in Bengal, in the fifth century before Christ, to settle the dogmas of Buddhism, that an image of Buddha was set up, and this innovation in the process of time has led to Buddhist temples being filled with images of imaginery beings, but without much reverence being paid to them. Buddhist belief, therefore, is not likely to oppose great obstacles to conversion, and the destruction of the images in the temples, which is complete in Nankin, seems not to have had much effect upon the minds of the Chinese. Mr. Bruce states the rebels create a desert wherever they go; but for ten years past they have overrun six of those provinces which produce tea and silk, and the official returns of the exports from Shanghai indicate that this production has not been interrupted. In 1844-45, the export of tea from Shanghai was 3,800,627lbs; in 1859-60, it was 53,463,771lbs, and the export of silk rose from 6,433 bales to 67,874 bales. In 1854-55, two years after the rebels had been in possession of Nankin, the export of tea was 80,221,245lbs. and 53,965 bales of silk; and in 1856-57 the export of silk rose to 92,160 bales. The rebels are now in possession of Soochow, the Paris of China from its art manufactures; and a leader in the *North China Herald* of the 15th December last, says:—

> "News has reached the city authorities from Tangkow near Soochow, to the effect that the gentry and people anxious to return to their homes have given in their submission to the rebel authorities, and agree to pay tribute. They also agree to collect tolls from all vessels passing. This submission to the insurgents is becoming pretty general now, and a more settled form of Government is beginning to develope itself at Soochow and other places occupied by Chang-maos.
>
> "A person named Hsiung is at present in command at Soochow, the Chung Wang having gone to Nankin."

The Rev. Mr. Griffith John, an English missionary, in his narrative of a visit to Nankin in November last, says—

> "Everywhere they are busy in rebuilding the place."

And Nankin, he says, is—

> "As inhabitable as any other Chinese city I know of."

And, he adds—

> "There is no *public* tobacco and opium smoking, nor spirit drinking in the city: all these are strictly forbidden."

In a letter dated 21st December, 1861, sent to the *North China Herald* by Mr. B. Jenkins, the interpreter to the American Consulate, he states the "*animus* of the Imperial Government is plainly adverse to religious toleration;" and he encloses a letter from the Rev. Messrs. J. W. Lambuth and Y. I. Allan, who visited Hang Chow in proof of it—the soldiers refusing to receive religious books, while the rebels gladly took them—

> "We reached Kaze on Monday at noon, and were detained at the rebel custom house awhile. We distributed Christian books to the soldiers, answered all their inquiries concerning religion, and sang for them, as we should have been glad to do for the imperialists if they had permitted it.
>
> "We heard that in this city there were four foreigners who had been attacked by imperial soldiers on their way to Shanghai, robbed of more than a thousand dollars, and stripped of everything. The rebels were treating them kindly, and were going to send them to Shanghai by way of Soochow."

And in contradiction to the assertion of the universal devastation caused by the rebels, Messrs. Allan and Lambuth say—

> "The Tartar officers in charge of the gates would not permit us to enter the city; but a couple of our servants were allowed to enter. They represented the Tartar city to be in ruins as far as they went, which was to the Mahommedan Mosque.
>
> "At the village of Vung Ka Gyan, 30 li from Ka Shin, the people were very quiet, buying and selling silk, and a rebel tax-collector in their midst receiving tribute; they pay him about 700 taels every fifteen days. His presence did not appear to be disagraeable to the villagers. The great city of Hang Chow we reached on Thursday, December 13. The villages in the neighbourhood of Hang Chow are all in ruins."

Here, at least at Vung Ka Gyan, the framework of society was not so much broken up as in the Tartar city of Hang Chow. Mr. Bruce says the rebel-leader is an "ignorant fanatic if not an impostor," and that the books printed and published in Chinese by Hung Jen, now a prince of the rebels, was a "crafty device to conciliate the missionary body." He (Colonel Sykes) held in his hand an analysis of that book, which comprised not merely the chief points of the Gospel clearly stated, but also questions of political, commercial, and social economy. In one chapter he advocates the introduction of railroads, steamers, life and fire insurances, newspapers, and other western inventions. These are described, and the advantages stated. Who knows but that ere many decades shall have passed over our heads, this noble country—vast in its extent, and exhaustless in its resources, will be penetrated and intersected by railroads, and startled into life by the rattling of the fire-carriage, and the flashing of the electric stream? Foreign nations are to be treated on terms of equality; and foreigners are never to be called by any opprobrious names. Missionaries will be at liberty to go everywhere to preach the Gospel. We have since learnt that Hung Jen is extremely anxious that a number of missionaries should proceed forthwith to Nankin to teach the people, as most of them, he says, are very ignorant. The Rev. I. J. Roberts, a missionary who has been thirty years in China, bears testimony to the honesty of the professions of the rebels in the following letter:—

> *To the Editor of the China Mail.*
>
> "Soochow, 26th September, 1860.
>
> "Dear Sir,—I have the pleasure of informing you that I arrived safely at this place on the 20th inst. I have had an interview or two with Chung Wang, the faithful king, who is commander-in-chief of the army that took Soochow and had thoughts of taking Shanghai, but had no intention of fighting with the foreigners there! He received me with all kindness and courtesy, and the probability is will accompany me to Nankin in a few days. Kan Wang returned here about seven days before I arrived. This King, Chung Wang, has no disposition to get into collision with foreigners; but, on the contrary, wishes to maintain the greatest friendship and cordiality, both in commerce and religion. He is greatly at a loss to know how two nations worshipping the same great God, like the Western Powers, and Taeping Wang can fall out and fight: he is not inclined to be caught in such an inconsistency! He wishes to speak to the western kings on the subject. I told him if he would write a letter to the English Ambassador, I would translate and circulate it through the newspaper system, so that the western kings should see it, and their subjects too—the very thoughts of his heart which he wished to communicate should be spread far and wide, and have their due effect in moulding public opinion in reference to him and his doings. This seemed to be a new idea to him, at which he rejoicingly laughed heartily, and agreed immediately to do so. He has written a letter, which is now before me in course of translation, and will be ready for the press before I leave this place. My health is very good, spirits fine, and prospects promising. I have preached once to the King and his councillors, and to about a hundred of his highest offi-

> cers by invitation, and received from all every attention and courtesy that I could ask.
>
> "In haste, yours truly,
> "I. J. Roberts."

The Rev. Griffith John, in November, 1860, obtained at Nankin from the Taeping King an edict for the complete toleration of Christianity, and he had conversations with the King Chang, whose vague ideas of the Gospel had shocked Mr. Holmes; and he said to Mr. John—

> "You foreign brethren have had the Gospel for more than 1,800 years, but we have had it as it were only eight days. Your knowledge must be correct and extensive, ours must necessarily be imperfect and limited. You must bear with us for a season and gradually we shall improve."

The letter alluded to by Mr. Roberts was a manifesto of the Taeping King, addressed to the Governments of England, France, and America, a copy of which was printed in the London *Times*, also in Paris and New York. Mr. Bruce considers that the forces of the rebels are greatly over estimated, and that having once sustained a signal defeat, the country people would dispose of the fugitives, and the rebellion would disappear. But the Rev. Mr. Roberts, in a letter dated Tau Yung, October 8, 1860, and printed in the *North China Herald* of the 17th November, gives proofs from personal observation to the contrary. He says—

> "Tau Yung, Oct. 8th, 1860.
>
> "Mr. Editor,—This place is the capital of a district called A-Hin, about thirty miles from Chin Kong, called by foreigners Chin-kiang-foo, at the point where the Grand Canal crosses the Yang-tsze River, and about sixty miles from Nankin. We arrived here on the 7th instant, having left Soochow on the 4th. On the way we had little worthy of note; passed two, this making the third walled city since we left Soochow; all of which are garrisoned by the revolutionists. When told in Soochow that Chung Wang had more than a hundred thousand soldiers under him, I was at a loss to know where they were; but now I have no reason to doubt but he has more than that number, as these places and Soochow are garrisoned by them, while he is marching a large army of fifty or sixty thousand, they say to attack and retake Chin-kiang-foo, which is now in the hands of the imperialists. We saw a great number of them marching on their way as we came up. We found it to be a fact, in the temples on the way, and those I have seen in this city to-day, that the Revolutionists make havoc among the idols of past days. We here met another King, Chong Wong, from Nankin, who had come down to consult with Chung Wang—hold a council of war, I presume, in relation to the present expedition against Chin-kiang-foo. He also received me with the same courtesy and kindness by which I had been received by Chung Wang, and invited me to dine with him, which I did with pleasure. Having little or nothing to do to-day, Chung Wang kindly granted me a horse, conductor, and waiting man, to go around and take a good look at the city, before I proceed to Nankin, which is now called Teen-king; and, as a borrowed horse rides free, I went all over the city as near as I could, visited two or three temples, one ancestral hall, a pawnbroker's shop, and the places between. Found all in a sad condition, the idols broke down, and temples, too, outside of the city; the tablets in the hall, removed, shattered, forlorn, and the shop quite gutted of its many bright and costly robes. Of the original inhabitants, consisting perhaps of fifteen to thirty thousand, few are now here, but the place is garrisoned with some ten to fifteen thousand revolutionists. The idea, while riding through this city and Soochow, kept running through my mind—'The nation that will not serve Thee shall perish.' This is literally fulfilled in this case, and the people seem mad on making their own destruction sure. Some cut their own throats, and others act as foolishly in fighting the revolutionists, and making them cut their throats, when they would save them alive and protect them, if they would only act like people with half common sense, attending to their own business with quietness and prudence. But I verily believe, if it must take such a scourging as this to wean them from their idolatry, and break it off, the sooner they get it the better.
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> "The flowery flag is quite popular up this way; most of the vessels trading with the revolutionists, of whatever nation they be, carry it as evidence of its popularity!
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> We speak of kings among the revolutionists, but these titles are only about the same here as lords and dukes in England, and when one of them is commander-in-chief, as in the case of Chung Wang, of course it increases his power if not his dignity; as in the case of Lord Elgin when appointed Ambassador; but each is accountable to his own Queen or Emperor, as much as any other subject under like appointment. But as we are told in the Scriptures, that kings shall become nursing fathers in the Church of Christ. I would fain hope that these are the ones alluded to, and that that prediction will become as literally fulfilled as the destruction of their idols: nor do I think this improbable! And as to the revolution, I verily believe it will go on to consummation. If it be of God no device of man can put it down; if not more than likely it would have gone down ere this!
>
> "I. J. R."

The Rev. Messrs. Allan and Lambuth, in a different quarter, bear similar testimony. On their way back to Shanghai from Hang Chow in the possession of the Tartars, they say—

> "They left Hang Chow on Friday, the 14th December, 1860, at noon, after a stay of twenty-four hours, returning by the grand canal. At noon, on Saturday, we passed Za Mung, which appeared to be abandoned to the crows, like several other places which we passed.
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> "An imperial force of about three hundred was stationed in the neighbourhood. On the morning of Sabbath 16th, when about forty miles from Hang Chow, we suddenly and unexpectedly perceived the rebel banners waving in the distance. Considering an advance better than a retreat, on we went; and the rebel forces opened on the right and left, to capture us; but as soon as they discovered we were foreigners, some cried 'foreign

> devils,' and others 'foreign brethren,' and at once dropped their flags and spears, and had a hearty laugh. We anchored for two hours, hoping that the force would soon pass by, but seeing there was no end to it, we determined to go a-head. For the distance of twenty miles the grand canal was densely crowded with rebel boats. Had we remained stationary it would have taken a day for the force to pass us by. They represented the number of boats to be more than ten thousand; on board some we counted twenty-seven men, on others not more than three. A Cantonese opium-smoker carried off from our boat without leave a nice opera glass which we hope they will return when convenient. A large number of boats were armed with three and six pounders. This force was under the command of General Liau. We visited General Lee, and were kindly received. He told us that Chung Wong had gone North and the Kan Wong to Nankin.
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> "We saw that war had desolated the country in many places, that large and small bodies of rebels ravaged the country extensively on their foraging and looting expeditions; and often saw sickening sights, which the rebels, as well as the imperialists, must avoid if they would gain the good opinion of civilized nations.

Now, if an average be taken of ten men per boat, the missionaries passed through an army of 100,000 men, and as the rebels have garrisons in many cities and other armies in the field, it is plain their military power must be very considerable. Now the whole of the above communications are in absolute contravention of the opinions expressed by Mr. Bruce, but it would seem we are to risk a contest with the rebels. An expedition is ordered up the Yung-tze-Kiang. Merchant vessèls are to be armed, and to have passes from the consul on the condition of not visiting the cities or towns, occupied by the insurgents. Upon the merchant vessels arriving abreast of a rebel battery on shores in the possession of the rebels for some hundred miles up the river, a shot will be fired to bring her to; she replies, and the battery opens, and either sinks the vessel or drives her back. Our ships of war are called upon to avenge the indignity; the battery is silenced, and thus commences a war with the Chinese as a successor to the war with the Tartars. Such is the present state of the contending parties in China and our relations with them. On the one hand, an insurgent national party, holding one third of China, pledged to the expulsion of the Tartars, the extinction of idolatry, and the introduction of the Christian religion. On the other hand a feeble, foreign Tartar despotism, which has proved faithless to treaties with European nations, and is inimical to Christians, both parties being engaged in exterminating each other. The English professing neutrality, nevertheless, interfering and defending Tartar cities against the national party, and collecting customs duties for the Tartar Government, in the case of Shanghai particularly, handing over nearly a million sterling per annum to be employed by the Tartars against the insurgents, and to prevent the introduction of the Bible into China, and now proceeding hostilely up the Yung-tze-Kiang. He asked the noble Lord how long this policy was to be continued, which would involve the maintenance of permanent garrisons on the coasts of China, and armed fleets on its inland waters at the expense of the tax-payers of England. The noble Lord has obtained the gratitude of the Italian people by the moral support he has given to their struggles against despotism, and the noble Lord also directed non intervention between the contending parties in China; but while the noble Lord, with the consistency of his political life, was upholding a great principle in Europe, his subordinates in China were greeting the same principle with salvos of shot and shell and the destruction of its supporters. He trusted, therefore, that the noble Lord would be able to assure the House, that for the future in China, he will not permit his subordinates to blow hot and cold in the same breath, to play fast and loose with the principle, that peoples are justified in their attempts to shake off a cruel despotism, and that our position will be one of absolute neutrality. He begged to move—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of any further Papers that may have been received relating to events at Shanghae."

MR. BUCHANAN seconded the Motion.

Motion made, and Question proposed.

LORD JOHN RUSSELL: It is very difficult to deal with the observations of the hon. and gallant Member, as I cannot quite perceive to what object they tend. I do not consider a proper subject of discussion here the question of what may be the religious doctrines held by these rebellious armies in China. But I am bound to admit that it is a question for this House whether or not Mr. Bruce and Mr. Meadows behaved properly during the events at Shanghai. The last part of the hon. and gallant Member's speech was directed to that question. After the example set by the hon.

and gallant Member I do not wish to read any lengthy documents; but I must give Mr. Bruce's account of the rebel expedition against Shanghai. In a despatch dated August 17, 1860, he says—

> "Shanghai is menaced with a serious attack from the insurgents. It appears that they feel the advantage they derive from the contest now being carried on in the North, and they declare they will not lose this opportunity of making themselves masters of the city. . . . . . . The accounts received are not very clear as to the position of the rebel expedition, but they show the merciless character of their proceedings. Two gentlemen who came down the river yesterday from the silk districts describe it, above Sung-kiang, as full of corpses; most of them had their arms tied behind them and their throats cut, showing that they had been murdered in cold blood. The native trade on the river is stopped, and the country is full of trembling fugitives who have abandoned their homes on the approach of the forces. Looking to their previous doings and to the acknowledged inability of their chiefs to restrain the excesses of the plunderers who swell their army, I am little inclined to attach weight to their assurances of respecting foreign persons and property, or to allow them, if it can be helped, to obtain possession of the city, where, with the arms and ammunition they would obtain, they would completely command the settlement in the event of any misunderstanding, or should circumstances lead them to wish to plunder."

That is the opinion of Mr. Bruce with respect to the rebels. Mr. Meadows said in apprehension of an attack—

> "Shanghai is a port open to foreign trade, and the native dealers residing therein have large transactions with the foreigners who resort to the place to carry on their business. Were it to become the scene of attack and of civil war, commerce would receive a severe blow, and the interests of those, whether foreign or native, who wish to pursue their peaceful avocations in quiet, would suffer great loss."

These are the plain and practical considerations which influenced Mr. Bruce and Mr. Meadows, and determined them to resist the attack of the rebels. My hon. and gallant Friend says no notice of our intention was given to this rebellious army; but Mr. Bruce says quite the contrary, and adds that Mr. Edkins went to the place where they were gathered in large numbers, and informed them that their attack would be resisted. They, therefore, had plenty of notice, and I conceive that our Minister and Consul were fully justified in resisting their attack. Everybody knew that at Nankin and other places the rebels had murdered a great number of the inhabitants; that they had laid half the town in ruins, and had made the country a desert; and our Minister did not choose that Shanghai, which was an important commercial station, where our merchants transacted business with the native traders, should be desolated by these people, who considered it their duty to murder the "imps," as they called the Imperialists, and to lay waste the country. That was the view taken by our representatives, and I told Mr. Bruce that Her Majesty's Government entirely approved his conduct; that we did not wish to interfere between the Imperial Government and the rebels; that we meant to be entirely neutral; but that we could not remain neutral when the town where the English and foreign merchants were established was attacked by the rebel forces. I may say that the first advance of these forces did not give a favourable impression of what their conduct would be if they had taken possession of Shanghai. We are told of Jesuit priests who were at the head of a number of Chinese youths whom they were instructing. One of these priests was dressed in Chinese costume, and the rebels, according to their custom of murdering everybody who obeyed the Emperor of China, murdered him, and cut off the heads of these poor children. Was not that a sign of the barbarous conduct which might have been expected from these rebels if they could have got possession of Shanghai? I do not wish to enter into the question of their religious opinions and doctrines. Whoever wishes to know what their opinions are, and how totally their conduct is at variance with their professions, may obtain full information in the account furnished by Mr. Holmes, an American Baptist missionary, who lived some time among them and became entirely disgusted with them. Their doctrine is really a blasphemous parody on Christianity. They have added to the tenets of our faith an idolatrous religion of their own. Some among them claim to be the sons and brothers of Christ, and, governing according to their own cruel and profligate fashion, they call this Christianity. I have nothing to do with any comparison of their religion with that of the Tartars and Chinese; but when my hon. and gallant Friend asks me to back up these men because they are the national party and the disciples of Christ, I must say that there does not appear to be a word of truth in such a statement. They are really idolaters, and are no better than the Chinese idolaters whom they profess to despise. With regard to our policy the only course we can take is that of perfect neutrality, at the same time not allowing the towns where our merchants are congregated to be destroyed, simply because some persons in this country have a false notion that they are a national party and that we ought to support them. As to the only practical question before the House, I say that Mr. Bruce and Mr. Meadows have done no more than their duty in the course they have pursued, and I do not think the House will be of opinion that they are open to censure. I cannot agree to the terms of the Motion with which my hon. and gallant Friend concluded, but if any further papers arrive which will throw a light on this question, I promise that they shall be produced.

Motion, by leave, *withdrawn.*

BOARD OF ADMIRALTY—COMMITTEE—NOMINATION.

ADMIRAL DUNCOMBE moved the nomination of the Select Committee on the Board of Admiralty.

Motion made, and Question proposed, "That Sir James Graham be one of the Members of the Committee on the Board of Admiralty."

MR. BENTINCK said, the course which he was about to take might be somewhat unusual, but he had not decided on taking it without sufficient grounds. He was glad that the first name on the list was that of the right hon. Baronet the Member for Carlisle, because if his right hon. Friend had been present—and they must all regret his absence, and still more the cause of it—he would have confirmed the statement that from the long and intimate friendship which subsisted between them there could be no possibility of his (Mr. Bentinck) being actuated by personal motives in objecting to his name. When the gallant Admiral moved for the Committee he then took the liberty of stating that one of the principal questions for its consideration would be whether civilians and men distinguished only for their Parliamentary career should or should not be placed at the head of the Admiralty. Now, if the right hon. Baronet, who had more than once been at the head of that Board, and on each occasion had done all that great talents and abilities could enable a man to do, were appointed on the Committee, he would be at once both judge and jury in his own cause. Another objection to the composition of the Committee was that the official element was so represented in it as to give it a preponderance. The House well knew that the great experience of official members and their familiarity with details often enabled them to decide the opinions of a Committee even where their numbers were small. He fully admitted that the Admiralty should be fairly represented; but it would have been sufficient to nominate the present Secretary to the Board (Lord Clarence Paget), the Member for Tyrone (Mr. Corry), who had already filled the same position with credit, and one of the Lords of the Admiralty (Mr. Whitbread). For these reasons he thought that the name of the right hon. Baronet ought to be struck out.

ADMIRAL WALCOTT said, he would be occasioned considerable regret should he be misunderstood or expose himself to any misconstruction in the few words he was about to address to the House. He emphatically declared he was actuated by no personal hostility, private feeling, or party spirit. He rose upon an occasion of national importance when an inquiry by a Committee of the House was about to be instituted into the working of a large executive department of the Government, to express his honest convictions which led him to protest against the nomination of any ex-First Lords of the Admiralty upon the Committee, important their evidence doubtless would be as witnesses, but not sitting in a judicial capacity. If this Committee was to impart satisfaction to the country—if it was to prove of permanent advantage to the naval service—it must be composed of Members upon whom not a breath of suspicion could rest that they had been actuated by selfish bias. Every professional witness should absolutely be convinced when called before the Committee that no possible injury could be inflicted upon him in having given his evidence honestly; but if the Committee was to be composed of the Members to whom he now objected, the result would not be satisfactory to the country or the naval service for the reasons he had named.

MR. H. BAILLIE said, that without going so far as to say that no ex-First Lord ought to be on the Committee, he could not but find serious fault with its composition. Out of the fifteen Members, seven were, or had been, connected with the Admiralty, and it was but natural to suppose that Gentlemen who had served in that department would have a natural bias in favour of it. He was afraid that even the hon. and gallant Admiral who had moved for the Committee (Admiral Duncombe) had not shown himself so free from bias as a man ought to be who was about to undertake a searching inquiry into the shortcomings of the Admiralty. On a former occasion he had told the House that he did not think it necessary to have Sir Baldwin Walker as a witness before the Committee, and he gave a most curious reason for that opinion. It was because Sir Baldwin Walker had recently given evidence before a Commission appointed to inquire into the administration of the dockyards. But the present was not a Committee to inquire into the dockyards; it was a Committee to inquire into the mode of doing business at the Admiralty; and surely there could not be a more competent witness than a gentleman who for a period of fourteen years had been the chief executive officer of the Board. Then the gallant Admiral gave another most extraordinary reason for not wishing for the presence of Sir Baldwin Walker. He told the House that the Admiral was a most cautious man—that he never gave his evidence without dwelling maturely on every word. That was the very reason which would make him the best evidence. The Committee did not want witnesses who would give their opinions without consideration. They wanted men who would give their opinions after mature deliberation, and then they would be able to place implicit reliance on their evidence. On a former occasion he had expressed his opinion that the Committee was not likely to lead to much result. He agreed with his right hon. Friend the Member for Oxfordshire (Mr. Henley) that this Committee, without Sir Baldwin Walker, would be like the play of *Hamlet* with the part of Hamlet omitted—by particular desire. What had occurred had only confirmed that opinion, and he was afraid the labours of the Committee were not likely to be brought to any satisfactory termination.

VISCOUNT PALMERSTON: It might almost seem unnecessary for anybody sitting on this bench to mix himself up in a difference of opinion which seems to prevail on the other side as to the Committee which has been moved for by the hon. and gallant Admiral opposite, and which is now objected to by an hon. Gentleman sitting two benches below him; but at the same time I think that the objection which has been taken to the name of Sir James Graham, and which is also applicable to the names of Sir John Pakington and Sir Francis Baring is not founded on any good reason. If this were a Committee appointed to inquire into the personal conduct of those who have been First Lords of the Admiralty for any series of time, if it were a Committee of incrimination, I could perfectly understand that those who were the subjects of a personal charge ought not to be put upon it; but, as I understand it, this is not a Committee to inquire into any personal demerits or delinquencies, it is one to inquire whether the present organization of the naval department is or is not the best adapted to the public service, and whether it would be advantageous to the public service that the Admiralty department should be constituted in a different manner from the present. It appears to me that to appoint a Committee to inquire into the structure and working of a complicated department, and to put upon it men who are totally ignorant of the working of that department would not be a method by which the Committee would be likely to arrive at a satisfactory conclusion. It must be advantageous that there should be on the Committee persons taken from different sides of the House, who at different periods have been at the head of the department, the organization of which is to be the subject of inquiry, and so far from thinking it an objection to have upon the Committee three gentlemen who have successively, and under different circumstances, superintended the administration of the Admiralty Department, it appears to me that they are precisely the persons who would be useful in directing and assisting the other Members in the inquiry. The same argument applies, in a lesser degree, to those who have held other appointments at the Admiralty, but the hon. Member opposite states that he did not object to those who had been Secretaries of the Admiralty and to my hon. Friend who is now a Lord of the Admiralty. But it appears to me that when the subject to be inquired into is the internal working and construction of a department, those who have been at the head of it, and who have the greatest and most complete knowledge of all the internal workings of the system, would be the most useful Members. It is said that they would be very useful witnesses, and so they might be; but for witnesses to be useful those who examine them ought to know on what points the questions are to be put. But it is impossible that those who have not themselves conducted the department, and who do not know all the complicated relations of the different parts of the machine to each other can direct the examinations of First Lords in a manner most likely to bring out the truth and to arrive at a satisfactory result. I humbly submit, therefore, that the objection urged is not one which ought to guide the House, and I think the House would not be appointing a Committee really satisfactory and useful for the purposes for which it is intended unless they put upon it those three names which are objected to.

MR. BERNAL OSBORNE: Sir, I am the last person to take exception to the name of Sir James Graham as a Member of the Committee. But I object altogether to the appointment of this Committee. I consider that by nominating it the Government are abdicating the functions of the Executive. The shortcomings of the Admiralty have been exposed on many occasions, and by no one in stronger or more emphatic language than by the noble Lord the present Secretary to the Admiralty. The Government have given way without saying a word in defence of the Admiralty, but although I acknowledge that there have been some shortcomings, I never will go so far as to concede the truth of the charges against the Admiralty which have been made by the noble Secretary; and I shall show presently that from the noble Lord and his appointment all the abuse and misconstruction which have been heaped on the Admiralty have emanated. The sins of the Liberal man in opposition have descended upon the Secretary in office. The noble Lord in his vain attack on the Admiralty said that no naval man could enter the building without trepidation. The country understood that when the noble Lord was put in his present situation a great naval reformer would overhaul the department, yet strange to say not one change has been made in the Administration. The noble Lord said it would be a great boon to the navy if there were open competitions for cadetships—both naval and marine—that no youth could get into the navy except by begging, and that it was time an end was put to such a system. I, for one, do not approve the system of competition. I have never approved it. But when it was brought forward the other day by the hon. Member for Derby (Mr. Bass) the first person who opposed the Motion was the noble Lord. The noble Lord commenced these attacks on the Admiralty in 1858. In 1859 he made a most elaborate Motion and a speech as full of details as the speech which we have heard to-night from the hon. and gallant Member for Aberdeen (Colonel Sykes). And what were his charges? He said there had been a system of extravagant expenditure pursued, which he maintained ought to be thoroughly looked into, and that in the statement which he was then about to make the figures which he should have to quote perfectly appalled him. He accused the Admiralty of having left unaccounted for £5,000,000 of money. To this day no contradiction that I am aware of has been given to that statement, and to this day we are left to believe that £5,000,000 of money have been wasted by the Admiralty. I am not surprised that the hon. and gallant Gentleman opposite should have proposed a Committee; but I am surprised that the Government in the teeth of these statements by the noble Lord the Secretary should abdicate these functions and not reform a department which so much needs reform. The noble Lord in that famous speech impugned the whole constitution of the Admiralty. "He had no intention," he said, "of attacking any individual whatever"—no one, by the way, ever has—[*laughter*]—"he attacked the system. Lately they had heard a great deal about reconstruction; and he was fast coming round to the opinion of the hon. Member for Norfolk and the gallant Admiral the Member for Southwark—that they wanted a little reconstruction of the Admiralty." The noble Lord has taken his seat as Secretary, and I want to know what has become of the reconstruction? The Department has become so perfectly odious that Parliament is obliged to overhaul the Executive, and to enter into nightly squabbles whether Sir Baldwin Walker ought to be retained or not. With reference to whether Sir Baldwin Walker ought to be retained to give evidence, I must say I think his evidence is positively necessary. This Committee opens the whole subject of Committees appointed in this House—a quiet arrangement—from which all Members are excluded except the Member who moves for the Committee and the Gentlemen on the Treasury bench. On this Committee, of which five are to be a quorum, we have seven members of the Admiralty. I must say that I think in all conscience three members of the Admiralty are quite enough. I have no objection to the right hon. Baronet the Member for Droitwich (Sir John Pakington) who has come out in the character of an Admiralty reformer, but I would not put on the Committee the noble Lord the Secretary to the Admiralty. God knows what awful reform he may propose, if he is to carry out the speech of 1859. The noble Lord ought not to be put on the Committee, because naval officers and the navy will look with great trepidation at the sweeping measure of reform which may emanate from him. It is time the House should take the matter into its own hands, and if it does grant a Committee let it be a real Committee, whose Report shall not only give satisfaction to the Treasury bench, but to the country. I must say I have no confidence in the construction of this Committee. They will consume the whole Session. A large blue-book will be produced, and we shall hear no more of reform. I believe that Admiralty reform can be simply and easily managed by the Government themselves. Eliminate the political element from the Board. Do not make the naval Lords change with every Administration. Put the Surveyor of the Navy at the Board, and let him have a real voice there. The only accusation which the noble Lord the Secretary can substantiate is that the ship building of the navy is completely managed by the First Lord in a private room with the Surveyor. We have heard a great deal about a Dockyard Commission. We have heard very little about their Report. Why was it not laid on the table when Parliament met? We are told that Sir Baldwin Walker gave important evidence before the Commission, but I have never heard of anybody who has seen it. I should like to hear something about that Commission. I believe my hon. Friend the Member for Stoke-upon-Trent (Mr. Ricardo) was the first chairman, and I have never heard why he resigned in a hurry. The hon. Gentleman the Secretary to the Treasury was the next chairman, and he was soon transferred to the Treasury. This Commission, which originally consisted of five members, dwindled down to three, and what their Report is we do not know. If there is to be a real Committee, we must recall Sir Baldwin Walker wherever he may be. Whether we send the *Avon* to intercept him or a faster vessel, he must come before the Committee. But before we decide that point let us look at the Report, and see what his evidence is, and whether it opens out disclosures which I believe Sir Baldwin Walker will make. I believe the noble Lord the Secretary to the Admiralty was also examined before the Commission, and failed to substantiate the charge about the £5,000,000 of money—at all events, I am told so. I hope some hon. Member of the Commission will tell us the state of the Report, and when it will be laid before the House; because as to appointing a Committee to inquire into the construction of the Admiralty, it is positively wasting time and deceiving the public. I hope the House will take the matter into its own hands, and not allow a sham Committee to be nominated by the hon. Gentleman and the Treasury bench. Let us have a real Committee. Let us have men upon it pledged to a searching inquiry, and I believe the Admiralty will come out of it much better than it was represented by the noble Lord in his celebrated Opposition speech. For the satisfaction of the country let it be a fair Committee. I have not the least objection to the right hon. Gentleman the Member for Droitwich. He seems likely to take it up in a very good terrier-like spirit. But do not let us have the noble Lord the Secretary to the Admiralty on the Committee; do not let any one serve on the Committee who has prejudged the question, and I have no doubt the Admiralty will come out of the inquiry much better than is expected.

THE EARL OF GIFFORD said, that as a member of the Dockyard Commission he felt bound to inform the House that they had sent in their Report for the previous day. He begged to correct the hon. Member for Inverness-shire. The Controller of the Navy was not the chief executive of the Admiralty with regard to the navy; but with regard to the dockyards, Sir Baldwin Walker had been examined, and he thought when hon. Members had read his evidence they would be perfectly satisfied it was not necessary to recall him.

MR. DISRAELI: — Sir, I agree with the hon. Member for Liskeard (Mr. Bernal Osborne) that it is much to be regretted that the Government have not taken up this question themselves instead of remitting it to a Committee. When it was first mentioned last year I expressed my opinion that the task proposed to be assigned to a Committee was one which the Government ought to perform, and that we ought not to diminish injuriously the responsibility of the Government by delegating their duties to a Committee of the House of Commons. The House will forgive me if I remind them of what they have done in that way. We have now been sitting for little more than a month. It has been said that the month has not been distinguished by any remarkable events; but such an opinion could only be expressed by those who have not vigilantly observed what has taken place in this House. In the course of that month we have delegated to six Committees of the House of Commons an examination into the whole administration of the Poor Laws; into the consolidation of the entire criminal law; into the military expenditure of the colonies—and, if I understand rightly, the Committee on this subject will be called on to settle even the amount of colonial garrisons; into the administration of the Admiralty; into the principles upon which the chief arm of our direct taxation is established, and upon which at this moment £12,000,000 of taxation is raised, and into the conduct of our diplomatic service. No doubt, at first sight, it may appear very gratifying to the House of Commons to feel that they are appropriating to themselves the functions of the Executive; but I beg to remind the House that while they obtain some of the power of the Administration they are really accepting all the responsibility. It is quite possible — this is not a personal matter, as the hon. Member for Liskeard has observed, and, therefore, I can refer to the hypothesis—it is quite possible that a Government with a very weak and unsatisfactory system of government at home might be carrying out a very violent and dangerous policy abroad, and with complete impunity, because, all the important questions of finance and administration having been remitted to Select Committees, the ready answer of the Government when called to account on such matters would be, that the House must be perfectly aware of everything connected with this or that branch, because at that moment it was under investigation by a Committee upstairs. Hon. Members would thus be precluded from proposing any Motion of censure or inquiry on important questions, such as I have mentioned, which have been remitted to Committees. Therefore, I think it would be well for us, as we are yet in the early part of the Session, to reflect upon the course into which we have so precipitately entered, and to endeavour, as far as possible, to retrace our steps and revive in its full force and salutary vigour the responsibility of the advisers of the Crown. If there are deficiencies in any department it is for the Ministers of the Crown to supply that deficiency. If there are errors it is for the Ministers to correct those errors. It is for them to revise and improve the various branches of the Administration. If the House of Commons has a strong opinion, founded on the facts in its possession, that any branch requires alteration, then the constitutional and proper course for hon. Members to pursue is not to demand a Committee of Inquiry, but to move a Resolution upon the subject. When the House has arrived at that Resolution, it is for the Government to accept or refuse it. If the Government refuse the Resolution, we know the consequences; if they accept it, then they are strengthened by the opinion which the House of Commons has given, and, aided and abetted by that opinion, have the power of effecting those changes and reforms which are required. The particular question before us refers to the name of a right hon. Gentleman who has long been an eminent Member of the House, and who possesses the respect of all parties. The argument of my hon. Friend the Member for Norfolk appears to me to tend not so much against the admission of Sir James Graham to the Committee as against intrusting the inquiry to a Committee of the House of Commons. If there be anything in the objections of my hon. Friend to the name of Sir James Graham and to the names of the other two Gentlemen who follow him in the list and who have filled the same office, it merely proves that the House of Commons is not the proper means of effecting such an inquiry, since the primary step is to deprive it of the services of some of its ablest Members, who on this question possess the best information and the greatest experience. Therefore it is clear to me that if the House believe — as I do not believe — that an inquiry is necessary, the proper instrument of which we should have availed ourselves would have been a Royal Commission, and not a Select Committee of the House of Commons. As it is the duty of the Ministry to select the men who are most qualified to inquire into the subject, the responsibility of the investigation would thus remain with them, and the objections to the present Committee would be obviated. I wish the Government would consider this point well. There is another Committee closely connected with this question which the Government intend to ask the House to rescind. I own frankly that I dislike very much to see the House rescind a Resolution to which they have once agreed. But when I take into consideration all the circumstances of the Resolution which was passed the other night, and the propriety of which the Government are now going to impugn after dividing against it, I cannot but regret that the House of Commons adopted that Resolution. At least, I think they ought not to have done so without a graver and more prolonged debate. This, however, is to be said in excuse for the House of Commons, that during the five weeks of this Session they have been assuming or proposing to assume, the duties of the Executive without any resistance or even remonstrance from the Ministers, and have, of course, been encouraged by their success in that direction. That is to be remembered as a reason why at a late hour, and in a thin attendance, the House was induced to pass a Resolution which, after the calmest and gravest consideration, I feel is by no means advantageous to the public service. Of all the Committees proposed this Session only one was really opposed by the Government, and that under circumstances which rendered defeat almost inevitable. The Committees on the consolidation of the criminal law, on the administration of the Poor Law, and on the diplomatic service were not opposed. The Committee on the income tax was virtually not opposed, because last Session the right hon. Gentleman, the Chancellor of the Exchequer, said that, though he was not prepared to propose a Committee on that question himself, yet if any hon. Gentleman chose to propose it the Government would not resist the Motion. [The CHANCELLOR of the EXCHEQUER: No!] I regret to say that such is the impression prevalent in the House. It has been mentioned to me by Gentlemen on both sides, and it was under that impression that my hon. Friend (Mr. Hubbard) brought forward his Motion—a Motion, I may say, which I did not sanction and for which I did not vote. Then the Committee on the Admiralty was decided on by the Government without the knowledge of the House, and the Committee on the Military Expenditure of the Colonies—one of the most objectionable questions that could be intrusted to a Committee—was also not resisted. I was in my place perfectly prepared to resist the Motion for it; but the noble Lord rose and gave up any resistance; and, therefore, to speak against it would have been useless. After acceding to that Motion, with what chance of success did the Government think they could resist a similar proposition with respect to naval affairs made later in the evening? Therefore, I say, the Government has made no resistance to the appointment of these Committees, which, I think, have been granted on somewhat unconstitutional grounds, and which, though at first sight, they may appear flattering to the pride and power of the House of Commons, will, in reality, only render the Ministers irresponsible. The course which I should propose—I wish the Government would agree to it—is this; that we should not press to-night for the appointment of this Committee, which is now so much objected to; but that, instead of a Committee on the Admiralty, the Government should have a Royal Commission, and that to the reference on the subject of the Board of Admiralty there should be added an *addendum* containing that portion of the reference in the Motion of the hon. and gallant Member for Portsmouth, to which the Government appear to make no objection; but excluding that portion which relates to the pay and position of the several classes of naval officers. That plan might, under existing circumstances, prove useful; though I might still prefer that the duty should be performed by the Government itself. There is no reason why the point now under discussion should be pressed further. Indeed, the present proceeding seems somewhat irregular, because it is felt that it is not the question of naming particular individuals in which the House is interested, but that of the general scope of the policy of this Committee. A rumour of a circumstance which I deeply regret has reached me. It is that my right hon. Friend the Member for Oxfordshire (Mr. Henley) does not intend to serve on this Committee in consequence of the *addendum* proposed by the Government, and of the absence of Sir Baldwin Walker. I have no authority to make the announcement; but if the hypothesis turn out to be a fact it will be an additional reason for the course which I suggest, for if we are to be deprived of the services of the right hon. Gentleman the Member for Carlisle (Sir James Graham), one of the ablest and most experienced men that ever sat in the House of Commons; and if we are to be deprived of the assistance of his distinguished colleagues who follow on the list, and if my right hon. Friend the Member for Oxfordshire, to whose efforts on this Committee we look with so much confidence, is not to grant us his invaluable services, it appears to me that we shall get into the very unsatisfactory position of having a weak Committee to deal with a strong subject. In my opinion nothing tends so much to degrade our proceedings as dealing with a strong subject through a weak Committee. This being my conviction I would myself move that the debate on the Motion for the nomination of Sir James Graham on this Committee be adjourned.

Motion made and Question proposed,—"That the Debate be now adjourned."

Mr. J. L. RICARDO said, that there appeared to be considerable difference of opinion among hon. Gentlemen on the Conservative side of the House. The right hon. Gentleman who had just sat down agreed with the noble Lord, the Prime Minister, in his desire to rescind the order for the Committee obtained by the hon. and gallant Gentleman, the Member for Portsmouth; and, if he rightly understood the right hon. Gentleman, he also wished to rescind the order for the appointment of the Committee on the reconstruction of the Admiralty. The right hon. Gentleman said, he thought this was a matter that ought to be dealt with by the Admiralty. ["No."] He supposed he meant by the Government. He agreed with him that these were not matters that ought to be left to a Committee of the House of Commons; but he wanted to know what hon. Members were finding fault with in the construction of the Committee, if Committee they were to have at all. The right hon. Gentleman had proposed a Royal Commission. For his (Mr. Ricardo's) part, he must say that a Commission was very much the same as a Committee. He could not see much difference. It had been his misfortune, a few days before, to sit on a Commission on one of those matters; and he found that in some respects they would have been able to deal better with it if they had been a Committee of the House of Commons. It had been asked why he resigned the Chairmanship of the Commission to inquire into the state of the Dockyards. He had no objection to state the reason. It had been said that it was because he could not have it all his own way. He was bound to say that there was a good deal of truth in that assertion. It was because he could not have his own way that he did not think he could serve on it with advantage to the subject which the Commission had to investigate. He should, however, much rather not go into that question in detail at present, because when the Report was presented to the House he should have an opportunity of stating the reasons of his resignation. He was, however, bound on the present occasion to state that one of the reasons was that after examining the noble Lord, the Secretary for the Admiralty, on his speech made in a former Session, in which he asserted that £5,000,000 had been wasted under the Admiralty, he thought they were bound to hear what Sir Baldwin Walker had to say in refutation of what had been said by the noble Lord who had been under examination for three days. His colleagues did not, however, think that the time was come when such a refutation ought to be made. He was of opinion also that a different line of examination ought to have been taken, and a different course of investigation pursued. He had, however, no doubt that his colleagues were right, and that they had very good reasons for what they did; and that they would produce a much better Report than he could have drawn up. Returning to the question before the House, he wanted to know what right hon. Members had to assume that right hon. Gentlemen who had been First Lords of the Admiralty would have any motive for obstructing or preventing inquiry into the subject? He wanted to know what motive could his noble Friend, the Secretary for the Admiralty, be supposed to have for preventing Sir Baldwin Walker from giving evidence before the Committee? Why was a cry raised on that point, and why was his noble Friend called to account for not stopping Sir Baldwin Walker and bringing him back to give evidence at any inconvenience to the public service? When the right hon. Gentleman, the Member for Oxfordshire, said that he would not serve on the Committee unless Sir Baldwin Walker were brought forward as a witness, why did not the right hon. Gentleman propose to delegate to Sir Baldwin Walker all that was to be done? ["Oh!"] If hon. Gentlemen only had the patience to wait until they read that gallant Officer's evidence before the Commission on the Dockyards, they would see that there was no one question which he could be asked by the Committee on the Admiralty that he had not already been asked by the Commission. Why did any hon. Member say that the fact of the right hon. Baronet, the Member for Carlisle, having been First Lord disqualified him from serving on the Committee, when every right hon. Gentleman who had filled that office had in his own mind a perfect consciousness that there was something wrong in the construction of the Admiralty? He could not vote with the hon. Member for Norfolk, as he was anxious to see persons upon the Committee well informed as to the business of the Admiralty.

MR. HENLEY said, the hon. Gentleman who had just sat down had, unintentionally no doubt, somewhat misunderstood what he stated on Friday night, when he asked his hon. and gallant Friend to postpone the nomination of the Committee. The hon. Gentleman had an advantage which he had not. He knew what was the evidence given before the Dock Commission, which he (Mr. Henley) did not. [Mr. RICARDO: No.] Then the hon. Member was in the same position with himself—he was ignorant of the evidence. He did not know what Sir Baldwin Walker had said in his evidence, or whether it might have told against some one who had no opportunity of meeting it; nor did he know but that in the Committee now proposed things might be said against Sir Baldwin Walker, and as a member of the Committee he would have been unwilling to hear allegations brought against him in his absence, when he had no opportunity of replying to them. He told his hon. and gallant Friend (Admiral Duncombe) on Friday night that he would consider till the beginning of the week whether he would or would not be a member of this Committee. His hon. and gallant Friend asked him last night if he had made up his mind. His reply was that if matters had stood as they did last week he could have gone into the Committee on the understanding that if he found any of the inconveniences which he expected would occur he should be at liberty to withdraw from it; that he had added that things did not now stand on the same footing as they did last week, for a notice had been put on the paper by the Government, which would add to the inquiries of the Committee a new and a very large subject—namely, the promotion and the retirement of the officers of the navy. He had voted against that subject being referred to any Committee, and that was an additional reason which operated upon his mind in determining not to be a member of the Committee. Many persons had said, with reference to this Committee, that it was entering upon inquiries which would not end in one Session; while some said it would probably go through two Sessions. There might be some exaggeration in that; but certainly no Committee could hope to consider the wide subject of the promotion and retirement of the officers of the navy and the large question of the constitution of the Admiralty in one Session. He had, therefore, come unwillingly to the conclusion to ask his hon. and gallant Friend to withdraw his name from the Committee. As to the question brought before the House by his hon. Friend (Mr. Bentinck), he thought it would be a misfortune not to have those members on the Committee who were best informed as to the affairs of the Admiralty; but, at the same time, looking at the fifteen members of which the Committee was to be composed, he thought the Admiralty element was a very large one, and he should like to see it somewhat lessened.

LORD JOHN RUSSELL: Sir, the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) has made several observations on this subject with which I cannot but agree. I am ready to admit that there is great public inconvenience in the appointment of a great number of Committees, and especially when any of these may be said to interfere with the functions of the Executive. At the same time, it is to be observed that there is nothing which makes a Government so odious as opposing itself to inquiry. It is always said in such cases that there is something to conceal, that the Government is conscious of some faults in the performance of its duty, and, therefore, is anxious to resist inquiry. On the other hand there is nothing so agreeable to the House of Commons as the nomination of a Committee of inquiry, because at the same time that it affords a prospect of additional information it in no degree pledges the House to any particular course of conduct. But the right hon. Gentleman the Member for Buckinghamshire seems to infer that the Government have too easily or too willingly given in to the appointment of certain Committees that have been lately agreed to by the House. The first Committee proposed was one on the income tax, the object of which was to lighten the burden on trades and professions and increase it on the land. My right hon. Friend the Chancellor of the Exchequer opposed that Committee. He had given no pledge, as the right hon. Gentleman supposes, to support such a Committee. All he said last Session was that if it was the general wish of the House to have a Committee this year he would not stand in opposition to it. There was another Committee proposed with respect to colonial military expenditure; that was not an unprecedented proposition. I remember that a similar Committee was appointed when the Earl of Derby was Secretary to the Colonies. I sat on that Committee with the Earl of Derby. It was named with the consent of the Government, and for two Sessions entered into every detail of military expenditure in the colonies. Now, though it would be objectionable in principle to have Committees year after year sitting on such subjects and inquiring into the conduct of the Executive Government, yet an inquiry from time to time into particular departments of the Government, and after a considerable number of years has elapsed, cannot be regarded as an unconstitutional course. It appeared to be the general wish of the House to have a Committee on the army expenditure of the colonies, and it was not opposed by the Government. The right hon. Gentleman opposite said nothing against the appointment of that Committee, though my noble Friend (Lord Palmerston) took care to state, before agreeing to it, that it was not likely to be of any public advantage. Then there is the Committee the order for which my noble Friend proposes to rescind to-night. That Committee was opposed by the Government, and they divided the House upon it. Now with regard to the Committee which is under our consideration at this moment, I have always understood that it was the wish of the House generally, and of the public generally, that there should be an inquiry into the constitution of the Board of Admiralty with a view to consider not the merits of any particular person who has served on that Board, but for the purpose of ascertaining whether its constitution was such as enabled it usefully to superintend the naval affairs of the country. The right hon. Gentleman says the inquiry ought to be by a Royal Commission. But if the Crown had been advised to appoint a Royal Commission, every one would have said that the Government had condemned the construction of the Admiralty, and that no other question but the best substitute for the present Board of Admiralty could occupy the Royal Commission. I for one could not have given that advice to the Crown. The Board of Admiralty, I daresay, have faults like other Boards; but I have not been convinced that we could have a better machinery for the performance of the duties of the Admiralty. It may be that there is some mode by which the navy may be better governed. If the House entertains that opinion, I can understand that the Government should be willing that an inquiry should take place—an inquiry, however, which has nothing to do with the exercise of the executive functions, but only as to the constitution of the body that shall exercise the executive functions. The hon. and gallant Admiral proposed that a Select Committee should be appointed "to inquire into the constitution of the Board of Admiralty, and the various duties devolving thereon; also as to the general effect of such a system on the navy." Now it is quite obvious that a general inquiry into the system and constitution of the Board has nothing to do with the merits of the particular persons who have served upon that Board. I think I am right in supposing that the right hon. Gentleman would not have objected to such a Committee if the right hon. Gentleman (Sir John Pakington) had moved for it. If so I do not see why he should object to the Committee when moved for by the hon. and gallant Admiral. The Committee is not appointed to inquire into the conduct of past First Lords. All the right hon. Gentlemen named upon it are able men, and their opinion will be much more valuable than that of Members who have had no experience. I say that those who have been First Lords of the Admiralty ought above all others to be named upon such a Committee. Nor do I see why we should not name the Committee at present, or why the debate should be adjourned. If the House of Commons had chosen to address the Crown to appoint a Royal Commission, then the objection which I have named to such a Commission would not exist, for the appointment of a Commission would not, then, be the spontaneous act of the Crown, but would be made at the desire of the House of Commons. The House, however, has chosen to have a Committee; and it, therefore, seems to me very desirable that the three right hon. Gentlemen whose names come first on the list should especially be on such a Committee.

ADMIRAL DUNCOMBE said, that as the debate had taken a different turn to what he had expected, he would take the liberty of offering a few remarks. In the first place, then, it seemed that everything he heard on Friday he had to forget on Monday, for when he had cause to complain of want of courtesy on the part of the right hon. Gentleman (Sir John Pakington), his right hon. Friend (Mr. Disraeli) said, "Do not visit your indignation on him, but on myself, for it was at my instigation that my right hon. Friend gave notice of his intention to move for such a Committee." Now it seemed a Committee was wrong, and that a Commission ought to be appointed. Now he, for one, had no great confidence in Royal Commissions. He believed that a Committee of that House, properly constituted, was a much more efficient tribunal. The hon. Member (Mr. Baillie) said he had no confidence in him, and that the Committee would be a sham. The hon. Member must be of a different constitution from himself if he would take so much trouble for what was to be a mere sham after all. There were so many applications to be on such a Committee, and the disappointment to those whom the mover was unable to put upon it was so great, that he was by no means disposed to undertake so much trouble in vain. If the Amendment were carried the Committee would be virtually shelved, and if the House adopted it he should beg to be absolved from sitting upon the Committee. He ought, perhaps, to apologize to his right hon. Friend (Mr. Henley), but the truth was that he did not understand his refusal to serve upon the Committee to be quite final, and he was so anxious to have the assistance of his right hon. Friend that he did not quite like to take upon himself the responsibility of removing his name, when, perhaps, he ought to have done so. The hon. Member for Liskeard (Mr. Bernal Osborne) said that the manner in which Committees of that House were proposed was by a very questionable arrangement. He believed that the appointment of Committees ought to be quietly arranged among the various parties in the House; for nothing could be more unseemly than quarrels, such as were now taking place, over the names of particular Members. He deprecated the admission of party feeling into a Committee of this description. He was, therefore, glad that the noble Lord (Earl Gifford) who was upon the Dockyard Commission had borne him out in saying that the evidence of Sir Baldwin Walker was not necessary. If Sir Baldwin Walker's evidence was necessary, why not that of Admiral Milne and Admiral Martin equally so, both of whom had formerly been on the Board? He believed that there was ample material at present in this country for conducting the inquiry with advantage.

MR. BRIGHT: Sir, I rise to protest against the theory of the right hon. Gentleman, the Member for Bucks, that the House has not a right to inquire into the administration of any or every department of the Government. When the Government happens to be not very competent to perform its duties, we usually have many Committees, and I recollect that no Government conceded Committees more freely than that of which the right hon. Gentleman was a member. If there is a single Member of this House at the present time who doubts that it is desirable to have an inquiry into the constitution of the Admiralty? It may be matter for consideration whether that inquiry shall be conducted by a Commission, or a Cabinet inquiry, or a Committee; but I have heard from high officials of the Admiralty that it is just that sort of government where there is not a particle of real responsibility, and that, although it was a Board responsible for £12,000,000 of expenditure, yet that no one could put his finger on the man who ought to have arrested waste or directed expenditure to more profitable channels. If, then, an inquiry is to be made, I agree with the noble Lord (Lord John Russell) that it is impossible to have a tribunal more efficient and more competent than a fairly chosen Committee of this House. But the question is whether this Committee is likely to be such a body. I agree with the hon. Member for West Norfolk that it is not so constituted. I do not object to the name of Sir James Graham. He is not here, and, therefore, I have the less hesitation in saying that there is no man more competent to be of service on this Committee than Sir James Graham. He does not always do what I think he should do on Committees, as happened in a Committee on which I sat with him last summer. But he knows as much as any one on this particular subject, and he will be anxious to have it adjusted to the satisfaction of the House. But, not content with Sir James Graham, we have two other First Lords on the Committee, and four other Members who have been in that particular branch of the service. And it is known to every hon. Member of this House, and

I have seen repeated instances of it, that when you get half a dozen men together who have been connected with a particular department there is a strong bias among them, I will not say to defend any one, for here no one is attacked, but to defend the general system which they have been concerned in working. I think, therefore, that it has got much too large an infusion of the Admiralty element. I agree with the hon. Gentleman opposite in viewing this question without the slightest feeling of party, and I hope these are questions which we can approach without anything of that kind. It appears to me that the noble Lord will have discovered, from what has been said to-night, that there is no indisposition to the appointment of a Committee, but that a general feeling does exist that these names are not the best that might have been chosen, if it be intended that we shall have an honest inquiry and a real amendment. I have no objection whatever to the names of the right hon. Baronet, the Member for Carlisle, and the right hon. Baronet, the Member for Droitwich, but I would put on that Committee no other man connected with the Admiralty—none of what are called "the subs," who look up to their superiors in the service "as a maiden looks up to the hand of her mistress." Those right hon. Gentlemen can put the pertinent questions, and can lead the Committee to the proper materials for forming a correct judgment. The noble Lord proposes to rescind the Resolution that was passed the other night. I am told that, if the Committee were to report in favour of the view held by the hon. and gallant Member for Portsmouth, it would put the country to very considerable expense, and I am, therefore, not disposed to feel very favourably towards it; but, if the noble Lord was disposed to get rid of that Resolution, I think it would have been better to do it openly, and not to have mixed it up with an entirely different question, and to have shelved it by a side-blow which will deceive nobody, and which must be rather offensive to the hon. and gallant Member for Portsmouth. I would recommend that, in case the House thought this Resolution ought not to be carried out, it should be distinctly rescinded; and the Committee now to be appointed should be confined to the purpose—amply sufficient for any Committee—with which its nomination was originally sanctioned. The right hon. Gentleman, the Member for Buckinghamshire, has proposed that the debate be adjourned. That it should be adjourned merely for the purpose of getting rid of the Committee I think would be an injudicious and a weak proceeding on the part of this House; but if the adjournment be with a view of enabling the Government to frame a revised list of members of this Committee, although I do not think I ever before seconded anything which the right hon. Gentleman proposed, I shall be glad to do so on the present occasion.

LORD CLARENCE PAGET: I must protest against the imputation on the noble Duke at the head of the Admiralty and myself of desiring the absence of Sir Baldwin Walker, which was cast by the hon. Member for Stoke.

MR. J. L. RICARDO said, his noble Friend had fallen into a most extraordinary error. In his remarks he had rather defended the noble Lord from such an imputation.

LORD CLARENCE PAGET: I am very sorry that I should have misinterpreted the expressions of the hon. Gentleman, but I certainly did understand, at all events, some hon. Member to say that we had sent away Sir Baldwin Walker, and were rather glad of his absence. I can assure the House that the noble Duke was most anxious from the first to keep Sir Baldwin Walker at home, and even communicated with him with a view to recommending him to Her Majesty for a command at home. The hon. Member for Liskeard seemed to accuse me of having been the firebrand who originated all these complaints against the Admiralty. [MR. B. OSBORNE: Hear, hear!] I can assure him that he entirely wrongs me. I never accused the Admiralty, or any representative of that department, of anything save with regard to the expenditure on shipping. I think he said that I was in favour of a reconstruction of the Admiralty, and had stated so to this House. [Mr. B. OSBORNE: Hear, hear!] I deny that I ever said anything which could bear this construction, except on one occasion, in allusion to a former notion of my gallant Friend, the late Sir Charles Napier, for a Committee for the reconstruction of the Admiralty, at the end of a speech which I made with regard to naval expenditure, I made use of the expression that I was fast coming round to the opinion that the Admiralty wanted a little reconstruction—I think those were my words. That was by no means a direct statement that I was in favour of his views. My proceedings towards Sir

Baldwin Walker have been very much misrepresented. In the remarks I made I had no personal feeling towards him or any gentleman. I merely called attention to a vicious system, and to the want of proper supervision of the accounts. [Mr. B. OSBORNE: The five millions?] The five millions had reference to a statement which I made as to the expenditure on shipbuilding, and what in the absence of all accounts I conceived it ought to have been after calculating the number of vessels built during four years and the proper cost of those vessels. I may mention that when the noble Duke the first Lord of the Admiralty came into office, he immediately agreed to the issuing of a Commission to inquire into the shipbuilding accounts. I know no more of what the Report of that Commission contains than the hon. Member for Liskeard, but we shall have it before us, and I am content to abide its terms. If it should state that the accounts are satisfactorily kept, I shall admit that I was wrong; but if the contrary should prove to be the fact I shall have no reason to regret having called the attention of the House to the subject. I positively deny that in doing so I was actuated by any other motive than that of a desire to benefit the public service.

SIR JOHN PAKINGTON: Sir, my name is one of those involved in the Motion, and I would not have intruded myself on the House were it not for what has fallen from the noble Lord, Her Majesty's Secretary of State, with reference to the second inquiry proposed to be delegated to this Committee, and I think that the House will feel that that proposal influences very much the question of the names to be put upon the Committee. I would only say that my hon. Friend, the Member for Norfolk, has put his Motion in a manner which deprives it of any personal feeling, and puts it entirely on public grounds. With regard to myself I should be much obliged if I were exonerated from serving upon this Committee. Considering the comparatively short time I was in the Admiralty, I think whether I am on the Committee or not is not a matter of much importance. With regard to the immediate question, whether Sir James Graham should be a member of the Committee, having regard to the estimation I hold of that right hon. Gentleman's position in the House, and his knowledge of the subject, I think that if this Committee was appointed without Sir James Graham as one of its members, and without Sir Baldwin Walker as one of its witnesses, it would become an absurdity which this House would do well to avoid; and, moreover, I have so strong an opinion as to the way in which Sir Baldwin Walker was allowed to leave that I reserve to myself the right, should I find his evidence necessary to the proper conduct of the inquiry, to retire from the Committee. As to what has fallen from the noble Lord as to the other Committee, the duties of which it is proposed to transfer to the Admiralty Committee, it has been said that the Government propose to rescind the Committee; in point of form that is true, but in point of substance it is not so. The Government propose to rescind the portion which refers to the pay of the navy, and to transfer to another Committee the more important part, namely, that which relates to promotion and retirement in the navy. I think a Commission would have been the best mode of conducting this inquiry. I am free to confess that there is a constitutional difficulty in referring to a Committee of the House of Commons the question of the pay of the navy. I hope, therefore, that when the noble Lord makes the Motion which stands in his name the hon. and gallant Member for Portsmouth will not object to it; but on the other hand I could not in any way be a party to the rescinding of the other part of the Motion, which relates to the questions of promotion and retirement. I do wish that instead of referring that inquiry to the Committee on the Board of Admiralty the Government had proposed it in the shape of another Committee or a Royal Commission to make a separate inquiry. I think the House will agree with me that if the question of promotion and retirement in the navy is to be referred to the Admiralty Committee it is desirable that in the appointment of the Committee some regard should be had to the duty to be imposed on it. In the first place I express my earnest wish that the House will consent to a postponement in order that her Majesty's Government may consider if this matter, even now, cannot be referred to a Royal Commission; but if the Government persevere in their preference for a Committee, I strongly press upon them the necessity for taking further time to consider the names of the Gentlemen to be appointed on it.

VISCOUNT PALMERSTON: I do not see that a sufficient ground has been shown for adjourning this debate; the House is very full, and is in as perfectly good a position as it can be on any future day to decide the question as to the composition of this Committee. Under the present circumstances it would not be consistent for the Government to appoint a Royal Commission to inquire into a subject with regard to which we did not originate inquiry or think it necessary that any reconstruction should take place. With regard to the names my opinion is that the names selected are those of persons competent and well adapted to conduct the inquiry. As to the observations of the hon. Member for Liskeard that Committees ought to be appointed in a discussion in a full House, that is an impossibility. The only way in which the names of a Committee can be well selected is by communications out of the House between the different parties interested. It has been stated that the official element is too strong on this Committee, but this can be easily remedied by adding to it some three or four Members, so as to alter the proportions between the official and non-official elements. As to the Motion of which I have given notice, which is to follow this, it appears to me that it is the general opinion that any inquiry into the pay of the officers of the navy is not one that the House ought to undertake, and I, therefore, anticipate the general concurrence of the House in my Motion for discharging the order to which we agreed somewhat hurriedly a few nights back. The right hon. Gentleman opposite (Mr. Henley) thinks the question of promotion and retirement of the navy too great an addition to the labours of the Committee, but, even if this is found to be so, it will only cause the re-appointment of the Committee necessary next Session; and the matter is not one of that urgent importance which renders it necessary that there should be an immediate Report. At the same time I do not see that the Committee will have any difficulty, if the House should agree to the proposition, in reporting before the end of the present Session.

Mr. DISRAELI: Sir, I will not press the Motion I have made. I am perfectly prepared to support the Government on the Motion for the discharge of the Resolution of the hon. and gallant Member for Portsmouth, and I hope he will not object to that course. I, therefore, will, with the leave of the House, withdraw my Motion for an Adjournment.

Mr. JACKSON suggested that the Government should give the House an opportunity of reading the evidence as well as the Report of the Dockyard Commission before they proceeded with the nomination of the Committee. Perhaps when the right hon. Gentleman (Mr. Henley) had read Sir Baldwin's Walker's evidence he would modify his present views as to the importance of re-examining that gallant officer; and both he (Mr. Jackson) and many hon. Members about him were most anxious that the right hon. Gentleman should sit upon the Committee. Nothing could be done before Easter, and he urged the Government to give hon. Members an opportunity of reading the evidence during the recess.

Motion, by leave, *withdrawn.*

Question, "That Sir James Graham be one of the members of the Committee on the Board of Admiralty,"

Put, and *agreed to.*

Nomination of the Committee was then proceeded with.

The names of Sir Francis Baring and Sir John Pakington were *agreed to.*

On the name of Mr. Henley being read,

Mr. HENLEY expressed a wish that his name should be withdrawn, for, as another subject was proposed to be added to the labours of the Committee, he might not feel equal to the second inquiry.

Viscount PALMERSTON said, he trusted the right hon. Gentleman would allow his name to remain, and if he found more to do in the Committee than he could undertake he could at any future time withdraw his name.

Mr. HENLEY said, that on that understanding, he was willing to allow his name to remain in the list.

Sir Francis Baring, Sir John Pakington, Mr. Henley, Lord Clarence Paget, Mr. Corry, Admiral Duncombe, Sir Henry Willoughby, Mr. Beamish, Mr. Finlay, Mr. Bentinck, Sir James Elphinstone, Mr. Stansfeld, Mr. Philipps, Mr. Whitbread, Sir Michael Seymour, Mr. Austin Bruce, Mr. Deedes, and Mr. Clay, nominated other Members of the Committee:—Power to send for persons, papers, and records; Five to be the quorum.

NAVY (PROMOTION AND RETIREMENT.)

ORDER FOR COMMITTEE DISCHARGED.

Order [5th March],

"For the appointment of a Select Committee to consider the present system of Promotion and Retirement in the Royal Navy, and the present pay and position of the several classes of Naval Officers, and to report what changes therein are desirable, with a view to the increased efficiency of the Naval Service, read."

VISCOUNT PALMERSTON said, he rose to move "That the order (5th of March) for the appointment of a Select Committee," be discharged. The House seemed so fully agreed as to the inexpediency of appointing a Committee to inquire into the pay of officers, that it was hardly necessary for him to repeat the reasons which could be alleged against such a course. It was evident that if the Committee were to resolve to recommend an increase of pay for naval officers, an application would then be made to increase the pay of sailors, and an increase in the pay of the Navy would lead to an increase in the pay of the Army and then of all the civil branches under Government. Thus the House would be launching upon a sea of additional expenditure, the end of which could not be foreseen. No doubt, these officers might deserve upon their merits greater remuneration than the state of the finances could afford, but it must be remembered that part of the reward which the gallant defenders of the country receive for their devotion to the public service consists in the estimation in which they are held in their position in society, and in the respect which individually attaches to them. Knowing the opinion which the great majority of the House entertained with regard to the vote come to the other evening, it was unnecessary for him to urge more arguments in support of the Resolution he now moved. He quite agreed that it was an exceptional case to reverse upon one night a decision come to on another; but, in a matter involving such grave consequences to the public interest, the House was justified in discharging the order which had been made. With regard to the other part of the inquiry, respecting promotion and retirement, the Committee just nominated to inquire respecting the Admiralty could extend their investigation to that matter if the House thought fit.

SIR JAMES ELPHINSTONE said, that on the previous evening the hardships of the naval service were so well understood that the Government could not keep a House to defeat his Motion. Now, however, the noble Lord had mustered his forces and fell back upon a constitutional principle, which he had not previously urged against this Committee. He should submit to the *dictum* of the House, because, as a private Member, he had no power to oppose it; but at the same he did not see how the Committee which was to be appointed could inquire into questions of rank and retirement without to some extent dealing with that of pay. The inquiry into the constitution of the Admiralty had been brought before the House in a most extraordinary manner. He, in common with many others, thought that an inquiry of so important a character ought to have been mentioned to the House upon the first day of the Session. So far was that from being the case, however, that it was not until his right hon. Friend the Member for Droitwich (Sir John Pakington) placed his notice upon the paper, that the Motion of the hon. and gallant Admiral the Member for the East Riding (Admiral Duncombe), of which he had given notice last year, was brought forward. Had not that delay taken place the inquiry might have been commenced early in the Session. The Committee would then have had the advantage of the evidence of Sir Baldwin Walker, who had now been conveyed from the country in a rather doubtful manner. He should do his duty as far as he could as a Member of this Committee; but he did not believe that constituted as it was it would have the confidence of the country. He was glad to hear that Members were to be added to it, and he should claim the right of proposing those Members. The Committee for which he had moved and which he had carried had been merged in that of his hon. and gallant Friend the Member for the East Riding, and he, therefore, claimed the right to name four Members of the Committee.

MAJOR EDWARDS had voted in the majority the other evening for the Committee of the hon. Baronet the Member for Portsmouth, and although that vote was about to be rescinded he saw no reason to regret the course he then took. Although this was essentially a naval question, it, nevertheless, materially concerned every Member of the House of Commons, involving as it most assuredly did an act of gross injustice towards a distinguished body of officers in Her Majesty's service. He alluded particularly to the 100 captains on the Reserved List, whose commissions were identical with those on the Active List, and whose post rank was given them for distinguished services, with this understanding, simply, that although they were still liable to be called upon to serve their country at any time they would not be required except on some great emergency; not so the commissions of commanders retired with rank of captain. In their commissions it was distinctly stated that they were to receive the lowest half-pay of captains. These gallant officers on the Reserved List took their post-rank as a boon for meritorious services, never consenting to relinquish their claims to the emoluments of the profession or to sacrifice the pay of their respective ranks as they rose by seniority to their flag. It was to advocate the cause of these officers that he rose at that late hour of the night, and he could truly say that if justice were denied to men who deserved so well at the hands of their countrymen—many of whom had fought and bled for their Queen and country long before most of the present Board of Admiralty were born—it would shake the confidence of the service in all future Boards of Admiralty, and paralyze the zeal of its officers, he would vote for the Committee of the noble Viscount, in the hope that it would devote special attention to the case of the 100 gallant post-captains upon the Reserved List, with whom faith had been broken, and who had, in fact, been so basely betrayed by the Admiralty.

MR. CLAY said, that the majority obtained by the hon. and gallant Baronet the other evening arose from the fact, not as he appeared to suppose, that the Government could not get a sufficient number of Gentlemen to vote against a popular Motion, but that a large number of Members left the House because they thought it unlikely that the hon. and gallant Baronet would divide, and impossible that he should find a majority to support him. So strongly was the unconstitutional nature of his proposal, to refer the question of paying the navy to a Committee, felt by a great number of Gentlemen on that side of the House that it was decided that a Motion should be made to discharge the order, and, with the sanction of many of his friends, it was his intention to have proposed such a Motion. That intention he only abandoned on the previous evening when he found that the noble Lord had undertaken the task. Had the matter remained in his hands he should, with the concurrence of his friends, have moved the discharge of the whole order, and not of only a portion of it.

MR. CONINGHAM said, that as one of the majority the other evening he thought that the hon. Members who voted for the Committee of the hon. and gallant Baronet were justified in that course by the language of the Government. The grievances of the navy were not denied, and no hope was held out that they would be redressed.

CAPTAIN TALBOT said, he was sure the officers of the navy would be disappointed if the House were to rescind the Resolution at which it arrived the other evening. He trusted that, at all events, the hon. and gallant Member for Portsmouth would be allowed to nominate four additional Members to serve on the Committee.

ADMIRAL DUNCOMBE said, he hoped the noble Lord at the head of the Government would not press the second Resolution of which he had given notice, because, if he did, the House might lose the services of two of the most efficient Members of the Committee.

SIR JOHN PAKINGTON said, he would accede to the proposal now before he House on the understanding that the noble Lord was acting in good faith with respect to his second Resolution. Unless he received an assurance to that effect he would not consent to the present Motion.

LORD JOHN MANNERS said, he also would ask for a clear intimation from the noble Lord of his intention ?

VISCOUNT PALMERSTON said, he did not know what the right hon. Gentleman meant by asking whether he was acting in good faith. The right hon. Gentleman had not condescended to explain. It was his intention to move the second Resolution of which he had given notice, and he hoped that both the right hon. Baronet and the noble Lord would support the Motion.

SIR JOHN PAKINGTON said, he would beg leave to apologize to the noble Lord for having used the words "good faith." It was far from his wish to give offence to the noble Lord. All he had meant to say was that he felt some doubt from certain expressions used by the noble Lord, as well as from the remarks of the hon. and gallant Member for the East Riding, whether the noble Lord might not have been persuaded to abandon his second Resolution.

Motion made, and Question, "That the said Order be discharged."

Put, and *agreed to.*

BOARD OF ADMIRALTY COMMITTEE.

INSTRUCTION.

VISCOUNT PALMERSTON said, he would then move—

"That it be an Instruction to the Select Committee appointed to inquire into the constitution of the Board of Admiralty, and the various duties devolving thereon, also as to the general effect of such system on the navy, to consider the present system of Promotion and Retirement in the Royal Navy, and to report their opinion thereon."

Admiral DUNCOMBE said, he understood, if this proposition were made, that two right hon. Members of that House (Mr. Henley and Sir John Pakington) would decline to serve on the Committee.

Sir JOHN PAKINGTON said, he had never intended to express his unwillingness to serve on the Committee.

Question put, the House *divided*—Ayes, 96; Noes, 33: Majority, 63.

House adjourned at half after One o'clock.

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HOUSE OF COMMONS,

Wednesday, March 13, 1861.

Minutes.] Public Bills.—1° Volunteers, Tolls Exemption.
2° Fictitious Savings Banks.

COUNTY FRANCHISE BILL.

SECOND READING.

Order for Second Reading read.

Mr. LOCKE KING, in moving the second reading of this Bill said, that the case in favour of the Bill was so extremely simple, its principle was so well understood, and it had so often been discussed in the House, that it would not be necessary for him to detain them at any very great length in moving the second reading. The Bill had this very great merit, that many of its former opponents had now become its warmest supporters. He might say, on the other hand, that the case against the Bill was by no means simple, for it appeared to him to be involved in a great deal of mystery. Hon. Gentlemen who were inclined to oppose the measure did not come forward in a bold and straightforward manner and move a direct negative—move that the Bill be read a second time that day six months. On the contrary they sought to do by indirect means that which he thought they were afraid to do by direct means. He was not at all surprised that there should be a little timidity on the part of those who opposed the Bill, for he could not entertain a doubt, if this Bill were rejected, that sooner or later a similar measure must pass into law, and those who would be enfranchised by the present Bill, if it should pass, or hereafter by a similar measure, would not look with very favourable eyes upon those Members in that House who had opposed it. They would naturally say to them, "You do not think fit to entrust us with the franchise, to which we feel we have an undoubted right, and we in our turn do not think you are the fit persons to represent us, and we refuse to trust you with the franchise which we have so recently obtained." The principle of the Bill, as an isolated measure, was affirmed two or three years ago upon the second reading by a considerable majority. Some two or three years ago a full House affirmed the principle of the Bill by a majority of very nearly 60. He might say of all the Reform Bills which had been introduced into that House that part which had been most completely approved of had been that part which went to extend the franchise in counties, while other portions of them were subject to more or less objection. For instance, with respect to the extension of the franchise in boroughs, there were many who felt that the franchise ought not to be lowered in the boroughs at all; and there were others in favour of an £8 franchise, and others again in favour of a £6 franchise in boroughs. Then, again, as to the enfranchisement of large towns, some were in favour of a certain class of towns, and others were for the disfranchisement of certain boroughs. But, on the other hand, those Members who represented the boroughs which it was sought to disfranchise by a Reform Bill, very naturally and properly fought for their own boroughs and objected to their being disfranchised. But the principle of the present Bill had been sanctioned by that House, and at the last two general elections the great cry raised at the hustings of large constituencies was that the franchise should be extended in the counties. He believed that there was a general impression out of doors that the Bill had actually passed; and those who were more conversant with what had taken place in Parliament felt that the principle was one so just and reasonable in its character, that it must very soon become the law of the land. One objection raised against this measure was that while the boroughs a comparatively small population was represented by a very large number of Members, a much larger population in the counties was represented by a much smaller number of Members. The population of the boroughs was about 8,500,000, which was represented by 337 Members; while the county population, which was somewhere about 11,500,000, was only represented by 159 Members. He quite agreed that this was a very great anomaly, and he should be very glad to see it rectified. He should be glad to see the county population, as it were, reduced, by giving Members to some very large towns which were at present included in the county constituencies; but he did not think that this anomaly, great as it was, could be fairly urged as an argument against the present Bill, which did not at all touch the question of the proportion of Members to population; on the contrary, the object of the Bill was to proportion the electors to the population. He thought the argument, if they were to go into figures, was most strongly in his favour. In 1843 the county population was 9,708,000; and, according to a Return made about that time there were 522,730 electors. On referring to the Return moved for by the hon. Member for Birmingham (Mr. Bright) in 1859, he found the county electors were 11,203,000, and the electors 506,654, in both cases in England and Wales; so that in sixteen years the county electors had been reduced from 522,000 to 506,000, while everybody must admit that the population of counties, and also their general intelligence, had largely increased. In 1843, one person in eighteen possessed the franchise, now only one in twenty-two. If this Bill were passed with the condition that á house should be attached to the franchise which would prevent fagot votes the numbers of electors in counties would not be so large as the Returnss howed. It was sometimes objected that the urban population ought not to form a part of county constituencies, that their interests were different to those of the rural population. He thought it a dangerous doctrine to advance, that one class of interests prevailed in the towns and another in the counties. But this argument, such as it was, had now vanished; for his experience had taught him that since the passing of the great free trade measures both town and country had interests in common; and, since there was no promise of any measure of Reform from the Government, he thought there could be no valid objection to the House carrying out a principle which it had already affirmed. When the noble Lord at the head of the Government, on a late occasion, rose to speak upon this measure, he seemed at first hardly to know whether to speak in favour of or against it. He could not oppose it directly, for the simple reason that in 1858, while a Member of the Opposition, he had given his adherence to the principle of the Bill, though he certainly said nothing in its favour, he advanced no argument against it. He made it appear as if he (Mr. Locke King) or the hon. Member for Leeds (Mr. Baines) had been to him and asked for a day. The fact was that a day had never been asked for. He was bound to say that three years ago, when he had lost the day for bringing forward his Bill, the right hon. Member for Buckinghamshire, who was then in office, had given him a day in a very handsome manner, although he disapproved of the principle of the Bill. The noble Lord, in the debate on the Motion for leave to bring in this Bill, adopting a phrase from *The Times*, said there was a time for waiting. Waiting for what? If the noble Lord was waiting for such an agitation as would carry a Reform Bill through the House, the principle was a dangerous one. Reform was a question of such importance that Government ought to stand or fall by it; and when they saw that the principle of a Bill was sound, would it not be better to adopt it before a pressure came. There was a time for waiting before the Reform of 1832; but what was the result of waiting? Why, that the noble Lord (Lord John Russell) and those who acted with him had to introduce a much larger measure than had been anticipated. The state of the business of the House might be made another excuse against the Bill. But, in fact, there was less business this Session than was perhaps ever known before. The noble Lord said in 1857 that as far as the business of the House was concerned, there was abundant time for discussing so simple a measure as the one proposed. He (Mr. Locke King) felt that the same language applied now: there was ample time. The noble Lord (Viscount Palmerston) on the Motion for leave to bring in the Bill said, he supposed that he (Mr. Locke King) had brought the measure forward in order to show his consistency. The consistency of a private Member was a small matter when compared with the denial or the delay of the rights of citizenship which were claimed by an important class. He wished the

House to be both consistent and just, and, therefore, he begged to move that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. AUGUSTUS SMITH, according to notice, rose to move the Previous Question. He had always been opposed to this measure; and, therefore, personally, he could have no hesitation in moving that the Bill be read a second time that day six months; but, having regard to the general feeling that all questions connected with the framework of the Constitution should for the present remain in abeyance, he was unwilling to ask hon. Gentlemen to place themselves in the position in which they would be put by the complete rejection of the Bill. He had always been of opinion that this measure went in the wrong direction, and that it could not be taken by itself as an isolated measure of Reform, but must be dealt with as part of one comprehensive measure; they could not accept this measure without taking it with its consequences. If it were passed it must lead to electoral districts; they must come to dividing counties equally as regarded area and population. That appeared a necessary consequence of passing the measure, and to such a proposition he believed there was the greatest objection. Now, no one could say but that the present county constituencies, as they at present stood, were open, like many boroughs, to objection on account of the number of electors. The largest constituency in the kingdom was a county constituency, that of the West Riding of Yorkshire, numbering upwards of 37,000 electors; even the dilly of counties as to area, Rutland, had somewhere near 2,000 electors, while the smallest as to population, Radnor, had 1,800 electors, and the wild, barren counties of Merioneth and Montgomery numbered each above 1,000 voters; nay, that fragmentary county, the Isle of Wight—which the sooner it was re-absorbed into the County of Hants the better—showed a constituency not less than 1,300 in number. On examination of the Returns it appears that out of the 283 constituencies which are to be found in England and Wales, the first 162 of these, which all number above 1,000 electors each, include all the counties, while there is not one county to be found among the 121 other constituencies, the electors of which are all below, and many very very much below, this number of 1,000. Therefore if this Bill passed it would have the effect of greatly increasing the constituencies in counties, while those in the boroughs would remain as they were. For instance, in regard to the county in which he represented a borough, the county voters were 6,000 and in the borough 600. If this Bill passed, the county constituency would be increased to 10,000 or 12,000, while that of the borough would remain at 600. This was an anomaly which would not be permitted. There were numerous other places in the kingdom in exactly the same position. Guildford at present had 700 electors, and West Surrey 4,000. Hertford had 540 electors, and was situated in a county which had 6,000 electors. It would really be quite impossible to make this change in the counties without making a corresponding change in boroughs. The result would be to do away with the distinction that ought to exist between the two classes of voters. His hon. Friend contended that the non-uniformity of the County and Borough Franchise is dangerous, as likely to beget a feeling of rivalry and jealousy. Now it was not fair to represent this difference in the electoral franchise as dangerous. It is not in the spirit of opposition and antagonism that the electoral privilege is distributed; but in order that whatever the several interests may be, each may be represented in this House to ensure their separate and peculiar objects being cared for. The great principle of representation in the House of Commons was not that of numbers but of particular interests, and of every interest, if of sufficient importance to enjoy that privilege. The inhabitants of towns were a very different class of persons from those that lived in the counties. They had municipal organization, and were accustomed to deal with a great variety of public questions. The towns were the heart and soul of the Liberal party, but the effect of this measure would be to swamp the borough constituencies; and, therefore, he regarded it as a most dangerous measure for the interests of the Liberal party. He deprecated the discussion of Parliamentary Reform during the present Session; and, indeed, he thought the general understanding of the House was that the question of Reform was one not to be considered in a piece-meal and fragmentary manner. Notwithstanding all the discussions that had taken place they had as yet arrived only at negative conclusions as to the state of public opinion on this question. The public, no doubt, were in favour of improvements in the existing system, but they were not desirous of any change that would not be a decided improvement. They did not wish to take a leap in the dark, and would rather have things remain as they were than run the slightest risk of endangering our institutions. The hon. Member for Birmingham had endeavoured to make this a question of class antagonism, and though he was accustomed to speak strongly in favour of peace, still in puffing the pipe of peace, he raised such a cloud of smoke as to give people a notion of incendiarism. The country, had therefore, become alarmed and was unwilling to take any step in the matter without the most mature deliberation. He objected, also, to proceeding with this Bill because he thought it would naturally lead to the introduction of other proposals of the same partial character for the amendment of our representative system. The result would be that the time of Parliament would be consumed in the discussion of schemes which would in all probability be of no practical advantage, and to distract their attention from what was the legitimate business of the House. There was reason to believe that Governments had brought in measures of Reform to amuse the House and the public, and to call off the attention of Parliament from measures of more serious moment. In the present Session there were several Bills of importance with which they ought to proceed without delay, and there were the Estimates which afforded legitimate opportunities of discussion on almost every subject. If the time of the House were occupied with debates on Parliamentary Reform they would find great difficulty in winding up their business at the usual time without throwing overboard a number of important and valuable measures. The hon. Member concluded by moving the Previous Question.

Mr. DU CANE seconded the Amendment. Three years had now elapsed since he had felt it his duty to move an Amendment similar to the present to the measure of the hon. Member for East Surrey (Mr. Locke King). He then thought the measure uncalled for and inopportune, and his opinion was that it was ten times more uncalled for and inopportune at the present period. He thought it inopportune three years ago, because there was looming in the distance the consideration of the whole question of that Parliamentary Reform, which it was presumed the voice of the country demanded; and there had been pledges of Reform given from both sides of the House. He thought it ten times more so now when that question had been fully, honestly, and fairly debated in two successive Parliaments, and under the auspices of two different Administrations; and when, in spite of the energetic demonstrations of Members below the gangway, it must be admitted that the country had viewed the result of those discussions, if not with pleasure, at least with indifference. At the commencement of the Session the noble Lord the Secretary for Foreign Affairs, in commenting on the want of excitement on this subject, recommended those Members who were enthusiasts in the cause, if they thought the subject ought no longer to be kept in abeyance, to get up indignation meetings throughout the country. A period of five or six weeks had elapsed since the noble Lord made that speech, but there had been only one solitary specimen of an indignation meeting since, the history of which had appeared in the leading journal of that morning. This meeting took place at Birmingham, which might be called the centre of focus of ultra views on Parliamentary Reform; but out of a population of 300,000 there was at no time more than 300 present in the building. So much for the state of public opinion o the subject of Parliamentary Reform. Th hon. Member for East Surrey taunted them with having no new argument to urge against his measure; but he (Mr. Du Cane) had been unable to detect any very remarkable novelty of argument in the two speeches he had made in favour of it. The speech made by the hon. Member that day reminded him very much of the speech which he (Mr. Du Cane) had opposed three years ago. The arguments he had advanced in favour of his measure were two—first, that the principle of the measure had been repeatedly sanctioned in the House; and second, that £10 householders resident in non-represented districts were as good and substantial Members of society as £10 voters in boroughs, and ought not to be excluded from the franchise. Now as regards the first of these arguments it was true that the House agreed to the second reading of this measure three years ago; but since then we had had a Ministerial crisis and a dissolution of Parliament, and he did not see that the Parliament of 1861 should consider itself implicitly bound by any hasty and ill-advised act of a Parliament that had preceded it. But on that occasion the noble Lord at the head of the Government (Viscount Palmerston) stated that he only voted for the second reading in order to affirm the principle that the county franchise ought to be reduced. Others shared this opinion, some, including Lord Herbert of Lea, being of opinion that the county qualification of £50 should be reduced to £20. Therefore that decision only went to affirm the proposition, which he thought no one was inclined to deny, that in any great scheme of Parliamentary Reform the county franchise might with propriety undergo reduction. That that vote had tended in no slight degree to fetter the Government of Lord Derby in constructing its Reform Bill, and induced them to introduce a £10 county franchise as part of their measure, he (Mr. Du Cane) would not pretend to deny; but that £10 franchise, in consequence of the conditions with which it was accompanied, was a very different thing from the present isolated proposal. It formed part of a large and comprehensive system, and was so mitigated and neutralized by the introduction of other franchises and stipulations of various kinds, that as he (Mr. Du Cane) well remembered no one more energetically protested against the Bill of Lord Derby bearing the slightest resemblance to the Bill of the previous year than did the hon. Member for East Surrey himself. He pathetically lamented that his old friend appeared before him with such a new face that he was most reluctantly obliged to cut his acquaintance, and he (Mr. Du Cane) for one much regretted that he had sought to renew it on the present occasion. As far, however, as the measure of Lord Derby's Government was concerned it never even survived to a second reading. We had a subsequent dissolution of Parliament and a Ministerial crisis, and the subject of Parliamentary Reform was very quietly dropped for the remainder of the year. He, therefore, did not think that so far as the year 1859 was concerned the House had evinced any lively sympathy with the principle of this Bill. Still less did he think that the hon. Member could pride himself on what occurred last year, when, as they all remembered, the measure of the noble Lord the Member for London after having run the gauntlet of the House of Commons for more than six weeks, only struggled through a second reading on the solemn promise that every feature it contained should be open to alteration and amendment in Committee. All that the House then affirmed was in fact a formal Resolution (which a month afterwards it as formally recanted), to the effect that it was expedient to deal with the question of Parliamentary Reform. He maintained, therefore, that nothing had ever occurred to bind the House to a second reading of an isolated measure of this kind. As to the second argument, that £10 householders in counties were as good members of society as £10 householders in boroughs, and ought not to be excluded from the franchise, that was an argument which, if it was good for anything at all, would go much farther than the present measure. It would, in fact, lead to nothing less than electoral districts and universal suffrage. They had only to take the freemen in boroughs who were at present at the bottom of the electoral scale apply the same argument as regards the class existing between them and the £10 householder, and down must go the borough suffrage at once to the level of the freemen. But once having done that they could not stop there as a similar claim might then be urged with almost irresistible force on behalf of the whole mass of agricultural labourers, who to his (Mr. Du Cane's) mind were a class quite as honest, intelligent, and trustworthy as the borough freemen. He did not for one moment mean to argue that a £10 householder living in a non-represented town or a rural district was not as substantial and respectable a member of society, as one whose lot was cast within the limits of a borough, but what he would ask was would they be said to be at that moment entirely unrepresented? The proportion of borough Members to county Members was as three to one. The vast majority of borough constituencies consisted almost entirely of £10 householders. Now a Member who was returned to that House by a constituency mainly composed of a certain class was not to be regarded merely as the representative of the somewhat narrow and petty local interests of the place he represented, but was to be taken as an exponent of the general sentiments of that class throughout the country. He considered, therefore, that the borough Members were not merely the representatives of the electors who returned them, but that indirectly they were the representatives of the whole £10 householding community throughout the country. And it was because, indirectly if not directly he considered that that class was already unduly represented in that House in proportion to its numbers and importance, that he objected to the complete transference into their hands of political power that this measure inevitably tended to effect. He shared the regret which had been expressed on a former occasion by his hon. Friend the Member for North Warwickshire (Mr. Newdegate) that the Lords' Committee of last year had not inquired more minutely into the probable effect of a reduction of the county qualification to £10; but all the evidence which had been received upon that subject went to show that the statistics supplied by the Government last year greatly misstated the precise character of the addition which would by this means be made to the county constituencies. Mr. Baxter, who was the principle witness examined by the Lords' Committee upon that point, showed that in the West Riding of Yorkshire, under the present measure, an addition would be made to the county constituencies from the inhabitants of towns in the proportion of fifteen to one, as compared with the existing number of voters; while the addition that would be made from the inhabitants of rural districts would be only in the proportion of one to four as compared with the existing number. The rural portion of the county electors would thus be completely swamped by an inundation of town voters if that Bill were adopted; and let it be remembered that the proportion of borough Members to County Members already stood as three to one. He objected to that complete transference of power into the hands of the inhabitants of towns to which that Bill would naturally lead. He would quote to the House an extract from the work of Mr. John Stuart Mill on the question of Parliamentary Reform, for the purpose of showing what would be the operation of that measure. Mr. Mill was not a very narrow-minded authority on the question of Parliamentary Reform, for he told them in that pamphlet that "in every perfect system of representation every human being ought to have the means of exercising, through the electoral suffrage, a portion of influence on the management of public affairs;" and he instanced as one of the most glaring defects in our present representative system the number of large and flourishing towns that were without representatives. He then added—

> "If, indeed, every elector in the disfranchised boroughs, and every £10 householder in the unrepresented towns, obtains a vote for the county by the adoption of the new Reform Bill of Mr. Locke King's proposal (already once affirmed by the House of Commons), the two objections just mentioned will cease to exist. But in that case those objections will give place to a still more fatal one; for such a measure would be little less than the complete extinction of the rural districts. Except in the few places where there is still a yeomanry, as in Cumberland, Westmoreland, and, in some degree, north Yorkshire and Kent, there exists in the agricultural population no class but the farmers intermediate between the landlords and the labourers. A £10 franchise will admit no agricultural labourer; and the farmers and landlords would collectively be far outnumbered by the £10 householders of all the small towns of England. To enable the agricultural population to hold its fair share of the representation under any uniform and extensive suffrage short of universal, it seems absolutely necessary that the town electors should, as a rule, be kept out of the county constituencies. And the sole alternative is to form them, or the great bulk of them, into constituencies by themselves."

If the hon. Member for East Surrey thought the £10 householders in non-represented boroughs were so much aggrieved as to stand in need of more direct representation, why did he not act on the hint thrown out by Mr. Stuart Mill, and bring forward a measure to extend the area of the borough constituencies? He did not say that, looking at the present state of public feeling on this question, he would support him in such a proposal; but at all events it would have a certain outward show of fairness, as it would go some way to remedy the existing disparity between the electors and members of county and borough constituencies instead of aggravating a hundred fold as the present measure proposed to do. He would ask the hon. Gentleman what advantage he proposed to the House and the country by insisting on the second reading of his Bill at the present moment? He might carry it through this stage, but it would not be difficult to foretell its subsequent fate. This, although an isolated measure, was, at the same time, a comprehensive and sweeping measure, and it was impossible for the House to agree to it without resuscitating the entire question of Parliamentary Reform—the borough franchise, the distribution of seats, the fancy franchises, and the whole paraphernalia of a complete Reform Bill. The hon. Gentleman might carry the second reading, but he would be inundated with Amendments and Instructions on going into Committee. In vain would he attempt to stem the torrent, and he would be left to realize the picture of the poet—

"The waters wild
Close o'er his child
And he is left lamenting."

The question of Parliamentary Reform had been amply and ably discussed during the last two years, and if he might interpret the wishes of the majority of that House, he would say they desired a little breathing time this year, in order that they might direct their attention to those measures of internal improvement which, owing to those discussions, had been so much neglected. The species of guerilla warfare now waged for Parliamentary Reform had no other effect than to obstruct the course of public business, and bring discredit upon a great constitutional question. For these reasons he trusted that the House would refuse its assent to the second reading of this Bill.

Lord HENLEY said, he was prepared to support the second reading of the Bill, but wished to offer a few remarks on the effect which it would produce on the present system of Parliamentary representation. It was time that the enormous expenses of county elections should be diminished. In one county—Northamptonshire—in one year from the dissolution of the last Parliament—namely, from February, 1858, to February, 1859—the expenses of the conveyance of voters alone amounted to £12,000, or very close upon it. This was a manifest evil, and one which it was desirable should be immediately removed. What was the effect of such a system upon the constituencies? They had only two or three men to choose from out of the whole county. There might be seventy, eighty, or a hundred men of moderate fortune who would make admirable Members, but they could not come forward because the expense of contesting the county would be certain ruin to them. What was the effect of such a system upon candidates? Why, there was not a county family of any standing that had not been crippled in its means, either by mortgages, by lands sold, or debts incurred. And yet this Bill, as it stood alone, would increase rather than diminish the expense of county elections. Another evil of the present system was that it kept the county representation in the hands of two or three of the great aristocratic houses of the county. These were rather oftener Whigs than Conservatives. The great body of the Conservatives were gentlemen of middle rank, and they were entirely eliminated from the county representation. If one or two of this class did get into Parliament it was as the representative of some great lord or squire; and he was known as Lord So and So's Member. A noble Lord once told him he returned six Members to that House. Such instances justified the assertion of the hon. Member for Birmingham, that half of the counties were no better than nomination boroughs. He should be sorry to see the 40*s.* freeholders swamped by the influence of the great freeholders, as it would be under this Bill. In Northamptonshire he doubted whether it would add 10 per cent to the county voters; but in counties like Dorsetshire, where property was much subdivided, an estate of 1,000 acres might be let to forty or fifty occupiers, and the landlord would swamp the influence of all the freeholders around him. He believed that some protection to voters was necessary against the overbearing power of the landlord, which turned so many of the counties into nomination boroughs. He believed that the proposal made by the Derby Government in their Reform Bill to allow the votes of non-resident voters in the counties to be taken by voting papers would be a great improvement in our electoral system, and tend much to cheapen the cost of county elections. He was far from thinking that such a system of voting papers would injure the Liberal party. This Bill, however, related only to resident voters. He should give his vote for the second reading of the Bill, although the House might perhaps think that he had not said much in its favour. He thought the House much indebted to the hon. Member for East Surrey for the manner in which he had put the question before it.

Mr. ADDERLEY said, that the hon. Gentleman, the Member for East Surrey, had reason to congratulate himself on the support he had obtained for his Bill. He had obtained, first, the support of the Government, who expressed regret that they were bound to give it, and who hoped to obstruct the progress of the Bill in its further stages. The hon. Gentleman had next obtained the support of the noble Lord (Lord Henley), who had expressed his perfect dissatisfaction with all the main features of the measure. The speech of the noble Lord was only another proof that if private Members attempted to deal with the question of Parliamentary Reform they were sure to be defeated by their nominal supporters. An isolated proposal, belonging to a much larger subject like the present was sure to be met by a thousand suggestions which would be fatal to its success. A great question like Parliamentary Reform could only be treated as a whole. Some men had a talent for making and others for mending constitutions; but neither of these talents was exhibited by a Member who, in season and out of season, had only one fragmentary portion of a great question to propose. Such a course was absolutely playing with a great question and endangering the best interests of the country. He himself saw a great anomaly in the present system, whereby the 40*s.* freeholders in towns controlled the representation in some counties, and while that extraneous influx of urban influence remained he was not willing that the influence of the towns should be further extended in the counties. He would, however, willingly, conveniently with other amendments, agree to an extension of the County Franchise and the abolition of the arbitrary distinction which made tenure its basis, and occupation that of the borough franchise. Let each area have its own representation, and wider by all means than at present. But he objected to dealing with an isolated point. The second reading of a Bill was the time to decide upon its principle; but how were they to extract the principle of this measure? He saw no principle involved in the mere proposal of a £10 county franchise. The hon. Member told the House his Bill would secure uniformity; but between a £10 occupation in counties and a £10 occupation in boroughs there was no more necessary connection than between 10*s.* and £10—no further connection, in fact, than the figure 10. A £10 rent in the two cases indicated a various not an uniform standard of qualification. The only speech made in support of the Bill consisted wholly of objections to it; and the hon. Gentleman must have discovered by this time that he could not deal with this point without opening up the whole question. If the hon. Gentleman thought the House had time usefully to consider his Bill, let him join issue with the Government, who asserted the converse. The hon. Member could not, at all events, expect to carry the Bill by such support as he had received from the noble Lord who had just sat down. He regretted that the Government had not dealt more boldly with this measure. If they had told the hon. Member, as they had told the House, that the present was not a fitting opportunity for raising this question, they would have taken a course at once more consistent with their own dignity and with the interest of the public.

MR. BRISTOW said, he wished to caution the House and the Government not to mistake the feeling of the people of England upon the great question of Parliamentary Reform. It was evident to any one who regarded the signs of the political horizon that there was a feeling of dissatisfaction and distrust springing up. Reformers had been taunted with the fact that there had been no indignation meetings held—that no storm had arisen; but there were signs of one coming. Did the Government desire to wait for a storm? For years past promises had been made and pledges given that the representation of the people would be amended, and yet up to this time nothing had been done. At present the people were patient and reasonable; but deceive them and they became impatient and unreasonable. They thought the House and the noble Lord at the head of the Government were in earnest when they promised Reform. But how did the matter stand now? It was true there had been no excitement in the country; but he could assure the House that the people in the midland counties, still more than those of the Metropolis, were looking forward to the Bill now before the House, and were watching the conduct of the Government in relation to it. The treatment by the House of the Bill introduced by the hon. Member for Leeds, and its conduct on other occasions, in reference to a fair representation of the people, would be taken as indices of what the people were to expect at the hands of the House. He was surprised to hear the taunt that no storm of indignation had been raised. It was unbecoming the character of the House to adopt such an argument. He hoped the Bill would be supported by the Government, and that it would pass by a considerable majority, as well for its intrinsic merits as for the favour with which it was regarded by the people of England.

SIR LAWRENCE PALK, who had also put a Notice on the paper to move the Previous Question said, he did not rise to find fault with the conduct of the hon. Member for Truro (Mr. A. Smith), though he felt that his putting on the notice paper an Amendment similar to his (Sir Lawrence Palk's) was somewhat singular. He was glad, however, to find that the Amendment had come from the other side of the House; and he could wish that all projects of Reform should be left to the opposition of hon. Gentlemen on the other side, as he was sure the question was safe in their hands. The present state of the Reform question arose much from the conduct of the Reformers towards Lord Derby's Government. That noble Lord pledged himself to bring in a measure of Reform; he fulfilled his pledge; he did more, he appealed to the country on it, and in his measure was the very principle embraced in this Bill. Then came the Government of the noble Lord, who also pledged himself to a measure of Reform, and also redeemed his pledge. His measure was not opposed by the Conservatives; it died of the speeches on the other side. He admitted, therefore, that both sides were pledged to Reform, and he would not have opposed the farther progress of the measure if he did not believe that the present time was singularly inopportune. When Parliament re-assembled for this Session, the Queen's Speech contained no reference to Reform, and though six weeks had elapsed the people had not complained. Nay, in that old hotbed of Reform, Birmingham, all the indignation had evaporated in a meeting, where he found that a Mr. Parkes had recommended that the Sunday-school teachers should bring the principles of political Reform before their scholars and imprint it on their minds. But even this recommendation was shelved at the large meeting, which consisted at one time of 100 persons. So that even at Birmingham Reform was dead. He thought, then, that this measure would excite no enthusiasm in its favour—that it could not pass—that it would only further encumber and impede the business of the Session. He did not think the country would stand another Session like the last, where men rose not to proclaim their sentiments, but to conceal them, and where there was a game of shuffle going on among the Ministerial Members to conceal their opposition. He objected to this Bill because from the progress of wealth in the country this Bill would have the effect of enfranchising many persons who would be compelled to place their votes at the disposal of those who employed them, and thus to rivet still tighter the chains of inequality that already galled the rural population so much. It appeared that the hon. Mover of the Bill boasted of the support of the noble Lord at the head of the Government. But it seemed to him that the noble Lord when he gave his vote for the second reading of the Bill, did not give it because he approved of the Bill, but because he wished to strangle it in Committee. If, indeed, the hon. Member had the support of the noble Lord and leading public men on both sides he must be singularly unfortunate to be obliged to come to the House year after year with his "rejected addresses." The fact was, the country thanked the hon. Gentleman for his exertions, and gave all credit to his good intentions; but they objected to discussing questions on isolated points. He was surprised when his noble Friend (Lord Henley) concluded his able speech by declaring that he would vote for the second reading, having given most conclusive reasons why he should not. It reminded him of a witty Minister, now no more, who asked a friend, "Whether shall I speak for you and vote against you, or vote for you and speak against you?" and was answered, "Pray give me your vote, and speak any way you please." He hoped the noble Lord on the next occasion when this Bill should be proposed, would speak for it and vote against it. He thought he knew something of the expense of county elections, but he had no idea of their reaching anywhere £10,000—[Lord Henley: £12,000.] Surely every Northamptonshire voter must be conveyed to the poll in a coach and six. This measure, however, he was satisfied, would double the expense of county elections. Personally he would not object to this, as he believed that equivalent to giving the present county Members a lease of their seats for life, for he was satisfied that the increased expense would deter opposition. Believing that this Bill had no chance of passing, and that it was a subject that ought to be dealt with as part of a comprehensive measure and not in an isolated Bill, he should vote against its further progress.

Viscount ENFIELD said, he had been under the impression that both sides of the House were more or less pledged by past speeches and past votes in favour of the reduction of the county franchise and the present Bill, according to its title, was merely a measure for the reduction of the franchise. He believed that no one assenting to the principle of the Bill was bound thereby to vote in Committee in favour of the reduction of the franchise to the particular amount of £10; and he had not allowed his name to be placed on the back of the bill, because, though anxious that some measure of Reform should pass during the present Session, he wished to reserve to himself the right of voting for such Amendments in Committee, as might obtain the greatest amount of support and thus afford the prospect of a successful issue. He, therefore, thought that hon. Gentlemen might assent to the principle of the Bill, which was in favour of a reduction of the county franchise. As to the objection on the score of time, he must observe that if the same tactics should be adopted as were acted on last year by Gentlemen on both sides of the House it would be hopeless to attempt to pass the Bill; but if it were thought that bit-by-bit Reform was more likely to obtain a favourable reception than comprehensive measures like those of 1859 and 1860, and if it should be agreed to consider the reduction of the county franchise in this year and of the borough franchise in the next, he did not see what objection there could be to the second reading of the present measure. In redemption of the promises made, and he believed rightly made, to the constituencies at the last election, he for one, while reserving to himself the right to vote in Committee for Amendments which might be beneficial to the measure, and render it more likely to pass through Parliament, should give his vote most heartily in favour of the second reading.

Mr. HUNT said, that the arguments of the noble Lord the Member for Middlesex (Lord Enfield) in favour of the Bill mainly determined him to vote against it. The scope and purpose of the Bill was to introduce the town element into the county constituencies, and to give to that class which had in the House a preponderating influence, an influence still greater. He considered the House was pledged to a reduction of the county franchise. He was himself favourable to a reduction of the franchise to £20 provided that it formed part of a general Reform Bill with which he was in the main satisfied. But he objected to deal with this measure by itself, nor to consent to any reduction until it was known in what way the whole question of Parliamentary Reform was to be dealt with. He also reminded the House that the Government which came into office on the pledge of Reform had found themselves unable to carry through their measure; and was it likely that an independent Member would be more successful? He did not blame the Government; he thought they were justified in abandoning their measure; and he thought the vote of the House on the Amendment to the Address moved by the hon. Gentleman the Member for Brighton (Mr. White), had released them from their pledge. But if that were so, what was the use of hon. Gentlemen taking up the question without the countenance of the Government, or at least with such a countenance that no one knew whether they were blowing hot or cold? The noble Lord (Lord Enfield) truly said that the £10 franchise might be altered in Committee. He admitted that, but he was not willing to risk the experiment, as he believed that if the Bill was once in Committee the figures that were now in italics would be printed in different characters. If that were to be so he believed that the Conservative character of the county representation would be altered, and that the franchise by occupation would be one-half of the whole county franchise. It was said that this proposition formed a part of Lord Derby's measure, and that was true; but then it was a part of a general measure, and there were compensating qualities. For instance, the 40*s.* freeholders in towns were to be confined to the towns. It could not be doubted that the 40*s.* freeholders joined the Liberal element in the counties, and that they were greatly altered from their original character. The noble Lord the Member for Northampton (Lord Henley) had made some remarks on the character of this franchise, but he thought the noble Lord had understated the change which had taken place. A great many Members of this House were familiar with the statute of Eton College, providing that the boys should on certain occasions have their choice of threepence or half a sheep. Now, if a sheep in Henry VI.'s time was equivalent to a sixpence, it was clear that a 40*s.* freehold would be equivalent to £120 a year—in fact, its possessor would be a substantial yeoman. He would also remind the House further that in all the charges which had been made respecting bribery and corruption, no county, nor division of a county, had been represented as tainted with these vices. His noble Friend the Member for Northampton (Lord Henley) had referred to the additional expense that this Bill if passed would throw on the candidates for counties; and he (Mr. Hunt) was sorry to hear that the noble Lord did not intend to follow up that declaration by stating that he should vote for the Previous Question. He could only account for that by supposing that the opinion the noble Lord expressed was his own, and that the vote he was about to give was that of his constituents.

MR. CONINGHAM said, that when it came to be seen what was the policy of the great Liberal party, it would have been no matter of surprise to him if some one on those benches had invited the hon. Member for East Surrey to withdraw his Bill, lest hon. Members should have to commit themselves to inconvenient pledges. He must say that the treatment of the great question of Reform proposed by this Bill was a mere trifling with it:—at all events those who intended to support the Bill now before the House ought to have voted for the Amendment on the Address brought forward by his hon. Colleague (Mr. White). Such a course would have been intelligible and straightforward; but this incessant mooting of petty details of the Reform question, or this bringing forward Resolutions which were to be withdrawn at the request of some hon. Friends of the Movers, was bringing the great Liberal party into contempt, and only served to show up the shallow pretensions of some of those who called themselves Reformers in that House. So long as the House of Commons was constituted as at present, the clamour for retrenchment and reform had found no echo within those walls. That was not the only question of the franchise which they were about to discuss, for an hon. Member had given notice of a Motion for the reform of the borough franchise as well. Now, he ventured to affirm that if that hon. Member had any serious expectation that such a measure could be carried, the natural and proper proceeding on his part would have been to have given such vote on the Amendment to the Address as would have made known to the Government that theirs must be the duty of bringing forward such a measure. But no such thing. The hon. Member who had given that notice walked out of the House on the occasion of the Amendment on the Address. Therefore he said it was an idle waste of time for that hon. Member for East Surrey and those who acted with him to pretend to bring forward measures which they knew well enough would not be carried, and which they knew could not be carried against the united strength of the Government and their Conservative supporters. He had risen simply for the purpose of placing his non-vote upon that occasion in its true light. He certainly did not intend to take any part in the division, but, at the same time, he desired that his abstinence should not be interpreted as evincing on his part an hostility to the £10 county franchise — a proposal which he was perfectly prepared to support when it was embodied in a complete Reform Bill. But, following the example of the hon. Member for Leeds on the Amendment to the Address, though in a very different spirit, he left to those who were more interested than he was in the settlement of party questions to determine as to the matter now before the House. He was a sincere Reformer, thoroughly opposed to the shams and hypocrisy by which the question of the amendment of the representation of the people of England was now too much disfigured, and one who firmly believed that at no distant day those who trifled with great questions like that would be called to an account in a summary manner, from which they could not hope to escape scatheless.

MR. ALGERNON EGERTON contended, in reply to the observations of the noble Lord, the Member for Northampton (Lord Henley), to the effect that in many counties a great amount of influence was exercised by the members of influential families at elections, that the operation of the Bill under discussion would be not to do away with that state of things, but rather, by increasing the numbers in constituencies, to give those families increased power. Passing, however, from that point to what he considered to be the general objections to the Bill, he must say that, in his opinion, one of the greatest of those objections was that there appeared to be scarcely any demand for a reform of the constituencies in counties. To the fact that such was the case, he should call the course taken by her Majesty's Government in not bringing forward a measure of Reform this Session to bear testimony, for if public feeling pointed in a contrary direction, there could be no doubt that such a measure would have been introduced. It might, indeed, be said that their policy in the matter had been dictated by the state of affairs throughout Europe at the present moment, when England was the only country in which quiet prevailed; nor was it, perhaps, unwise that they had not sought to trouble that repose by laying such propositions before Parliament as some hon. Gentlemen opposite seemed to think it was their duty to submit to its consideration. Having stated that he objected to the Bill on the ground that it was not called for, he might further observe that he was opposed to it because its tendency would be to swamp the landed interest in many counties. In proof of that assertion he should adduce the case of South Lancashire, which he had the honour to represent. In that electoral division there were, in 1859, 19,000 voters; the number in accordance with the registry of the present year standing at 24,000. Now it was calculated by persons perfectly competent to form a judgment on the matter, that if the Bill under discussion were to pass into a law the constituency would be extended to 40,000; that a great amount of purely urban voters residing in large unrepresented towns, such as St. Helen's and Staleybridge, would be created; and that those connected with land would, as a consequence, be almost completely overwhelmed. For these reasons he was opposed to a £10 franchise, while he was prepared to admit—without, however, giving any pledge on the subject—that a fair compromise of the question might be arrived at by reducing the franchise to say £25 or £20.

Sir GEORGE LEWIS: Sir, it has been observed by more than one hon. Gentleman in the course of this debate that there are two modes of dealing with the important question of the amendment of the representation of the people. The one is that the Government should propose a comprehensive measure legislating for the principal heads of the subject — the extension of the county and borough franchises, and the distribution of seats; the other that either the Government or private Members should submit to the notice of the House fragmentary Bills, each relating to different portions of one great whole. Now, Sir, the Government, at the commencement of the Session, having previously taken into their consideration the expediency of adopting the former of these modes, came to the conclusion that, after the experience of last year, it would be unadvisable to lay a comprehensive measure of Reform before Parliament. I was a party to that decision. I entirely concurred in its wisdom, and I still retain the opinion that the decision was a correct one —an opinion in which I am strengthened by the vote at which the House arrived on the first night of the Session, and by the general acquiescence on the part of hon. Members with which the course pursued by the Government has since been received. I say I am strengthened in my opinion by the vote at which the House arrived on the first night of the Session' because nothing could be clearer than the words of the Amendment which was then proposed, pledging the Government "to introduce at an early day a measure for the extension of the Parliamentary franchise in boroughs and counties;" and yet that Amendment was opposed by 129 Members, while it obtained the support of only 46 — unmistakable evidence being thus afforded that it was not the wish of the House that Her Majesty's Ministers should bring forward a scheme of Parliamentary Reform in the present year. Now, Sir, nothing has, so far as I am aware, since occurred to show that the opinion of the House on the subject has undergone a change, or that the decision at which it arrived was unsatisfactory to the country. Well, that being so, some hon. Gentlemen seemed to think a good opportunity for legislating on the question in the shape of isolated propositions presented itself; and accordingly we have laid before us two Bills, dealing respectively with the county and borough franchises; the third branch of the subject—that which relates to the re-distribution of seats—being left as yet untouched. Now, Sir, I can understand an hon. Member supposing that, in the present unexcited state of public opinion, any measure which professed to deal with the entire question of Reform, and whose very comprehensiveness might combine against it a large number of opponents, would have very little chance of being passed into a law, and deeming it better, therefore, to propose bit-by-bit legislation as being more likely to meet with success. Indeed I will go so far as to admit that solid arguments might be advanced in favour of the adoption of that course. But this is not the policy which is now being pursued; because, taking the two Bills before the House, that relating to the county and that to the borough franchise, together, they in reality constitute a large and comprehensive measure of Reform. There is, I may add, this inconvenience associated with these Bills, that they are proposed by different Members, who may not agree with respect to the various parts of the scheme embodied in their proposals, and who do not present those proposals simultaneously to the House. A considerable portion of the speech of my hon. Friend who moved the Previous Question (Mr. Augustus Smith), was founded upon the argument that while you are enlarging the constituencies in counties, where the number of voters is largest, you do nothing for enlarging the constituencies in boroughs, in a large proportion of which the number of voters is small and insufficient. That was an argument against this Bill standing by itself. But if this Bill were coupled with that of the hon. Member for Leeds (Mr. Baines), a great deal of the argument would be irrelevant. That difficulty necessarily arises for the separate consideration of the subject, and my hon. Friend has a perfect right to use the argument, because one Bill may pass and the other may not pass. Indeed, it must be clear to anybody who has followed the course of this discussion that the greatest difficulties arise in the consideration of any one portion of the question of Parliamentary Reform when it is taken apart from another with which it has an intimate connection. I cannot better illustrate my meaning than by referring to a measure which I had, a short time ago, the honour to introduce with respect to the disposal of certain unassigned seats. That measure was unfavourably commented on because of its alleged minuteness. I may, however, in reply to that charge, be permitted to remark that there was a time when the transfer of four seats was regarded as being a matter of great importance. There was a time when the transfer of the franchise of Grampound to Leeds, as agreed to by this House, and subsequently transferred by the other House of Parliament, to the county of York, was looked upon in that light. At the present day, however, there are many Gentlemen in this House who appear to have taken the Abbé Sièyes for their model, who keep new constitutions in their pigeonholes, and think nothing worthy of consideration which does not put the whole constitution of the country into a crucible and recast it *uno flatu;* and who look upon a measure which assigns a seat to the West Riding, one to the Southern Division of Lancashire, and which proposes to confer two others on populous and important communities in boroughs, as so utterly insignificant that I ought to be ashamed to have submitted it to the notice of the House of Commons. Now, let me ask what would be the alternative if the Government had not adopted that course. Why, that we should have, in all probability, several different Bills introduced dealing with those four seats and disposing of each of them in various ways; and I ask whether any mode of legislating on the question could be more fraught with inconvenience, and whether the plan of the Government, which at once deals with the subject and proposes to assign the four seats by one Bill is not the best mode of obtaining the decision of the House? There are, no doubt, some advantages in proceeding gradually in the direction of Parliamentary Reform, and I am not prepared to deny that solid arguments may not be put forward in support of the view that the Government should pursue that line of policy. While, however, I make that admission I feel bound to say that the practical objections to the adoption of such a course seem to me to be almost insuperable, and I cannot help thinking experience will prove that the great question of Reform, to be disposed of satisfactorily, must be dealt with in a more comprehensive shape than the Bill now before us assumes. The Bill is, at the same time, simply a portion of a measure which the Government introduced last Session, and embodies a principle—the extension of the county franchise—to which we have expressed ourselves favourable. As the Bill stands I do not look upon it as pledging any hon. Member who may vote for the second reading to fix the franchise at any particular amount, inasmuch as the preamble simply states that it is expedient to extend the franchise in counties to many of Her Majesty's subjects by whom it has not hitherto been enjoyed. There is nothing to preclude any Member who votes for the second reading from contending that in Committee it is open to any Amendment that may be proposed with respect to the exact definition of the franchise. I express no opinion as to whether £10 would be the best limitation of the franchise; but I only say that those who vote for the second reading are not to be considered as agreeing to any particular amount. As to the Motion of "the Previous Question," I will only observe that the effect, if carried, will be only to postpone the second reading from this day, for I apprehend that it would not decide the fate of the Bill. If this Amendment were carried, I apprehend that it would be competent for my hon. Friend who moves the Bill to place it on the Orders to-morrow. I apprehend that on Motion he could restore the Order to its place amongst the Orders of the House, and could move that it be taken into consideration on to-morrow or on any other day. Therefore, affirming "the Previous Question," on an Order of the Day cannot decide the fate of the Bill, except the House should be so disposed to consider it. My vote will be given in favour of the second reading of the Bill—but at the same time I retain the opinion—which I expressed just now—that this is not a favourable opportunity for bringing the subject under the consideration of the House. If I had thought that this was a favourable moment for pressing the House on the subject of Parliamentary Reform, I would not have concurred in the decision of the Government to abstain from proposing a measure of their own. If I had not thought that in the existing state of opinion, both in this House, and out of it, it was not likely that a measure of Reform would make progress, I would not have assented to that conclusion; but entertaining the opinion that even with the advantages that a Government must always have in this House for the promotion of such a measure, it was not likely to meet with success, I can hardly think that even with the abilities of my hon. Friend the Member for East Surrey, and with the tact he has acquired by repeatedly bringing forward such measures, he is likely to carry it to a successful result. I therefore must think that although he has shown great energy and great zeal and ability in arguing the question and pressing it upon the House, this is not a favourable moment for asking the House to entertain it, and I cannot anticipate that he will be able to bring it to a successful issue. In the exercise of his discretion, my hon. Friend has asked the House to vote upon the second reading, and having put the question to me whether I will say "aye" or "no," I will give my vote in the affirmative—at the same time entertaining the opinion I have expressed—as to the ultimate success of the measure which he ventured to lay before the House.

Mr. BARROW (who rose with Mr. Osborne) said, that he represented the independent freeholders of his county, and it was because he believed that the Bill would give the greatest possible discontent to those independent freeholders that he now claimed the privilege of speaking as an independent Member. He believed that the franchise which belonged to those men was exercised more independently than by any constituency that returned Members to that House, and he believed it to be the most ancient franchise under the Constitution. It had been said that the 40*s*. franchise was granted in the time of Henry VI.; but that was not so, for it existed long before that period in the ages of that remote obscurity in which we placed the origin of our Constitution. The Act of Henry VI. did not enfranchise the 40*s*. freeholders; it disfranchised all those below that amount. He believed that there was no franchise so valuable as the 40*s*. freehold, as it tempted the labouring man to exercise the greatest possible frugality and led him to an honourable ambition to share in the representation, and it was a great encouragement to him to cultivate those habits by which the prosperity of the country was promoted. For these reasons he (Mr. Barrow) could not assent to a Bill which would annihilate the privileges of that particular class.

Mr. BERNAL OSBORNE:—Sir, it appears to me that this question of Parliamentary Reform which, in connection with the great subject of the departure of Sir Baldwin Walker from our shores, we discuss every night is involving us in inextricable confusion, and if we desire greater confusion, I think we have been materially aided by the right hon. Gentleman, the Secretary for the Home Department, in attaining the object of our wishes. Indeed, I should be much puzzled to discover, after the speech we have just heard from him, in which pigeonhole of the Abbé Sièyes that right hon. Gentleman would search for a constitution. I may add that my hon. Friend the Member for East Surrey seems to me to be now in the position of an unfortunate but too confiding female, to whom, in her early days, the right hon. Gentleman had promised marriage, but out of his engagement with whom, now that she is "in the sere and yellow leaf," he is disposed to shuffle altogether, on the plea that the moment is not favourable to its performance. I failed to perceive anything in the speech of the right hon. Gentleman except the statement that the present is, in his opinion, not a favourable moment for bringing forward this question, because of the division which took place at the commencement of the Session, on the Amendment to the Address. The right hon. Gentleman, it is true, admires the proposition of the hon. Member for East Surrey as much as ever he did, and says, "I will give my vote in favour of the Bill," but, then, he all the while "damns it with faint praise," and, as it were, throws the too-confiding Member on the streets of this Metropolis. The question of Reform, which, at one time, was made the great stalking-horse of party in this House, has now become simply ridiculous, and the Liberal party are doing all they can, with the Home Secretary at their head, to make it still more absurd. I cannot conceal from myself that both parties in this House have rather over-rated the great desire for Reform which is supposed to exist in the country; but, at the same time, having given my promise of marriage to my hon. Friend the Member for East Surrey on a former occasion, I cannot afford to imitate the conduct of that very advanced Liberal the hon. Member for Brighton (Mr. Coningham) and walk out of the House without recording my vote for the present Bill. I shall remain in my place, and shall go into the same lobby with my hon. Friend the Member for East Surrey. Not that, in the words of the Home Secretary, I think the present "a favourable opportunity" for dealing with the question of Reform, but I really am not prepared, like the right hon. Gentleman, to destroy my former character for consistency. Gibbon says in his *Decline and Fall*, "that two Roman augurs could not meet without laughing in each other's faces." In like manner it must be impossible for any two Members of the Government—say, for example, the noble Lord at the head of the Ministry and the right hon. Gentleman the Home Secretary—to look each other in the face when the question of Reform is mentioned without bursting into laughter. When we remember the great meeting of the Liberal party which took place in the tea-room of this House, and which resulted simply in the Chairman and Secretary being put into office—when we recollect the other great meeting of the same party which took place in Willis's Rooms, and at which we all pledged ourselves upon the question of Reform, and when we are told that the present is not a favourable time for passing a Bill, though the country has been agitated right and left, I really think that the less the great Liberal party say about the matter the better. I do not so much blame the noble Lord the Member for the City of London. I think he and the hon. Member for Birmingham are the only two really sincere Reformers in the House. It is not Ministerial treachery that I complain of; it is Parliamentary insincerity altogether. We came here fresh from the hustings, some of us having spent more than was convenient, and we did not want to be sent back again to our constituencies, which we should have been if we had passed a Reform Bill in our first Session. That is the whole history of the great Reform question. I must confess that nobody is so much to blame for having injured the cause as the hon. Member for Birmingham. He has frightened the middle classes out of their wits. I do not say so in any offensive spirit, because I believe that if the hon. Member were allowed to put his Bill on the table it would be found to be a mild, moderate, and workable measure; but his speeches during a certain recent vacation were so very hot and furious, and they were delivered in such an energetic and impressive manner, that they thoroughly frightened the middle classes, who, I am confident, would now be satisfied with a very small and a very bit-by-bit Reform. In most of our great towns the very insignificant measure which the Home Secretary has proposed—I allude to the Appropriation of Seats Bill—will be deemed satisfactory. But do not let the House deceive itself. I have either heard or read of the noble Lord, the Member for the City of London, having stated at the commencement of the Session that we must wait for a breeze to carry a Reform measure over the bar of the House of Lords. Let the noble Lord take care that while indulging in the nautical amusement of whistling for a wind he does not invoke a hurricane. In my opinion, there could be no better time than the present for passing a moderate and well-considered measure of Reform. I believe all parties are anxious to pass a moderate measure. In voting for the second reading of a Bill which establishes a £10 franchise in counties, I do not think I am doing more than giving my assent to a lowering of the suffrage. I am willing to vote for any moderate measure of Reform—for any compromise—and I believe now is the time for a compromise. There is no violent breeze ruffling the waters, and we might without much difficulty pass a Bill which the country would accept and approve. But to go on as we are now doing,—

> "Letting I dare not wait upon I would,"

making ourselves believe that the present is not a favourable opportunity, is to discredit not only the question of Reform, but the House of Commons itself. What is the country to think of us? Last Session we were asked to vote to pay the little Bill of Messrs. Baxter and Rose for preparing the Bill of 1859. That is all we did practically in the way of Reform last year, and he must be a sanguine man indeed who expects that we shall have a really good measure, either in the present Session or in the next. If we take the advice of the Government we shall do nothing until there is a row out of doors, and then we shall, probably, do too much. Why cannot we do the thing plainly, calmly, and sensibly now? The people are prepared to accept a moderate, not an excessive measure, because they are tired of seeing the game of cup and balls played with the Reform question. I regret, for my own part, that we did not take the Bill which was offered to us by the hon. Gentlemen opposite when they were in office. We committed a fatal mistake upon that occasion; we lost a great opportunity of settling the question. Do not let the House be so foolish as to fall into the same error again. Let us give a second reading to the Bill of my hon. Friend, the Member for East Surrey; and, above all, let us assure ourselves that if we listen to speeches from the Treasury Bench, such as that which we have heard to-day from the Home Secretary, and if we throw this question again upon the country, we need not hope for a satisfactory settlement for at least ten years to come.

Mr. BEACH regretted that, after the declaration made by the Government at the commencement of the Session, certain hon. Gentlemen, fired with enthusiasm to distinguish themselves in the cause of Reform, should have thought fit to introduce their own pet measures, which they regarded with peculiar and paternal affection. There is a story told that some one entering Beau Brummel's room saw a number of white neckcloths scattered about, and on inquiry was told "Oh! these are the failures." So he believed that those hon. Gentlemen would only add to the failures with which the Journals of the House were already filled. The present electoral system was founded upon a balance of various interests, and if those interests were disturbed who would be found able to reconcile the differences which must inevitably ensue? Perhaps the hon. Member for East Surrey and the hon. Member for Leeds might be disposed to say—

"Non nostrum tantas componere lites,"

leaving it to other and more responsible heads to arrange the differences caused by their own rashness. Excellent reasons had been given why the Bill of the hon. Member for East Surrey ought not to have been introduced in the present Session. The Bill itself was highly objectionable. It is right that persons residing in non-

represented towns should have a fair share of influence in the county representation, but this Bill would give them a preponderating; influence, and, while extending the franchise to occupiers of £10 who lived in £6 houses would still exclude occupiers of £40 who lived in £5 houses. His own opinion was that if the franchise was to be extended in counties it should be coupled with conditions such as ought to form part of any Reform Bill—education, intelligence, and worth. With regard to the extravagant amount spent in some counties for the conveyance of voters, he could only say that he found electors anxious to save the candidates any useless expense. They themselves took voters to the poll as far as was practicable—an example well worthy of being followed. He denied that landlords exercised a preponderating influence in county elections, and cited the case of the last election for South Wilts, where the Liberal candidate was compelled to abstain from going to the poll, though, by his own admission, he had the support of the chief landowners of the county.

Mr. WILBRAHAM EGERTON said, the House had had several Reform Bills brought before it, all of which had been rejected; and in the present Session the Government brought in a Bill to give away the vacant seats. He wished to express his thanks to them for having recognized the claims of Birkenhead; he wished they had also recognized the claims of Staleybridge. He was of opinion that the whole subject of Reform ought to be brought forward by Government, and for that reason he should oppose this Bill. He wished distinctly to say that he was in favour of an extension of the county franchise, but not to the extent involved in this Bill. He should support the Previous Question.

Lord JOHN RUSSELL: Sir, in rising to give my opinion upon the Bill now before us, I trust I may be permitted to advert to circumstances which, though they do not concern the present measure, are yet of great interest in respect to the general question of Reform. In 1848 and in 1849 I expressed my belief that there ought to be a further extension of the right of voting for Members of Parliament. I did so, in the first place, because I thought the foundations of the Constitution would be strengthened by the admission of a greater number of persons who were well qualified to vote; and, in the second place, because the question was beginning to be debated, and especially by

Gentlemen belonging to the Liberal party, with a good deal of eagerness. I remember that the question of Catholic Emancipation used to be discussed quietly and calmly in both Houses of Parliament, with sometimes a majority of five in favour of emancipation, and sometimes a majority of six against it in this House, but with a great majority always against it in the House of Lords. I remember, however, that there came a time when immense mobs were collected in Ireland, and when the country was brought to the verge of civil war. I remember that, immediately it saw a prospect of civil war, Parliament, which had previously discussed the question as if it were a pure matter of speculation, gave way before the great crowds which were organized in Ireland, under powerful and popular leaders, and what the people of Ireland had long been contending for received the sanction of Parliament. So, too, with respect to the question of the corn laws. For a considerable period parties were very evenly balanced in this House upon that question, but there was always a large majority against repeal in the House of Lords. Indeed there was hardly any one in the other House of Parliament who would stand up and say that the corn laws ought to be repealed. Then there came a time of agitation; there was a failure of the harvest; the country became violently excited, and Parliament was again obliged to give way. The whole question was given up and the corn laws were totally abolished. It appeared to me that acts such as these tended to lower the authority of Parliament. If Parliament in its wisdom, after long deliberation, had not seen fit to emancipate the Catholics or repeal the corn laws; if the arguments against concession had been so powerful as to induce it not to interfere, surely it was a great weakening of its authority that it should suddenly, in a moment of panic, abandon its position, and that the popular will, whether of England or Ireland, expressed with clamour and menaces should effect an object which all the reasoning of some of the wisest Members of Parliament had not been able to accomplish. Such was the impression which the transactions to which I have alluded had produced upon my mind, and I, therefore, came to the conclusion that a further extension of the suffrage, being just in principle and likely to find favour with the country through the advocacy of this House, of Members of known talent and energy, should be carried into effect when Parliament could decide the question in a deliberate and satisfactory manner, and that we should not wait until the agitation which had taken place upon the questions of Catholic Emancipation and the abolition of the corn laws should be repeated, and should overawe our deliberations. I confess, however, that as the movement has gone on, as the matter has been discussed, there has been less and less of favour shown to any further amendment of the Constitution. I am bound to say also, that the opposition has not been such as that which was offered to the Bill of 1832, and to the general question of Reform before that measure was introduced. The opposition which we had to contend with then was an opposition of a particular class of persons interested in the close monopoly which existed previous to 1832; whereas the opposition which manifested itself so sensibly last year was an opposition which came more particularly from the middle classes. In the discussions which took place upon the Reform Bill of 1832 we who proposed it never attempted to disguise that it was a transfer of power to the middle classes. That has been its actual effect: and we now say that the middle classes would do well to share that power with a greater proportion of their poorer fellow-countrymen. But the fact can no longer be concealed that for two or three years past—especially last year—the middle classes have taken a different view, that they are not in favour of the admission of the working classes into the number of those who hold the franchise, and that the opposition given to the Bill of last year proceeded far more from the middle classes than from either the House of Lords or from any portion of the upper classes of this country. Such being the state of affairs, I am much disposed to concur, as a general question, in an observation made by the right hon. Gentleman the Member for Buckinghamshire, that if you wish to deal with the question of Reform you ought to do so in one comprehensive measure rather than by several particular measures, introduced from time to time by private Members. But I will say more than this. I will say that in the present state of parties, both in this House and in the country, I do not think that any comprehensive measure of Reform would be likely to succeed, even though it were founded, not upon the opinions of one party or upon the interests of one class, but upon a general consideration of the prevailing opinions among different parties, and upon the interests of all classes. It may be long before such a general agreement can take place. But coming to this Bill it seems to me that it is not necessary that Parliament, under the plea of waiting for the introduction of a comprehensive measure which, unlike the Bill of 1832, might be carried without violence, should refuse to discuss the particular Bill which is now before us. I have heard, to my gratification, that the franchises established by the Act of 1832 are universally regarded as belonging to the old constitution of the country; but, coming to the question raised by the present measure, it must be recollected that a very great change was made in the county franchise at the time of the Reform Bill, and that that change, instead of being, as I think all the other changes were, for the general advantage of the country, and for the extension of popular rights, was a change very much for the worse. It was a change proposed by one of the most determined enemies of the Reform Bill, and it was carried against the opinion of Lord Althorp, the leader of this House, and the representative here of the Reform Government and the Reform party. Lord Althorp said in effect—"If you gave £50 occupiers a vote you will not be extending the franchise to those who will exercise it freely and independently. Those who exercise the franchise freely and independently are the 40*s.* freeholders now in existence, and therefore we propose still to maintain the right of voting by that tenure. But the proposal to give the franchise to occupiers at will is, in fact, giving the power of returning Members for counties to the owners of the land, according to whose will or pleasure the greater part of these persons will vote." [See 3 *Hansard*, vi.] Such was the substance of Lord Althorp's speech—a speech so true and wise that I have always lamented it had not more weight with the House. It was addressed to a House, remember, in which the Reform party had an immense majority, for those who had opposed Reform had been beaten in the general election; but many of the Reformers thought the proposed extension of the franchise to occupiers of £50 ought to be accepted simply as an extension, and that, at all events, it would add to the number of voters in counties. In my opinion, it was a subtle poison introduced into the blood of the Constitution. We very soon found that county elections would not in future be determined, as before, by the freeholders. I believe there is no better franchise than that of a county freehold. County freeholders are a large and respectable body of independent men, and the right of voting could not be placed in better hands than theirs; but they are overpowered by occupiers holding at the will of the landowners. The question was considered before the Reform Bill was introduced, and the Government of Earl Grey, although of opinion that the operation of the £50 occupation franchise would prove most injurious, were compelled to bow to the decision of this House. They could not help themselves;—the House of Commons having affirmed the proposition by a considerable majority, it was right to bow to that majority. But surely there was nothing in the introduction of the £50 occupation franchise into the Bill of 1832 to prevent any Government or any private Member from proposing any enlargement of the franchise in counties which the progress of time might show to be desirable. I must say I admire the courage and constancy with which my hon. Friend the Member for East Surrey, whether in season or out of season, has at all times proposed that extension of the franchise which he thinks expedient. I agree with him in thinking, to quote the words of the preamble of his Bill, that "it is expedient to extend the elective franchise to many of Her Majesty's subjects who have not heretofore enjoyed the same." My hon. Friend proposes that the franchise should be extended to occupiers of £10; but, of course, the reading of the Bill a second time will not bind the House to the adoption of that precise proposition. Let me remind the House that we have not hesitated to extend the county franchise in one part of the United Kingdom, although we were not at the time altering the Reform Act in any other particular. We found that the county franchise established in Ireland was operating injuriously, and we brought forward a Bill which gave the franchise to occupiers rated to the amount of £8. That Bill was not rejected in the House of Lords; it was modified, and now all persons rated to the amount of £12 in an Irish county are entitled to vote. Here, then, is an instance in which Parliament did not think itself precluded from extending the county franchise, although it was not dealing with the whole frame of the Reform Act for Ireland or for counties generally. I believe the step taken by Parliament in that innovation has been justified by a great amendment in the state of the elective franchise in Ireland; because the undoubted frauds which were committed in Ireland in connection with the freehold franchise have not occurred with the rating franchise which now exists. If the House should agree to the second reading of this Bill, it will be for my hon. Friend, the Member for East Surrey, to take whatever course he may think proper with respect to the details of his measure. All I can say is, that if he could obtain the assent of Parliament to a useful extension of the franchise, even although it should not be the particular extension which he himself prefers, he would confer a great benefit upon the country. That, however, is a matter for his own consideration. I shall give my vote, of course, in favour of the second reading of the Bill. I think my hon. Friend is justified in bringing forward this Motion for the extension of the franchise, and that there is no objection to the principle of his Bill. Before sitting down I must say a few words upon a statement which has been made in this debate, namely, that the majority of this House who rejected the Bill introduced by the Government of Lord Derby acted very unwisely, and lost a good opportunity of settling the Reform question. I have never thought that because a Bill was called a Bill to amend the Representation, therefore it was a Bill that would effect that object. Without going at present into the merits of that Bill, there was one provision which would alone have induced me to think that it was the duty of any House of Parliament to reject it; namely, the provision with regard to the small boroughs in the country. Landowners acting according to the way that landowners used to act in the last century, and of which there are many woful examples in our Parliamentary history—a landowner in Northumberland or Cumberland could get a small property in a borough in Cornwall; he could insert in the list of voters for that borough 100, 200, or 300 of his servants and tenants on his property in Northumberland and Cumberland, and could send by the post their votes, which were registered, and might have been given at the poll for that borough, thereby defeating the votes of all the burgesses resident in the borough. Well, I think that provision so monstrous that alone it quite justified the House in rejecting that Bill; and I cannot but think that such a provision, if passed by Parliament, would not only have not been an amendment of the constitution, but would have totally destroyed all the benefit obtained by the Reform Act. Any one who looks at the Parliamentary history of this country knows that long ago—two or three centuries ago—the persons who voted in these boroughs were burgesses with small holdings, who belonged to the boroughs, and who gave their votes according to their local interests; but, when Parliamentary interest became a subject of great desire and contention, the great landowners of the country and persons taking a Parliamentary lead in politics went to these boroughs, bought freeholds in them, and established their power there, so that the boroughs became, in fact, nomination boroughs. They could send down any man or any name to these nomination boroughs, and return their nominees to this House. Under the Bill introduced by the late Government that power would have been restored, and after a time we might again have seen a similar state of things. I will say further with regard to the general question, that I do not think that this is a time to introduce any general measure. I said so on the first day of the Session; and what has happened in the country shows that the country does not wish this year a large and comprehensive measure of Reform to be introduced; but to such a measure as that proposed by my hon. Friend I shall give my support, and will vote for the second reading.

Mr. DISRAELI: Sir, the noble Lord commenced his observations with some of those historical references in which he occasionally indulges for the edification of the House. The noble Lord told us that he remembered the great demand there was for a repeal of the corn laws and for the relief of the Roman Catholics in olden days; how that neglected demand on the part of Parliament led to prolonged and dangerous agitation; and that he, wise by these warnings, felt it his duty in 1851 to deal with the question of Parliamentary Reform. But the noble Lord forgets that there is no analogy between these instances of the repeal of the penal laws against the Roman Catholics and of the corn laws and this question of Parliamentary Reform. There is a fallacy in all the observations of the noble Lord which were drawn from these illustrations, because he forgets that there was a settlement of the Reform question in 1832, while there had not been a settlement as regards the penal laws or the corn laws. They were great grievances which had been neglected—which, in consequence of that neglect, brought about widely-extended dissatisfaction, and led to that state of affairs which the noble Lord justly laments. But there was a great settlement of Parliamentary Reform in 1832, for which the noble Lord made himself in no slight degree responsible; and, therefore, what the noble Lord had to consider in 1851, when he reopened the question, was, whether the settlement of 1832 had been an adequate and sufficient settlement, and whether the circumstances then existing in 1851 justified him, as Prime Minister, in counselling Her Majesty to recommend a further change in the laws affecting the representation of the people from the Throne. Therefore, I must repeat, the analogy between the historical instances brought forward by the noble Lord—and that not for the first time—is entirely fallacious. But there is no doubt of this—there is no fallacy on this head, that it is the noble Lord who is responsible as the statesman in modern times, who did feel it his duty to revive this question of Parliamentary Reform and bring it again before the consideration of the Legislature. Sir, our vindication of the course we took—for the noble Lord has referred to the measures we brought forward—is founded upon the conduct of the Ministers who went before us. It is not merely that we found the question recommended three times from the Throne; but the House was in this situation, that we were having a Reform Bill carried in detail. There were different measures on different portions of the main subject brought forward and carried, with all the evils which I maintain are incident to a great constitutional question affecting the distribution of political power being considered in detail. And what are those evils? Not giving a due consideration to the various interests of the country—giving paramount importance to some interests to the injury of other interests, without that ample information and mature thought which those responsible for power can alone acquire and exercise. Sir, I maintain the soundness of that principle which has been acknowledged by the noble Lord to-night, and which I reassert, that you cannot deal with a subject such as the representation of the people except in a complete and comprehensive manner. The noble Lord himself admits that there is justice in an observation to that effect I made the other night; but the noble Lord while sanctioning that sentiment, with extraordinary inconsistency adds—"I think that sentiment perfectly just. You can and you ought only to deal with Parliamentary Reform in a complete and comprehensive manner—I agree there with the right hon. Member for Buckinghamshire; but, although nothing can be more sound than that principle, I must make an exception in regard to the county franchise." Now, why make an exception in regard to the county franchise? Is the county franchise that portion of the franchise for which we find the largest number of applicants? Is it in the counties where you find persons most eager to claim the possession of the franchise? Is the county constituency in point of number inferior to the borough constituency? Is it not a notorious fact, that the constituency represented by 150 county Members of this House is more numerous than the constituency represented by more than 300 borough Members? Then I want to know, if the noble Lord admits the principle that we ought to deal only in a complete and comprehensive manner with the subject of Parliamentary Reform, on what grounds can the noble Lord justify the exception he is now making? Now, Sir, the noble Lord has felt, at last, that it was necessary he should in some degree vindicate the course he took with regard to the measure brought in upon the subject by the late Government. I beg the House to observe that it is not I who introduce the subject. For myself and my colleagues I may say we never complained of the decision at which the House arrived on that or any other measure we brought forward. With, I trust, due self-respect, we always bowed to the decision of the House, and we cheerfully quitted the seats opposite. But when we are attacked on the measures we brought forward, when unintentionally, I presume, misrepresentations are put forward by our successors in office, I trust the House will agree that, in order to explain or vindicate those measures, there is nothing arrogant or intrusive on my part if I for a moment revert to the subject. The noble Lord has to-day, in a spirit of curious revelation, explained to us the cause of that conduct which a couple of years ago astonished—and, I think, in some degree annoyed—the country. We now know the reason why the noble Lord then thought it his duty to oppose the measure of the late Government. Taking out of a measure which included several hundred details one connected with the borough franchise, the noble Lord held it up to public odium and said—"Because faggot votes could by this machinery have been created in a borough, this is the chief reason why I thought it my duty to oppose the measure brought forward by the late Government." Well, but if that were your chief reason, why did you not mention it in the Resolution which you then asked the House to approve? Extraordinary reserve! extreme delicacy of reticence, that, in the possession of this secret, feeling himself justified in taking the course which certainly astonished Parliament at the time, the noble Lord did not feel himself justified in communicating to the House the sufficient reason for his conduct! Why, Sir, it is too late in the day to invent these shadows to perplex public opinion. Everybody knows the clear issue that was taken upon the measure which I brought forward as the organ of Lord Derby's Government on the subject of Parliamentary Reform. It was this, or it was nothing—would you, or would you not, lower the borough franchise? That was the broad and intelligible issue. Upon that issue the opinion of the House was taken, and by virtue of that opinion, and in order to carry it into effect, the present Government was formed. Well, Sir, I am told sometimes that we counselled an appeal to the people, and that the people decided against us. Did they decide against the policy of not lowering the franchise in boroughs? I think it has been pretty well settled by the conduct of the Government, by the conduct of this House, and by the feeling of the public generally, that we measured accurately and soundly, public opinion upon that subject,—that we tested, and wisely, the sentiment of the nation. I do not reproach the noble Lords opposite for not forcing a measure founded on such a principle through the House. I have always given them credit for conscientious opinions in the course they have taken. But what I do protest against, and what I could not pass over in silence, is that the noble Lord on second thoughts—nearly two years afterwards, in consequence of a very general expression of disappointment even from his own supporters, and on his own side of the House, that the Bill of Lord Derby was not allowed a second reading—should now come forward with this finical reason, which nobody ever heard of before, founded on an obscure detail in a Bill full of details—an obscure detail which nobody can recollect—to vindicate a policy which at the time outraged public opinion, and led to results which we can look to at least without mortification, but which the noble Lord must be framed very differently from other men if he can find in them topics of self-gratulation and self-respect. Now, Sir, with regard to the Bill before us I object to dealing with this question of the extension of the suffrage but in a complete and comprehensive measure. I deny that we can consider the due and legitimate incidence of the county franchise unless we take into consideration, at the same time, the franchise in the boroughs; and not merely that subject, but unless we take into consideration all which affects the representation of the people in Parliament. That would be with me a sufficient reason for not entering into this discussion. But I will not say, as others have said, that if a large measure were brought before us and this were portion of it I could approve it. I entirely disapprove this measure. I state, without equivocation, that this is not in any degree, either in its form or spirit, the measure which we proposed with respect to the county franchise in our Bill. The other day we were told that the measure we brought forward with respect to the franchise in counties was identical with that brought forward by the hon. Member for East Surrey. It was not so. The primary qualification in our Bill certainly arose from a £10 occupation—but it was a £10 occupation of land—our Bill, too, included a county franchise founded on personal property; a lodger franchise; franchises founded on the possession of intelligence, had franchises of other kinds; but the mode by which a *bonâ fide* and virtual representation of the landed interest in all its classes was secured, was not confined merely to the invention of franchises. We have been reminded to-night that in that Bill there was a provision that the possessor of a freehold should vote in the locality in which the freehold was placed. At the same time that we agreed that the £10 occupier in unrepresented towns should vote for the county; we also took care that the urban influence should not be overwhelming by regulating that the possessor of a freehold in a town should vote in the locality with which he was legitimately connected. There was no disfranchisement of 40*s.* freeholders in the Bill I brought forward. That charge has been made in this House to-night. A Bill which was not allowed to be read a second time is of course liable to misrepresentation. We looked upon the 40*s.* freehold franchise as one of the soundest, most valuable, and most constitutional in the country; it was the very last we should have dreamt of abolishing. All we proposed was that in a large scheme consisting of so many franchises the elector should vote in the locality in which his qualification was situate. But is that all? We have heard to-night of the great mischiefs that would occur if the Bill of the hon. Member for East Surrey were carried, by swamping, as the phrase is, the natural constituency of the counties representing the predominant property and prime industry of the counties. Did we not provide against that? Did we not secure in our Bill the revision of borough boundaries? What would occur under the Bill of the hon. Member for East Surrey is that Manchester or Birmingham, or fifty other great towns, might overwhelm the natural constituency of a county by a population which really is homogeneous with the civic and urban constituency of Manchester or Birmingham. What provision is there against such a result in the Bill of the hon. Member for Surrey? None; our revision of the existing borough boundaries met the difficulty. Take, again, the instance mentioned to-night by my hon. Friend the Member for Cheshire (Mr. Egerton). He is afraid, and naturally, of being overwhelmed by towns like Staleybridge. That is an evil which could not have occurred under our Bill, because Staleybridge would have been represented in this House. I say all our arrangements for the county franchise were framed with this view—while we increased the garrison of the Constitution, while we enlisted in support of the landed interest of the country a great variety of sympathies and influences, we endeavoured to secure for the landed interest that predominance which is necessary to public liberty; and that was the object, and the only object, we had. It was not to secure any petty interest of our own; but we recognized in the due preponderance of the land in the constitutional scheme the best and most efficacious security for local government and public liberty. Sir, I will not trespass further on the time of the House, for the hour is come when we must divide. I may not have completely, but I have at least sincerely, vindicated the course we took when we were in power in proposing a measure on the subject of the extension of the franchise and the representation of the people. I may remind the House still further that in that Bill with respect to the county franchise we had, by a complete system, worked out a self-acting registration, and by the multiplication of polling places we had been in a position to propose to Parliament that all election expenses should be illegal; and that, Sir, would alone have been a better security for purity of election than the fantastic schemes now proposed. Sir, I am confident that Bill will be appealed to hereafter for the many valuable provisions it contains; and after the attack which the noble Lord has made on it to-night, I will only say, though it was not successful, I am at least as proud of having been the organ of bringing it before the notice of Parliament as the noble Lord can be of having obtained office under the conditions he did, and of the political and constitutional franchises which in consequence he has been enabled to bestow on his countrymen.

MR. LOCKE KING, in reply, said, he would only make one remark in justice to the memory of Mr. Joseph Hume, whose name had been mentioned in the debate, that his revered Friend had not only always voted for his Motion, but, on one occasion, seconded it.

Whereupon *Previous Question* put, "That that Question be now put."

The House *divided*:—Ayes, 220; Noes 248: Majority 28.

List of the AYES.

Acton, Sir J. D.
Adair, H. E.
Adam, W. P.
Adeane, H. J.
Agnew, Sir A.
Alcock, T.
Angerstein, W.
Anson, hon. Captain
Antrobus, E.
Atherton, Sir W.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, E.
Baring, rt. hon. Sir F. T.
Barnes, T.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Berkeley, hon. H. F.
Berkeley, Col. F. W. F.
Bethell, Sir R.
Biddulph, Col.
Biggs, J.
Black, A.
Blake, J.
Bonham-Carter, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brady, J.
Brand, hon. H.
Bright, J.
Briscoe, J. I.
Bristow, A. R.
Bruce, H. A.
Buckley, Gen.
Buller, Sir A. W.
Bury, Visct.
Butler, C. S.
Butt, I.
Buxton, C.
Caird, J.
Calthorpe, hn. F. H. W. G.
Cardwell, rt. hon. E.
Carnegie, hon. C.
Childers, H. C. E.

Churchill, Lord A. S.
Clay, J.
Clifford, C. C.
Clifford, Col.
Clive, G.
Cobbett, J. M.
Coke, hon. Col.
Colebrooke, Sir T. E.
Coningham, W.
Craufurd, E. H. J.
Crawford, R. W.
Crossley, F.
Dalglish, R.
Davey, R.
Davie, Col. F.
Dent, J. D.
Dillwyn, L. L.
Dodson, J. G.
Douglas, Sir C.
Duff, M. E. G.
Dunbar, Sir W.
Duncombe, T.
Dunlop, A. M.
Ellice, rt. hon. E.
Ellice, E.
Enfield, Visct.
Ewart, W.
Ewart, J. C.
Fenwick, H.
Ferguson, Col.
Fermoy, Lord
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Forster, W. E.
Foster, W. O.
Fortescue, hon. F. D.
Fox, W. J.
Freeland, H. W.
French, Col.
Gavin, Major
Gibson, rt. hon. T. M.
Gifford, Earl of
Gilpin, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Glyn, G. G.
Goldsmid, Sir F. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Gregson, S.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Gurdon B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Hardcastle, J. A.
Headlam, rt. hon. T. E.
Heneage, G. F.
Henley, Lord
Howard, hon. C. W. G.
Humberston, P. S.
Hutt, rt. hon. W.
Ingham, R.
Jackson, W.
James, E.
Jervoise, Sir J. C.
Kershaw, J.
Kinglake, A. W.
Kingscote, Col.
Kinnaird, hon. A. F.
Knatchbull, H. E.
Langston, J. H.
Lanigan, J.
Lawson, W.
Layard, A. H.
Leatham, E. A.
Lee, W.
Levinge, Sir R.
Lewis, rt. hon. Sir G. C.
Lindsay, W. S.
Lysley, W. J.
M'Cann, J.
MacEvoy, E.
Mackinnon, W. A.
Maguire, J. F.
Marjoribanks, D. C.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Mildmay, H. F.
Miller, W.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Moncreiff, rt. hon. J.
Morris, D.
Norris, J. T.
North, F.
Ogilvy, Sir J.
Onslow, G.
Osborne, R. B.
Paget, C.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Peel, rt. hon. F.
Peto, Sir S. M.
Pilkington, J.
Pinney, Col.
Pritchard, J.
Puller, C. W. G.
Raynham, Visct.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, A.
Russell, Sir W.
St. Aubyn, J.
Salomons, Mr. Ald.
Scholefield, W.
Scrope, G. P.
Seymour, Sir M.
Seymour, W. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Smith, J. B.
Somerville, rt. hon. Sir W. M.
Stacpoole, W.
Staniland, M.
Stansfeld, J.
Steel, J.
Thompson, H. S.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Trelawny, Sir J. S.
Turner, J. A.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vyner, R. A.
Warner, E.
Watkins, Col. L.
Wemyss, J. H. E.
Western, S.
Westhead, J. P. B.
Whalley, G. H.
Whitbread, S.
White, J.
Wickham, H. W.
Williams, W.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woods, H.
Wyld, J.
Wyvill, M.

TELLERS.

King, L.
Russell, H.

List of the NOES.

Adderley, rt. hon. C. B.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Astell, J. H.
Baillie, H. J.
Ball, E.
Baring, A. H.
Baring, H. B.
Barrow, W. H.
Barttelot, Major
Bathurst, A. A.
Beach, W. W. B.
Beaumont, W. B.
Beaumont, S. A.
Bective, Earl of
Beecroft, G. S.
Bentinck, G. W. P.
Bentinck, G. C.
Benyon, R.
Beresford, rt. hon. W.
Bernard, T. T.
Blackburn, P.
Bond, J. W. M'G.
Botfield, B.
Bramston, T. W.
Bridges, Sir B. W.
Brooks, R.
Bruce, Major. C.
Burghley, Lord
Cairns, Sir H. M'C.
Cartwright, Col.
Cave, S.
Cayley, E. S.
Cecil, Lord R.
Clive, hon. G. W.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Cole, hon. H.
Collins, T.
Conolly, T.
Corry, rt. hon. H. L.
Cross, R. A.
Cubitt, G.
Curzon, Visct.
Dalkeith, Earl of
Damer, S. D.
Deedes, W.
Dickson, Col.
Disraeli, rt. hon. B.
Duncombe, hon. A.
Duncombe, hon. W. E
Dunne, Col.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Edwards, Major
Egerton, Sir P. G.
Egerton, hon. A. F.
Egerton, E. C.
Egerton, hon. W.
Elcho, Lord
Elphinstone, Sir J. D.
Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.
Farrer, J.
Fellowes, E.
Fergusson, Sir J.
Filmer, Sir E.
Fitzgerald, W. R. S.
Forester, rt. hon. Col.
Forster, Sir G.
Franklyn, G. W.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
George, J.
Getty, S. G.
Gilpin, Col.
Gladstone, Capt.
Gordon, C. W.
Gore, J. R. O.
Graham, Lord W.
Greaves, E.
Gregory, W. H.
Gray, Captain
Grey, de W. Visct.
Grogan, Sir E.
Haliburton, T. C.
Hamilton, Lord C.
Hamilton, Visct.
Hanbury, hon. Capt.
Harcourt, G. G.
Hardy, G.
Hardy, J.
Hartopp, E. B.
Hassard, M.
Heathcote, Sir W.
Heathcote, hon. G. H.
Henley, rt. hon. J. W.
Hennessy, J. P.
Henniker, Lord
Hervey, Lord A.
Heygat, Sir F. W.
Hill, Lord E.

Hill, hon. R. C.
Holford, R. S.
Holmesdale, Visct.
Hood, Sir A. A.
Hope, G. W.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Howes, E.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Jermyn, Earl
Johnstone, hon. H. B.
Jolliffe, rt. hn. Sir W. G. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kennard, R. W.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knightley, R.
Knox, Col.
Knox, hon. Maj. S.
Lacon, Sir E.
Leader, N. P.
Lefroy, A.
Legh, Major C.
Legh, W. J.
Lennox, Lord G. G.
Lennox, Lord H. G.
Leslie, C. P.
Leslie, W.
Liddell, hon. H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Long, R. P.
Longfield, R.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lyall, G.
Lygon, hon. F.
Macdonogh, F.
Mackie, J.
Mainwaring, T.
Malcolm, J. W.
Malins, R.
Manners, rt. hn. Lord J.
Maxwell, hon. Col.
Miles, Sir W.
Miller, T. J.
Mills, A.
Montagu, Lord R.
Montgomery, Sir G.
Moody, C. A.
Mordaunt, Sir C.
Morgan, O.
Morgan, hon. Major
Mowbray, rt. hon. J. R.
Mundy, W.
Mure, D.
Murray, W.
Naas, Lord
Newdegate, C. N.
Newport, Visct.
Nicol, W.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Packe, C. W.
Packe, G. H.
Pakington, rt. hn. Sir J.
Palk, Sir L.
Papillon, P. O.
Parker, Maj. W.
Patten, Col. W.
Paull, H.
Peacocke, G. M. W.
Peel, Sir R.
Peel, rt. hon. G.
Pennant, hon. Col.
Phillipps, J. H.
Potts, G.
Pugh, D.
Quinn, P.
Repton, G. W. J.
Ridley, Sir M. W.
Rogers, J. J.
Rolt, J.
Rowley, hon. R. T.
Salt, T.
Sclater-Booth, G.
Selwyn, C. J.
Seymer, H. Ker
Shirley, E. P.
Smith, A.
Smith, S. G.
Smyth, Col.
Smollett, P. B.
Somerset, Col.
Somes, J.
Spooner, R.
Stanhope, J. B.
Stanhope, Lord
Stanley, Lord
Steuart, A.
Stewart, Sir M. R. S.
Stuart, Lieut. Col. W.
Stracey, Sir H.
Sturt, H. G.
Sturt, N.
Talbot, hon. W. C.
Taylor, Col.
Thynne, Lord E.
Thynne, Lord H.
Tollemache, J.
Torrens, R.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Upton, hon. Gen.
Valletort, Visct.
Vance, J.
Vandeleur, Col.
Vansittart, W.
Verner, Sir W.
Walcott, Adm.
Walker, J. R.
Walpole, rt. hon. S. H.
Walsh, Sir J.
Watlington, J. W. P.
Welby, W. E.
Whiteside, rt hon. J.
Whitmore, H.
Woodd, B. T.
Wrightson, W. B.
Wynn, Col.
Wynn, Sir W. W.
Wynne, C. G.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Smith, A.
Du Cane, C.

AFFIRMATIONS BILL.

SECOND READING.

Order for Second Reading read.

SIR JOHN TRELAWNY, in moving the second reading of this Bill, said, his object was to remove a difficulty which, after some things which had recently occurred, plainly existed in the way of Her Majesty's subjects obtaining justice in her courts. He had recently brought under the notice of the House the case of Maden *v.* Catanach, in which a plaintiff was nonsuited at the Rochdale County Court in consequence of her inability to declare her belief in a state of future rewards and punishments. Another and more forcible instance of the same kind lately occurred at Maidstone, in which a woman having stolen a shawl, the owner wanted to get her dismissed with a mere reprimand. Contrary to his wish he was, however, bound over to prosecute. The course he then adopted was this. It was suggested to him that he had better intimate to his counsel that he was not in a situation to take an oath, as his reply to any question put to him on that point would have the effect of allowing the prisoner to escape. This hint was taken, and the prisoner escaped accordingly. Various other cases of a similar nature might be mentioned, and many petitions had been presented during this Session complaining of the injury done to Her Majesty's subjects by the existing state of the law in regard to oaths. If it should be said that it was a matter of principle not to meddle with oaths, his answer was that the principle had already been departed from. Quakers, Moravians, and Separatists had been permitted to make affirmations in lieu of taking oaths, both in civil and criminal trials, and in civil cases affirmations in general might be accepted at the discretion of the Judge. This Act (17 & 18 *Vict.*, c. 125, s. 20) does not apply to jurymen, which has led to embarrassment. If affirmations could be relied on in civil cases, why could they not be relied upon in criminal, the object in both instances being the same—namely, to elicit the truth? What had been done with regard to our colonies? Why, by an Act of Parliament (6 & 7 *Vict.*, c. 22,) "barbarians and uncivilized people," destitute of the knowledge of God and of any religious belief, were allowed to make such affirmations, in lieu of taking oaths. And surely if that privilege were extended to barbarians and uncivilized people, it ought to be extended to those who were not barbarians, and who, although they might not believe certain religious propositions, conducted themselves unexceptionably in all the relations of life. By the present law, felons were allowed to give evidence, when the ends of justice required their evidence to be taken, and surely the House would not refuse to admit the evidence of people who were not felons for the same object. He did not believe that it was consistent with the principles of Christianity to endeavour to coerce the consciences of people by oaths. What was the operation of the law as it stood? Why, that if an honest infidel stated he was an infidel he was credible, but the law disbelieved him; but if another person who was an infidel said he was a Christian, he told a lie, but his evidence was received. This certainly was contrary to justice. For his part he should be glad if oaths were abolished. They were told in Holy Scripture, "Swear not at all," and he thought it would not be very inconsistent with religion to abolish oaths. He thought it was presumptuous to require a person in every trivial matter to call upon the Supreme Being and imprecate vengeance upon himself. For what was a judicial oath? It was defined by Starkie (vol. i. 22) to be "a solemn invocation of the vengeance of the Deity upon the witness if he do not declare the whole truth as far as he knows it." It should be remembered that the disability which he sought to remove operated not so much as a punishment to the witnesses who were rejected as to those persons who required the benefit of their testimony. He very confidently asked the House to agree to the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. HARDY said, the hon. Baronet had rested his Bill on a particular case; but his speech and Bill struck at oaths altogether. Our law in respect to oaths was based on the same principle as that of all civilized countries, and had been very greatly relaxed, so as to allow any person having a belief in rewards and punishments, whether in this world or the next, to be sworn according to his own religion. The man, however, who believed in no sanction whatever, and could not be bound by any oath, being different from all other persons, was rejected as a witness. Now, this Bill was not intended merely to alter that state of things, but would make it lawful for anybody to make a declaration or affirmation who merely expressed a desire to do so and it threw upon the Judge a task which no human Judge could perform—namely, that of looking into the heart of the witness to see whether his objection to take the oath was sincere or not. Quakers, Moravians, and Separatists were permitted to affirm, not because they disbelieved in a Supreme Being, but because they had conscientious scruples against the form of the oath. This Bill, on the other hand, proposed for the first time to enact that Atheists, disbelieving in what the hon. Baronet called certain "speculative notions" on religious subjects, and apprehending no other consequences if they spoke falsely than those which the law inflicted for perjury, should be competent to give evidence, but the effect of the Bill would be practically, that every man should decide for himself whether he would be sworn or not. If it was meant simply to relieve Atheists, and that was the scope and intent of the Bill, why was it not distinctly recited in the preamble? The real question now raised was whether or not they would maintain oaths as part of the forms employed in our courts of justice with a view to impress on the consciences of men the obligation to speak the truth. Why, only two years ago it was found necessary to correct the laxity of proceedings in Committees of that House by requiring witnesses who gave evidence before them to be sworn; and the experience of every magistrate proved that the sanctity of an oath deterred many persons from making false statements. He called on the House, therefore, to resist at the outset a measure like this, which would abrogate the present liberal system in regard to oaths, which was so essential a safeguard to the right administration of justice in this country. He begged to move that the Bill be read the second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. MALINS seconded the Amendment. The principle in this country had always been that in the administration of justice the persons who were to give evidence should do so upon oath. The only exception to that was in the case of Moravians and Quakers. The hon. Baronet seemed to think it was a great hardship that a person who said she did not believe in a future state of rewards and punishments should not be admitted as a witness. But a person who averred a profession of that kind had no feeling pressing on the mind except mere convenience. There were many persons who would make statements when not upon oath which they would hesitate to make if they had been sworn. He hoped the House would not permit the sacred principles of justice to be trifled with by a proposition of this nature. If such a measure was necessary at all it ought to be brought in on the responsibility of Government.

SIR GEORGE LEWIS confessed that he had hardly ever known a Bill so extensive in its operation, and yet founded on so narrow a basis as that under discussion. It was, in fact, like a pyramid resting upon its apex. Its effect virtually was to abolish oaths altogether. It was unnecessary to enter into any moral or religious argument about oaths; he could only say that their value in securing the veracity of testimony in courts of justice was very generally recognized by public opinion as well as by Judges, barristers, and other persons having daily experience in the administration of the law. The House, therefore, had nothing before it to warrant it in entirely sweeping oaths away. The Bill was so drawn that if any man expressed a simple desire to be relieved from taking an oath, without even stating any objection or assigning any religious or conscientious scruple against being sworn, he should be entitled to make an affirmation instead. That was going far beyond the ground laid by the hon. Baronet, who had cited the case that lately occurred in the north of England, where a witness was asked whether she believed in the existence of God and in a state of future rewards and punishments. On answering the question in the negative her testimony was objected to, and she was ordered to stand down. According to the existing law she was not a competent witness. If the hon. Baronet thought that persons in her position ought to be examined as witnesses, he should bring in a Bill to prohibit the putting of any question respecting a witness's religious belief before he is examined. The witness in the Rochdale case, it appeared, was at first not unwilling to take the oath; but, on being questioned as to her religious belief, she stated that she had none. If the hon. Baronet wished to relieve that particular class of persons, it was obvious he had made his plaister much too large for the wound. He would repeal the whole law of oaths, although the grievance he sought to redress was of a very minute and limited description, and, if it required a legislative remedy at all, required one of a totally different nature. He could not, therefore, vote for the second reading.

MR. CRAUFURD moved the adjournment of the debate, it only wanting a minute to a quarter to six, at which hour all debates or opposed matters must cease on Wednesdays.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 50; Noes 183: Majority 133.

MR. SPEAKER said, that the House, by the division just taken, had expressed an opinion that the debate should not be adjourned; but there was a Standing Order more imperative; which directed that at that hour, any business under discussion should stand adjourned.

Whereupon, it being a quarter of an hour before six of the clock, Mr. Speaker adjourned the debate till *To-morrow.*

House adjourned at one minute before Six o'clock.

HOUSE OF LORDS,

Thursday, March 14, 1861.

MINUTES.] *Sat First in Parliament.*—The Duke of Richmond after the Death of his Father.

PUBLIC BILLS.—1ª Leases, &c. by Incumbents Restriction.

2ª Subdivision of Dioceses.

3ª Trade Marks; Inclosure.

SUBDIVISION OF DIOCESES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD LYTTELTON said, that the measure he now proposed to their Lordships for the second reading, was not introduced on his sole responsibility, or without the advice and encouragement of others. He brought it forward more especially at the request of a gentleman representing a body of lay members of the Church whose names were appended to a memorial which had been presented to the Prime Minister, and which set forth the necessity of a measure of this kind. In the list of signatures were included those of the Duke of Marlborough, the Marquess of Westminster, Lord Ebury, and other persons of high position, who represented various shades of opinion in the Church of England. A similar memorial had been presented to the most reverend Primate, signed by upwards of 6,000 clergymen of the Church of England—a larger number than had ever before given their adhesion to a document of a positive character. The general object of the Bill was to modify the machinery by which dioceses might at present be subdivided and new sees erected, so as to facilitate those operations. Many further changes had been suggested to him; he passed no judgment on them, but he felt that it was not suitable, and perhaps not possible for a lay and private Member to carry a wide and comprehensive measure. He proposed, therefore, no change of any kind in the constitution of the Church, and he sought to do nothing more than to afford facilities for the subdivision of dioceses. The measure, would assimilate the system of the English Church at home in regard to the constitution of dioceses to what it was throughout the colonial Church, and to the system pursued in England itself, in the subdivision of parishes, the erection and endowment of new churches, and other subordinate matters. The Cathedral Commission in 1855 recommended such a measure on condition that no diocese should be divided without the consent of the Bishop, and that no new see should be erected without a sufficient income and suitable residence being provided; and that funds for that purpose should be derived from local contributions, or from episcopal property now in the hands of the Commissioners. The recommendation of Commissions in favour of the formation of new dioceses at Ripon and Manchester had been carried out, but similar recommendations in regard to Cornwall, Lincoln, and Durham had been disregarded, and as the bishoprics of Gloucester had been united with the see of Bristol, there had been in fact but one addition made in 300 years to the dioceses of England. He believed there was no difference of opinion among either the laity or clergy of the Church as to the desirableness of extending the Episcopate, and Convocation had year after year passed resolutions in favour of such a measure, and it had also met with support from unexpected quarters, such as from the noble Lord the present Secretary for Foreign Affairs. The colonial episcopate was receiving one or two additions every year, while the episcopate at home remained without enlargement. No doubt it might be said that a much smaller endowment was required for the foundation of a colonial than for an English bishopric. The answer to that was, that a great part of the money was provided by the colonists themselves; among whom there was a far greater preponderance of numbers and wealth than among the Churchmen of the mother country. It was needless to specify the precise sources from which the funds for the new bishoprics were to be provided; but he admitted that if Churchmen did not show a desire to contribute to the attainment of that object, there was an end to the main argument in favour of his proposal which must necessarily consist in the fact that the want of such a measure was generally felt and acknowledged. He was satisfied, however, that there would be no lack of contributions to effect that object. He knew that in two important towns in the manufacturing districts a sufficient amount would be provided by the middle classes alone, if new sees were erected there. He was persuaded that it was not from a want of willingness to subscribe the money necessary for the purpose, but from the present state of the law which rendered the creation of a new diocese a matter of extreme difficulty that many new bishoprics were not established. He thought it was not necessary that he should enter into any elaborate argument for the purpose of showing their Lordships or any assemblage of impartial Englishmen that an extension of episcopal supervision was desirable in this country; or that there ought to be some proportion between the number of the Bishops and the extent of the population. In no Church, and at no period of ecclesiastical history, had there ever been such a disproportion as at present in England. Dr. Wordsworth, Prebendary of Westminster, in a recent pamphlet, remarked that if they examined the size and population of those dioceses in Asia to which St. John wrote they would find that the seven dioceses were not larger than one or two of our English dioceses. Henry VIII., under the advice of Cranmer, proposed to erect twenty additional sees, and twenty-six places for suffragans, so as to give about seventy Bishops for England

and Wales, when the population was only about 4,000,000; of these only six additional sees were actually created. Dr. Wordsworth said—

> "We profess a veneration for the English Reformers and zeal for the English Reformation. Let us, then, follow the example of the Reformers, and promote the principles of the Reformation. If the Reformers affirmed, as they did three centuries ago, that a subdivision of dioceses was needed in their own age, what would they say now, when the population has so greatly increased in the course of three centuries, and only one additional Episcopal See been founded in that time? What would they say if they were now to revive and to see the Church of England left to strain herself in a painful struggle to do her work in the nineteenth century with machinery which they deemed inadequate for the sixteenth?"

The addition, too, of the sees of Ripon and Manchester was partially counteracted by the consolidation of the sees of Glocester and Bristol. He could quote another pamphlet in favour of an increase of bishoprics, written by the Rev. Mr. Pinder, who held the living of Bratton Fleming, in the county of Devon. They could not expect to see the venerable Prelate who presided over the diocese of Exeter in his place. The right rev. Prelate was a man of as great ability and of as great activity of mind as any man mentioned in history. His ability and activity of mind continued unimpaired. But from extreme old age it was impossible that his physical activity and energy should not be somewhat diminished. If any man could have performed the duties the right rev. Prelate could have done so; but he must say that no man—the most able and the most active—could discharge the duties of that large diocese. It might be said of many of our home bishoprics that the clergy could be counted by thousands and the laity by millions. It was not for him in the presence of the right rev. Bench to say a word on the proper functions of a Bishop; but a few general statements might be made without fear of contradiction. There was not one of the right rev. Prelates who would not be glad to be personally acquainted with every parish in his diocese, to be on familiar terms with every clergyman in it, to examine the children in the schools, to preach in the churches, and to converse with the laity. But a single fact would show that it was impossible. It was stated by the late Bishop of Lincoln that if he wished to preach in every church in his diocese, and to spend one Sunday in each parish, it would take him fifteen years to make the circuit. The ordinance of Confirmation was, perhaps, the most effective of all parts of the system for promoting close personal intercourse between the clergyman and his flock at the most promising and most important period of life. Dr. Wordsworth said that nothing represented so much real work, and work of the best kind, as Confirmation. There was one diocese the population of which fell little short of 600,000, and 6,300 were confirmed annually, or a little more than 1 per cent. Dr. Wordsworth said that at least 5 per cent ought to have been confirmed, and that that work alone would occupy the whole time and vigour of the strongest Bishop. It was said that improvements in postage and locomotion enabled the Bishops to communicate more efficiently with the clergy and laity. Dr. Wordsworth said—

> "It is with great reluctance that I notice this allegation. There are such facilities, but they have isolated many rural parishes, and made them less accessible than they were years ago; and surely this great and sacred question is not to be argued upon the facilities of the post-office or the railway."

It should not be forgotten that these very facilities increased the business of the Bishops manifold, and that they did not increase the capacity of individual minds to discharge such business. The main object of the present Bill was contained in the second clause, which enabled the Crown, upon the report of a scheme by the Ecclesiastical Commissioners, to subdivide dioceses and direct new ones to be established. He had hoped that the Ministers of the Crown and the Ecclesiastical Commissioners would be sufficiently influenced by public opinion, and their own sense of what was right, not to propose any arrangement which would not be judicious and satisfactory; but since the Bill had been introduced it had been pressed upon his notice that this was too indefinite and too large a power to intrust to the Ecclesiastical Commissioners or any other body. The Ecclesiastical Commission was not an exceedingly popular body, but still there was no other body to which these functions could be confided. Under the letter of this Bill they no doubt would be able to cut and carve existing dioceses at their will without any particular check or control; but he had no wish to give them any facilities for interfering with existing arrangements in respect of temporalities. More than twenty years ago the whole *status* and position of the Church of England had been subjected to a searching investigation, and the general scheme was fixed at that time. He did not at all desire to interfere with that system in any of its important features, and he was content that except as to territorial boundaries, that *status* should remain as it was. If, therefore, it were the opinion of the right rev. Bench and the House that restrictions should be placed upon the Ecclesiastical Commissioners, he had no objection to introduce amendments in Committee which would prevent them from interfering with the existing *status* of the Church. The only other point of detail on which he had to touch, and which was regarded in some quarters with a great deal of interest, was the source from which the funds for the establishment of the new bishoprics were to be taken. He was bound to state on this point that he was not himself willing to restrain Parliament from appropriating part of the Common Ecclesiastical Fund for the purpose, for he did not share in the opinion that all surplus funds ought to be applied to the increase of small livings exclusively. The object of the Common Fund was the improvement of the condition of the clergy and the increase of their number, and consequently the improvement of the condition of the Church. Now, in his opinion, the most effectual measure for the improvement of the condition of the clergy and the increase of their numbers would be to establish a sufficient number of Bishops to perform the work thoroughly. This was almost self-evident from the nature of an episcopal Church. He did not, therefore, wish to restrain the power of the Commissioners in this respect; but in this and in all other matters of detail he would willingly yield to the views of their Lordships and of the right rev. Bench. If it should be the opinion of the House that the funds should be drawn entirely from private benevolence he should make no objection; indeed, if he did not see beforehand a prospect of Churchmen being willing to contribute from their own great resources to the establishment of new dioceses, he should withdraw from the advocacy of the cause. He should be anxious to acquiesce in any suggestion from the right rev. Bench, and if it should appear during the progress of the measure that it did not meet with their concurrence he should not be disposed to press it. But he trusted he should find that their Lordships, the Government, and the other House would be favourable to his view; and he, therefore, moved the second reading of the Bill.

Moved, That the Bill be now read 2ª.

EARL GRANVILLE said, that however desirable might be the objects of the Bill, it was quite evident, as the noble Lord had candidly confessed, that the mode in which the object of it was proposed to be carried out was open to serious objection. It was, in fact, impossible to agree to the Bill in its present shape. Up to this time Parliament had itself dealt with each case separately as it arose; but the noble Lord now proposed to entrust the creation of new dioceses to an independent body. On the whole, he doubted very much whether it would be desirable to read the Bill a second time—at least, in its present shape.

THE BISHOP OF LONDON said, that as the most rev. Prelate and others of his brethren had been members of the Commission referred to, whereas he himself had not hitherto given any opinion on the subject, he wished now to say a few words. He was the last man in the world to deny the importance of this subject, for the short experience he had had of the metropolitan diocese was quite enough to convince him that the labours of it were such as, though they might perhaps be performed by a man in the vigour of life, would be very difficult of satisfactory accomplishment by a man advanced in years. To his mind the great difficulty in the matter was one of which the right rev. Bench were the fittest judges—the mode in which this desirable object should be attained. The noble Lord who had charge of the Bill had pointed out that the real object of the measure was to place in the hands of some independent body that power which, by the constitution of the country, was exercised at present by Parliament. Now, he saw very great advantage in an arrangement whereby matters of this kind could be settled by a permanent authority, rather than by a distinct Act of Parliament in each several case. He agreed, therefore, with the noble Lord that such an arrangement was very desirable if unexceptionable machinery could be found. But, though he had a great respect for the Ecclesiastical Commission, he scarcely thought that the country would approve of its being intrusted with the entire management of so important a matter. It rested with their Lordships rather than with the right rev. Bench to devise a mode in which the object could be attained. The noble Lord had alluded to the number of confirmations which were far less than should be. No doubt it would be very desirable if some means were adopted by which the number of confirmations could be increased; but so far as his own diocese was concerned, though the number confirmed was far less than he thought desirable, it was far less also than he could himself confirm were a larger number of persons to offer themselves. Thanks to the arrangements made by his indefatigable predecessor, the confirmations in the diocese of London were so arranged, that double the present number might be confirmed if they offered themselves, without any perceptible addition to the labour of the Bishop. The fact unfortunately was that only a very limited number of persons offered themselves for confirmation; he agreed, however, that the number would probably be increased if the Bishops had time to make themselves better acquainted or more intimate with the Church people; and he should rejoice at anything being done which would admit of their doing this, and so stir up and infuse more life and vigour into the Church. He could not help seeing that there were great difficulties in carrying out the proposals of the noble Lord; and he feared that his proposals would possibly come to nothing if they were, as he proposed, left to depend for their funds for the new bishoprics entirely upon voluntary efforts. He was not quite so sanguine about the success of voluntary contributions as the noble Lord seemed to be, though he did not see the slightest objection to the funds being drawn from that source if it were possible. It was said that the reply of the noble Lord at the head of the Government, when first this subject was mentioned to him was, "Certainly, if people were ready to pay for a new Bishop, why should they not have one?" He was delighted to hear that so decided a feeling existed in Birmingham in favour of extending the episcopate, and he should be equally delighted if that feeling were shared by those who represented Birmingham. But he wished to know whether the attention of the Government had ever been drawn to the power which they already possessed of at once doubling the existing number of Bishops under the Statute of the 6th of Henry VIII. By that Act, on certain representations from the Bishop of any district, Her Majesty was empowered at any time to arrange for the consecration of suffragan Bishops. Now, he might be singular in the opinion, but he believed that the only practical solution of the difficulty now brought under notice would be by a recurrence to this old system of the Church of England. Before the Reformation the suffragan Bishops did a large portion of the episcopal work in the different dioceses. Since the Reformation, also, many suffragans had been appointed, and he suggested that the office should be united with that of dean, whose position was not at present so popular as, in his opinion, it ought to be. He had himself held the office of dean for seven years, and two years out of the seven were lost in vain attempts to find out what were the distinct duties of his office. At the end of the time he was, of course, able to make duties which, in such a position, might be advantageously performed, but these were not duties distinctly attaching to the office. He by no means wished to interfere with the office of dean; his proposal was the very opposite of that formerly made to seize the Dean's incomes and throw them out of the window to satisfy the public clamour. He would not touch one farthing of the Dean's incomes; he would increase them if need be; but he would defend and add to their duties; and he believed that nothing would be more satisfactory to those dignitaries than that their duties should be rendered more distinct and more useful. He would ask the Government, therefore, whether, supposing a representation to be made on this subject by the right rev. Bench, a proposal for increasing the efficiency of the episcopal system by assigning episcopal duties to the Deans they would feel disposed to consider it?

THE EARL OF DERBY said, he did not understand from his right rev. Friend, or from the noble Earl who preceded him, whether it was their intention to support or oppose this Bill. They appeared to him to think, that however desirable the object might be, that the Bill was not so framed as to be calculated to effect that object. He agreed that in its present state it was not one that their Lordships could assent to, and he was therefore anxious, before the question was disposed of, to say how far he concurred, and in what respect he differed, with the noble Lord who introduced the Bill. That noble Lord had referred, and very properly, to the Reports of the Commission appointed in 1852, and which made its last Report in 1855. Although he was not prepared to accede to all the recommendations of that Commission, yet, so far as they were applicable to the present case, they had his concurrence, as he agreed in the desirability of increasing the episcopate. The Bill, however, he thought, was not altogether in accordance with the recommendations to which his noble Friend had referred. The Commission thought that the Ecclesiastical Commissioners should have certain powers of appointment under certain restrictions as to territory and population. When, however, he came to examine the contents of the Bill, he found that there was no provision by which the Ecclesiastical Commissioners were to be guided in exercising the power conferred on them by the Crown. Now, he had a great respect for the Ecclesiastical Commissioners, but he did not think it right that they should in the way proposed in a great measure supersede the powers hitherto held by Parliament, though he believed it would be well that they should have certain permissive powers. He had entire confidence in the Commissioners, but he, nevertheless, did not think it desirable to place absolute and unlimited power in their hands, and to leave them perfectly free to act without the intervention and sanction of Parliament. He thought it by no means undesirable that a permissive power, somewhat of the character of that proposed in the Bill, should be granted to the Ecclesiastical Commissioners; but in doing this it was necessary that certain limitations should be imposed. He thought it was absolutely necessary that Parliament should in the first place define to what limits the increase of Bishops should be allowed to extend. This was a matter which ought to be decided by Parliament itself. His noble Friend (Lord Lyttelton) had said truly that the Commission to which he referred had stated in their Report that there were at least three or four dioceses which might be most advantageously subdivided; but the noble Lord had not stated in his Bill the extent to which the number of bishoprics should be increased, and the right rev. Prelate (the Bishop of London) had spoken of the possibility of doubling the present number. He (the Earl of Derby) would not enter into the question of suffragan bishops; but he thought that the more that question were inquired into the more difficulty would be found in applying that principle. There was another very important matter bearing upon the same question. His noble Friend in his scheme clearly contemplated that all Bishops who were added to the body should sooner or later have seats in that House, and he (the Earl of Derby) did not think that this was a wrong principle; but his noble Friend must recollect that if every Bishop had sooner or later a seat in that House it was absolutely necessary that every Bishop should have such an endowment as would defray the expenses incident to being a Member of that House. This was a matter which raised a very serious difficulty as to the financial part of the scheme. It might be comparatively easy to raise £1,500 or £2,000 a year for the income of a Bishop who resided constantly in his diocese; but it might be quite another matter to raise £4,000 or £5,000 for a Bishop with a seat in that House. There was another point that his noble Friend laid down no limit to—the creation of new bishoprics upon the questions of population, territorial extent of the see, or number of the clergy. He (the Earl of Derby) thought that a *minimum* should be laid down upon these points in the Bill, which *minimum* should exist before a see could be divided. The Bill as it stood gave the Ecclesiastical Commissioners power to sever any diocese, to attach any part of any other diocese to the new diocese, to allot the patronage —and, in short, to deal with the whole system of the dioceses of England according to their own will and pleasure, and this without restraint by Parliament or the necessity for any previous instructions from Parliament. If the Bill had provided that no diocese should be divided unless there was a certain amount of population, a certain territorial extent, or a certain number of benefices, or all these things combined; and that no three dioceses should be carved out of two unless the two came up to the limit; further, that it was made necessary that there should be a proper amount of maintenance for the new Bishop, and that this income should be secured to him—if these conditions were laid down he should have no difficulty in consenting to give the necessary power to the Ecclesiastical Commissioners, under the control of the Government of the day. He thought that his noble Friend underrated the difficulty of the financial part of his arrangements. He (the Earl of Derby) had always thought that the separation between the Episcopal Fund and the Common Fund was an unfortunate arrangement, for if any increase of the episcopate were found necessary there would be practically no fund for the purpose. It was very unfortunate that the funds had been separated, for otherwise the Episcopal Fund would have furnished a legitimate and fair ground for a moderate endowment. He did not doubt that a fund might be raised to endow one or two bishoprics by voluntary contributions; but then, in order that this permissive system should work well, the persons who were expected to contribute ought to know before hand how the funds they might subscribe would be dealt with. For these reasons he thought that his noble Friend could hardly expect the concurrence of the House — although they might agree that there should be an increase of bishoprics, and that the increase might be safely entrusted to the permissive power vested in the Crown—in a Bill which simply vested the whole power in the Ecclesiastical Commissioners, and did not lay down any condition under which that permissive power should be exercised. He should be sorry, because he entirely approved of the object of his noble Friend's Bill, to vote against the second reading, though if he gave his vote for the second reading it must be upon the distinct understanding that his noble Friend would apply his mind to the consideration of those changes that ought to be inserted in the Bill, and that when they came to discuss the Bill they should discuss the sufficiency of the restrictions to which he had referred, and also the *maximum* number of new bishoprics, the question of the new Bishops having seats in that House, and the income to be provided for them. If the restrictions introduced were not sufficient to satisfy the reasonable demands of Parliament and of the right rev. Bench, he should consider himself at liberty not to consent to the third reading.

The Bishop of OXFORD said, that being one of those who signed the Report of the Commissioners, he wished to say a word or two upon the matter. And, first, he wished to say that he was still precisely of the same opinion as when he did so. He felt then, as now, that some extension of the episcopate of England was a desirable object, and essential to the thorough working of the Church of England system; especially in certain counties where great masses of the population were gathered, for whom all the offices of the Church should be provided. With proper checks and provisions, he was still of opinion that such a limited increase of the episcopate was much to be desired. But he felt obliged to say he agreed with what had fallen from the noble Earl (the Earl of Derby) as to the want of certain provisions and limitations in this measure. And he thought the noble Lord (Lord Lyttelton), who had given the subject so much attention, and whose manner of introducing it had been a perfect pattern of the mode in which such a question ought to be introduced, instead of pressing the Bill to a second reading, would pursue a wiser course, having elicited the opinion of the House, by withdrawing this particular measure, and, at a future time, introducing another, embodying all the suggestions the noble Earl had thrown out. But if the Bill were pressed to the second reading, he should feel a difficulty in giving his vote against it. He could not agree with what his right rev. Brother had said as to the utility of the Act of Henry VIII. He did not think the provisions of that Act would give any satisfaction. There was a very strong reason why it would not in the fact that it never did work in times much more easy for its operation than the present. At the time it was passed the Bill fell flat. It contemplated a division of powers that the Church had never admitted. The suffragans were Bishops without Sees; they came to the Bishops of dioceses as coadjutors. Suppose a Bishop died, the suffragan was in a most anomalous position. He could only continue to exercise his functions with the consent of the new Bishop, and it might happen that he felt bound to object to the acts of the new Bishop. Such a state of things was not desirable, and therefore it would be well to give further consideration to the subject before legislating upon it. With respect to the fusion of the office of Dean with that of Bishop he was not prepared at present to pronounce a decided opinion. His right rev. Brother had stated that he filled the office of Dean for two years, without being able to find out the use of it; but he seemed to draw a distinction between the duties and the use of the office, whereas he (the Bishop of Oxford) thought if he found out what were the duties he would find out what was the use of the office. At present, however, the House was not in a condition to deal with the question of fusion. That matter might be dealt with in the event of suffragans being appointed with succession. Where a Prelate, from ill-health or advanced years, became unable to perform all the duties of his office, it might be provided that, with the consent of the Crown, the dean of that particular see might become suffragan, with succession to the Bishopric upon the decease of the Prelate then in office. He held succession to be an essential part of the Church system, and that to vary that rule would be to weaken that system.

THE DUKE OF MARLBOROUGH expressed his thanks to his noble Friend for the manner in which he had brought this Bill before their Lordships, but at the same time he must say that it appeared to him that it was the duty of the Government to deal with this subject. When the question was raised last Session upon the occurrence of a vacancy in the see of Rochester, the Government stated that the matter was one which should not be dealt with piecemeal, but by a general measure; but if he understood the noble Earl, the President of the Council, that evening, he thought that this measure was too comprehensive. Last year he wanted a comprehensive measure, and this year the measure was too comprehensive. This appeared to him (the Duke of Marlborough) to be a mode of shelving the matter which would scarcely satisfy the country, and he trusted that before the debate closed some Member of the Government would give an assurance that the subject would not be overlooked by them.

LORD REDESDALE hoped that if his noble Friend adopted the advice given and withdrew the Bill, he would do so with the full intention of bringing the measure forward again, framed in accordance with the suggestions of the noble Earl (the Earl of Derby) and the right rev. Prelate, for it was most important that this question should be brought in a tangible form before the House. He agreed that there should be a permissive power, without coming to Parliament on every individual occasion. He entertained some doubt as to the willingness of the Government to undertake this subject, though it was very desirable that they should do so in order to ensure the Bill passing the other House.

LORD LYTTELTON, in reply, said he felt in the position of other Members of Parliament who did not know what to do with their own progeny. He was asked in the ordinary terms of courtesy used by those who wished to get rid of a Bill to withdraw his measure, and be satisfied with the expression of opinion which it had elicited from the House. What he complained of was that he had elicited no expression of opinion, and did not know what was really the view of the House. The little that was said by his noble Friend (Earl Granville) was, as far as he could make out, against the principle of the Bill. The whole principle of the measure was to give a permissive power to the Ecclesiastical Commissioners under conditions, and that principle was opposed by his noble Friend, as he understood him. As for the points of detail which had been remarked upon, he admitted that the Ecclesiastical Commission was not a body which possessed much of the confidence of the country; but no one had suggested any other body, or he might have assented to the substitution of some other. Nor would he have objected to such a provision as that the constitution of a new bishoprick should be laid before Parliament for a given time before it was carried into effect. The suggestion of the noble Earl opposite was one which he (Lord Lyttelton) would most distinctly and unreservedly accept, and if his Bill were allowed to pass its present stage he would postpone the Committee upon it for such a time as might allow of the full consideration of the subject. He did, indeed, think that the Bill, as it stood, was one which substantially complied with the recommendations of the Commissioners. He thought the only way in which he could ascertain the opinion of the House was by dividing, and he should, therefore, press the second reading.

THE ARCHBISHOP OF CANTERBURY said, there had been an observation made in this debate on the difficulty, as was said, of ascertaining what were the feelings and wishes of the right rev. Bench. But the subject was one on which it was very difficult for the Episcopal Bench to give an opinion. They were in this position, that if they spoke strongly on the desirableness of increasing the episcopate, they would be charged with magnifying their own office; and if, on the other hand, they took strong objections to such a measure, it might be said that they were jealous of any interference with their Bench. For his own part, he should be very willing to give the noble Lord every assistance in his power in the object he had in view; but, on the whole, looking at the opposition which had been raised, he would suggest to the noble Lord that it would be more expedient not to press the second reading.

THE EARL OF DERBY said, if his noble Friend thought to take the sense of the House by a division, he was afraid that he would get, not the sense of the House, but a decision against the principle of the Bill by the rejection of the second reading. Now he (the Earl of Derby) agreed with the principle of the Bill, as to the increase of the episcopate, by giving a permissive power to the Crown. But if his noble Friend now got an adverse vote he would be precluded from going on with it; whereas, if he took the course recommended by the most rev. Prelate, he could bring in another Bill on the same subject during the present Session; but after this Bill should have been rejected on the second reading he would be precluded from doing so.

The Bishop of ST. DAVID'S said, the opinion of the right rev. Bench was this, that they were unanimous in a general approval of the principle and sympathy with the object of the Bill; but the question was whether the machinery devised for it was of a nature that it would be safe to adopt. He heartily assented for his own part to the general principle of the Bill, and in the way suggested by the noble Earl opposite he would give it his support. Even in favour of the Bill as it stood he would vote with the noble Lord, but would rather advise him not to press it.

The Bishop of OXFORD assured the noble Lord that, if he intended to divide, he would vote with him in favour of the second reading.

The Duke of SOMERSET said, that he saw several objections to the Bill. He objected to the principle itself, of the Ecclesiastical Commissioners drawing a scheme which was then to be sanctioned by an Order in Council. He did not think that the Resolution of the Ecclesiastical Commissioners sanctioned by the Order in Council in favour of the Deanery of York had been received with such unmixed satisfaction as to induce the House to favour the authority which, according to this Bill, was to sanction the scheme of the Ecclesiastical Commissioners. The second principle also, which was that of raising funds for the endowment of the new bishopric, not by voluntary action, but by setting apart for that object a portion of the existing Fund, appeared to him to be fraught with this consequence—that if the Bill, with such a provision as that, were sent down to the House of Commons, it would immediately be said there that it was quite clear the Episcopal Fund was larger than were requisite, and that it would be better to take the superfluous funds, and apply them to relieve the spiritual destitution of the Metropolis, or to increase the provision for the parochial clergy. Now, he thought, on the contrary, that while the Bishops occupied seats in their Lordships' House, and had a certain station to maintain, it would be wrong to cut down their incomes. For these reasons, he thought, even for the purpose which the noble Lord himself had in view, that he had framed his Bill in a most unfortunate manner. On the whole, and if the noble Lord were so anxious to see more sees divided and more bishops created, he should withdraw this Bill, and then he might bring it forward in another shape.

Lord LYTTELTON said, nobody liked to undertake a troublesome duty without a hope that it would lead to some result. He, therefore, wished to obtain from the Government a declaration whether they objected to the principle that, under proper restrictions, a permissive power should be given to the Crown to create bishops in particular cases, without its being necessary to apply for the sanction of Parliament.

After a few words from Earl **Granville**, which were inaudible,

On Question, their Lordships divided:—Contents, 27; Not-Contents, 23: Majority, 4.

CONTENTS.

Marlborough, D.

Bath, M.
Camden, M.

Dartmouth, E.
Derby, E.
Malmesbury, E.
Portarlington, E.
Powis, E.
Romney, E.
Selkirk, E.

Dungannon, V.

Bangor, Bp.
Chichester, Bp.
Llandaff, Bp.
London, Bp.
Norwich, Bp.
Oxford, Bp.
St. Asaph, Bp.
St. David's, Bp.
Winchester, Bp.

Calthorpe, L.
Chelmsford, L.
Grinstead, L. (*E. Enniskillen.*)
Lyttelton, L. [*Teller.*]
Northwick, L.
Redesdale, L. [*Teller.*]
Silchester, L. (*E. Longford.*)

NOT-CONTENTS.

Campbell, L. (*L. Chancellor.*)

Newcastle, D.
Somerset, D.

Airlie, E. [*Teller.*]
Chichester, E.
De Grey, E.
Granville, E.
Shaftesbury, E.

Stratford de Redcliffe, V.
Sydney, V.

Carlisle, Bp.

Abinger, L.
Denman, L.
Foley, L. [*Teller.*]
Herbert, L.
Lyveden, L.

Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Stratheden, L.
Sundridge, L. (*D. Argyll.*)
Taunton, L.
Truro, L.
Wodehouse, L.

Resolved in the *Affirmative;* and Bill read 2ª accordingly.

House adjourned at Half-past Seven o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 14, 1861.

MINUTES.] PUBLIC BILLS—1° London Coal and Wine Dues Continuance; Industrial Schools; Election Law Amendment; Voters (Ireland); Consolidated Fund (£4,000,000); Sheriff Courts Jurisdiction (Scotland).
3° Red Sea and India Telegraph.

SALE OF GAS.—QUESTION.

MR. JACKSON said, he would beg to ask the Secretary of State for the Home Department, Whether it is the intention of the Government to introduce, at an early date, a Bill to remedy the defects of existing legislation in regard to the measures used in the Sale of Gas?

MR. CLIVE said, the last Act passed on the subject was the 22 & 23 *Vict. c.* 66, commonly called Lord Redesdale's Act, but its operation was suspended for the purpose of enabling those conditions enacted in the third section to be carried out. That section had been submitted to the Exchequer, but its conditions had not yet been fulfilled. When they were the Act would be brought into operation. Probably some defects might be found in the Act, which would have to be considered. It would be unwise, however, for the Government to introduce any measure to remove such defects before the Act itself came into operation, and the public were made acquainted with the nature of it.

TELEGRAPHIC CABLE BETWEEN MALTA AND ALEXANDRIA.
QUESTION.

MR. CONINGHAM said, he rose to ask the President of the Board of Trade, Whether it is the intention of the Government to appoint a competent and experienced English engineer and electrician to succeed the late Mr. Gisborne, and to superintend the submersion, by the contractors, of the cable between Malta and Alexandria, and whether measures have been taken for the safe preservation of the cable, and who is the person now responsible for its safe keeping?

MR. MILNER GIBSON said, the contractors were responsible for the safe keeping of the cable. They would be heavy losers if they failed to take care of it. The precautions which the Government had taken for its safe custody were by having electricians to test its condition from time to time, and to report thereon to the Government. With regard to the appointment of a successor to Mr. Gisborne, all he could say was, when the time came for submerging the cable between Malta and Alexandria, the Government would take care to have competent engineers and electricians there to superintend the operation.

THE CENSUS.—QUESTION.

MR. KNIGHTLEY said, he would beg to ask the Secretary of State for the Home Department, Whether the new Census Tables are to be published under the head of Counties Proper, or Registration Counties based upon the Poor Law Unions?

SIR GEORGE LEWIS said, he would take care, as far as the counties proper were concerned, that the total population should be ascertained. But whether returns of the population in the other form could be given remained to be decided.

NAVAL FORCES IN CHINA.—QUESTION

MR. BAILLIE COCHRANE said, he would beg to ask, Whether an Admiralty Circular has been issued to the Navy, informing that Service that for the future the extra Pay and Allowances given to the Officers serving in China will be discontinued?

LORD CLARENCE PAGET said, a Circular had been issued, intimating that the extra pay and allowances given to Officers serving in China would be discontinued.

BUSINESS OF THE HOUSE.

SIR GEORGE LEWIS said, that the House was aware that considerable delay had taken place with regard to the business to be transacted in Committee of Supply, and he would therefore ask the House to consider whether it would not promote the despatch of business if hon. Members who had Motions on going into Committee of Supply that evening should at all events postpone them, so as to allow the Committee of Supply to begin not later than nine o'clock? The statement might then be made that evening with regard to the Army Estimates, and the Vote for men might be brought at least under the consideration of the House. With regard to the Motion of the right hon. Gentleman the Member for Huntingdon (General Peel) his Motion was germane to the subject of the statement, and the business would be rather promoted than retarded if the Motion were made on the question of Mr. Speaker leaving the Chair; but with regard to the other Motions, he (Sir George Lewis) thought that their postponement would tend to the despatch of business and the general convenience of the House.

Lord ELCHO said, he had come down to the House with the intention of submitting a question connected with the Volunteer Force. In consequence, however, of the appeal just made by the right hon. Gentleman, he would reserve what he had to say until the Vote relating to the Volunteer Force came before the Committee.

PROPOSED PARK FOR FINSBURY.

QUESTION.

Sir MORTON PETO said, he wished to ask the First Commissioner of Works, What proceedings have been taken in the purchase of land or otherwise for the purpose of forming the Finsbury Park pursuant to the Act 20 & 21 *Vict.*, c. 150; and if no steps have been taken, whether they will be taken so as to carry out the provisions of the Act—namely, five years from its passing in 1857, or whether it is intended to apply for powers to extend the time for carrying out the same?

Mr. COWPER said, that no steps appeared to have been taken by the Metropolitan Board of Works in reference to the formation of the Park, but a Resolution was passed some few years ago by that Board which stated that it was inexpedient to take any steps for the formation of the Park until the Board of Works was placed in possession of funds other than those derived from the direct taxation of the ratepayers. He was not aware what steps had been taken in reference to the extension of the powers of the Act, which expires in 1862. He might say, however, that no opposition would be given to any proposal to extend their powers beyond 1862.

On Motion that the House go into Committee of Supply,

THE CHINA WAR.—QUESTION.

General PEEL said, he rose to ask Mr. Chancellor of the Exchequer, What portion of the sum of £850,000, granted by Parliament to cover the entire expenditure on account of the China War during the financial year 1859-60 has been appropriated to, or is reserved for, the liquidation of the claims of the Indian Government, on account of advances made or expenses incurred in India. His object in putting the Question was to endeavour to obtain, before proceeding with the Estimates of next year, some information relative to the expenditure of 1859-60. The only true test to be applied to the Estimates was a comparison with the actual expenditure of previous years; the mere comparison of the Estimates of one year with those of another year, which was now so much the practice, being utterly fallacious, unless we knew whether those previous Estimates had answered their purpose or not. It would be in the recollection of the House that the sum of £850,000 was voted at the end of the financial year 1859-60 for meeting any excess of expenditure in the army and navy Votes in consequence of the China war. The necessity of that Vote was, no doubt, rendered apparent by the information received by the Government from the Indian Government of the money that would be required. It was not very creditable to the Indian Government that when they were called upon in February, 1861, to give an account of what those expenses were, they merely rendered the bare Estimate which they had presented to the Chancellor of the Exchequer in February, 1860. He supposed it would not be disputed that this Vote of Credit was necessary to meet the sum stated to be required by the Indian Government early in the spring. The Chancellor of the Exchequer, he observed, shook his head, but he could prove it by abundant evidence—by the evidence given by the gentlemen from the Treasury examined before the Organization Committee, and by the testimony of the Secretary of State for War.

But that on which he particularly relied was the good faith of the right hon. Gentleman himself, because he was in possession of these facts on the 28th of January, long before he made his financial statement. If that Vote of Credit were not intended to cover those expenses then the right hon. Gentleman was open to the charge that he had not dealt fairly with the House when he brought forward his Budget. The right hon. Gentleman then believed that this Vote would be perfectly sufficient to cover all the charges inasmuch as he endeavoured to make the House believe it. But he (General Peel) never believed it, and he stated his conviction at the time, founded upon a comparison of the actual expenditure of previous years, that the portion of that sum,—namely, £500,000—and devoted to the army —would not cover the excess of expenditure on five Votes of the ordinary estimate of the year. He (General Peel) stated that in the previous year 1858-9 the average number of effectives on the British establishment was 130,235, and the absolute expenditure on the Votes he had mentioned was £7,403,003. Of that sum upwards of £400,000 was repayable by the Indian Government and did not properly belong to the expenses of these troops. Now, in 1859-60 the average number of effectives was 139,000, and the money voted was £6,700,000; in other words, there were 9,000 more men and £700,000 less money voted for them. On that occasion he said he was perfectly convinced that on those Votes alone there was an excess of £600,000. He did not, however, succeed in convincing his noble Friend (Lord Herbert) who appealed, he said, not to Estimates, but to formal accounts of the money spent and told him he might rest assured that the Government would run into no excess, and that, after making a liberal allowance for embodied militia and other miscellaneous charges, there would be a saving of £5,000 on these Votes. That statement was made within a fortnight of the conclusion of the financial year. What surprised him still more was that his noble Friend stated there would be a great saving on the Vote for stores. Now, the only expenses that could possibly be incurred in this country for the Chinese war was in regard to stores. With the exception of a battery of Armstrong guns, not a single man in that Chinese expedition went from this country, the whole of the army proceeding from India, and the whole expenditure was defrayed by the Indian Government. Now, who was right? Was it the noble Lord or himself? If the noble Lord were right, that sum of £850,000 was still applicable to paying the Indian Government, and ought to be so applicable under any circumstances, because the noble Lord ridiculed the idea that any portion of this money could be applied to cover any excess of expenditure on the Votes of the year. In July following, when the noble Lord was moving for a fresh Vote of Credit, he (Gen. Peel) asked him whether any portion of that sum of £500,000 had been expended in making up the deficiencies in the ordinary expenditure of the preceding year? The answer of the Secretary for War was that not one sixpence of that sum was applicable, or would be applied in making up the deficiency in the ordinary expenditure of the year, and that the deficiency, if any, would be met by a special Vote of Credit. As no such Vote of Credit had been taken, the House would naturally conclude that he (General Peel) was wrong, but so long as there were Votes of Credit, so long as there were unsettled balances and open accounts with India, so long as the Treasury were able to apply money voted for one purpose to meet an excess of expenditure on another—so long as that practice continued would that House have no control whatever over the expenditure of the money they had voted. He would not say that the power of appropriating money sometimes to a different purpose from that for which it was voted might not be absolutely necessary. But in these cases he would leave the power and the responsibility with the Secretary of State. At present when the Secretary of State had obtained the consent of the Treasury the responsibility was thrown over a great number of persons. But this power of appropriating Votes was nothing compared with the power derived from the system of keeping continuous open accounts with India. Governments under this system actually had the power of carrying on war and paying for it out of those open accounts, of carrying it on with Indian troops, the country not hearing a word about it except from the newspapers until the House was called upon to pay some large lump sum as the balance between the English and Indian Exchequer. This was not only possible, but was at this moment actually going on. They had Indian troops employed in China for which no Vote had been taken, and of which they would never hear until some lump sum was demanded. He had not the courage at present to propose another Committee upstairs, but if there were one subject more than another that deserved a strict investigation by that House it was the manner of carrying on the accounts between the Indian Government and the English Government. He was opposed to such Committees as had been recently appointed, for he thought that the legitimate control with respect to the expenditure was in the House of Commons itself. It was notorious, and it had been admitted by two gentlemen of the Treasury before the Organization of the Army Committee, that the military expenditure connected with India was on a very unsatisfactory footing; and the noble Secretary for War bore out exactly what he was stating. He said, "The great complaint of the system was that, in point of fact, the House had no power over the Executive as to the number of troops employed. They could vote the men under the Mutiny Act, and not a man more could be employed; but if we employed Indian troops there was no check on the amount of the expenditure until we were called on to pay in a lump sum." The Organization Committee reported that the present system was unsatisfactory, and they bore out what he said as to want of control. He did not blame the present Government for this; for it existed long before they came into office. There were at that moment five open accounts with India, going as far back as the Persian war. In 1858 Lord Canning sent from India to China three regiments of Native troops, without any communication with him (General Peel) whatever. He reported to the Treasury that those troops had arrived and that he had no money to pay them, and he was told that their pay had been placed in account to the Indian Government. The consequence was that nothing more was heard of them for a year or two, till the second Vote of Credit in July. The Indian troops had all the time been in excess of the Vote of the House. He wanted to know in the first place if that £850,000 was not still available to meet those charges of the Indian Government. There was this difference between a Vote of Credit and the ordinary Estimates. In ordinary Estimates they could not pay the money till after the conclusion of the financial year; the Vote of Credit was for a specific purpose. What he wanted to know was this. Whether the money supplied by the Vote of Credit was not still available to meet the charges of the Indian Government for war purposes, and whether any portion had been appropriated to pay the ordinary Estimates of the year? Had the Treasury sanctioned any appropriation of money to other purposes than that for which they were voted to meet an excess on other Votes, and would no further sum be required in order to meet the excess of 1859-60?

In order to prevent the necessity of his addressing the House a second time, he would now proceed to make a few observations on the Estimates now about to be submitted to the House. The Army Estimates, from remarks in the public newspapers, appeared to be less understood than any other. He had seen it stated in one paper that the hand of the economist might be traced in every page of the Estimates, and that the great reduction in the Vote for fortification was a step in the right direction. It was also stated in *The Times* of Monday that the great excess of the Army and Navy Estimates arose, in the latter case from the necessity of reconstructing the navy, and in the former from the necessity of providing rifled ordnance. Now, of the whole £424,383 required for iron ordnance, shot and shell, not one-third was applicable to rifled cannon. He wished that every year a regular debtor and creditor account with respect to the Government manufacturing establishments, showing whether they were carried on profitably or not, were inserted in the Estimates. The amount of the Army Estimates was always entirely dependent on the number of men voted. The simplest possible plan for ascertaining the amount of money required for the service of the army was to take the number of men voted and add two 0's to it, and the figures then gave a very close approximation in pounds sterling to the amount required for the service; in other words, the expense was £100 per man; and his only reliance upon the present Estimates arose from the fact that they seemed to square with that rule. The number of men to be voted was 146,044, and the proposed total expenditure for the army was £14,606,751; according to his rule it would be £14,604,000—a difference of only £2,351 in this enormous sum. When once the number of men was voted, 75 per cent of the Estimates were withdrawn from the discretion of the House; for the Vote for the number carried with it a variety of other Votes. The present Estimates were, perhaps, the most important ever placed before the House. They might be looked on as the cost of the peace establishment of the country; for at present the country was at peace with the whole world, with the exception of a few regiments necessary for a China garrison and for New Zealand. There was no reason to expect, then, that the number of men could ever be much reduced. He could imagine the anxiety with which many hon. Members might have looked for reductions in these Estimates, but all that they could find was that the net decrease amounted to £185,795. Considering that last year we were carrying on an expensive war, and that this year we were at peace, the decrease was not a large one. Hon. Members might infer, too, on looking at the Estimates, that they were called on to vote rather more men in this year of peace than during the last year of war; but the fact was, that instead of there being an increase in men, there were 9,000 men of embodied militia less provided for. He did not intend to make any observation on the disembodying of those militia troops. They had acquired great proficiency, which was highly creditable to those having the management of them. Some portion of that militia force consisted of artillery, and the Government showed an anxiety to turn a part into a regiment of Royal Artillery. The head of the War Department admitted that in that respect he had made a great mistake; and it was to be hoped that no attempt would be made to place any of the militia officers, by giving them commissions in the Line, over the heads of men who had fought their way up to the positions they now held.

He should next, with the permission of the House, proceed to show that the Estimates which were about to be proposed would not meet the expenses of our war establishment.

MR. T. G. BARING rose to order, and appealed to the right hon. Gentleman whether it would not be the fairer and more satisfactory course to adopt to postpone any remarks which he might have to make as to the alleged inaccuracy of the Estimates until they had been submitted to the House. He made that appeal with the more confidence because, from what had already fallen from the right hon. Gentleman, it was evident he was under a misapprehension with respect to some of the points on which he had touched.

GENERAL PEEL: The observations of the hon. Gentleman did not apply to the statements which he was about to make. A decrease of £185,000 was claimed for the Estimates as compared with those of last year; but no such decrease in reality existed, inasmuch as the alleged saving was gained by a reduction in the Vote for fortifications, which was merely a transference of the money which had been voted for that purpose last year in the Estimates to the loan this year. He should further observe that the amount of money asked for in the present Estimates would not pay for the number of men which it was intended to maintain. That number was 144,822, while the number of effectives on our establishment was, according to the return which had been laid before the House in February last, 143,481, so that, to complete the establishment, 1,341 more would be required. It must, however, be borne in mind that deductions, from the Vote for pay and allowances, had been made of £127,000, equal to the pay of 4,300 men, and that the country would, in April next, be left in the position of having upon its establishment 3,000 men in excess of the number for which money was asked. But that was not all. Look to the Indian establishment. The number of men sought to be voted for our Indian establishment was 66,729, the absolute number of effectives on that establishment having been, on the 1st of February last, 84,443; so that there would be on Indian establishment an excess of 17,714 men on the 1st of April next. Now, what, he should like to know, did the Government propose to do with these men? He, for one, could not exactly see how they were to be got rid of, and could not help thinking that the present Estimates must be founded on the same false principles as those which had originally been brought forward last year, and proceeded on the assumption that the Indian Government would keep a greater number of men than they were actually prepared to maintain. Under these circumstances it was clear either that the Indian establishment must be reduced by the number of men now upon it, over and above that which was required, or that we must wait until they had been sent back to this country, or become absorbed—a process which would occupy more than two years. That being so, he should like to know what arrangements had been made for the repayment to the

Indian Government of the money which they would have to expend in keeping up a number of men in excess of their establishment. The hon. Gentleman, the Under Secretary for War, had, he might add, on Monday last, informed the House that there were 3,840 Indian troops in China. Those men, it was very evident, would, after the 1st of April, be in excess of our establishment, and no money was provided for them in the present Estimates. The real question, after all, however, was, whether the number of men asked for in the Estimates was adequate to the defence of the country. The total number of battalions in the infantry of the Line amounted to 132; of these 50 battalions were required for service in India, which he understood was the number to be permanently maintained there, 40 would be wanted for the Colonies and foreign garrisons, thus leaving 42 battalions for home service—a number which he did not think could be regarded as excessive. It was merely sufficient to enable us to carry out our system of reliefs, as regiments remained ten years abroad and five at home. He was of opinion that 100,000 men, which was the number he calculated would be left at home—a number which Sir John Burgoyne, in his evidence, stated ought to be 200,000—was not larger than was expedient; and, in making that statement, he did not overlook that splendid exhibition of patriotism, the Volunteer movement, which, however, he trusted would always be regarded as furnishing a valuable auxiliary to, not a substitute for, the regular army. In conclusion, he had only to say that he found no fault with the Estimates, except that they did not convey a fair representation of the amount of money which the House would have to vote for the army. The House would probably support the Government in these Estimates; but he thought it was not desirable the House should be called upon to proceed with its eyes blindfolded in so important a matter.

THE CHANCELLOR OF THE EXCHEQUER said, it was with very great regret he felt it to be his duty to animadvert on a Member of the House so much and so deservedly respected as the right hon. Gentleman who had just spoken. He must, however, observe that the course which the right hon. Gentleman had taken that evening, and at a time when hon. Members were seeking to effect amendments in the mode of transacting the public business, was, to say the least of it, extremely inconvenient. The right hon. Gentleman had inverted the order of business and had entered into a review of the Estimates in anticipation of the statement which his hon. Friend the Under Secretary for War was about to make; although the rules of the House provided that on the presentation of the Estimates they should be referred to a Committee of Supply to be there discussed. He might add that it was the practice, in conformity with ordinary courtesy, to allow the organ of the Government an opportunity of explaining the Estimates. After that explanation the Members of the House in general, and even the younger Members, were satisfied to commence their comments; and he must, moreover, say that the display of that courtesy might with more than usual justice be claimed when the task of bringing forward the Estimates fell to the lot of an hon. Gentleman who had but recently become responsible in the House of Commons in relation to the affairs of the army, and who might, therefore, naturally anticipate that obstacles, instead of being thrown in his way, would, as far as possible, be removed from his path. He should not here further allude to the remarks which the gallant General had made on the Estimates, and thus imitate the irregularity of which he had been guilty, beyond saying that, so far as his recollection went, the course which the right hon. Gentleman had taken was entirely without precedent, and expressing a hope that it would be adopted on no future occasion. Passing, then, from that subject, he might observe that the gallant General had given him notice that he should put a question to him which he had not put; while he had asked him three questions of which he had not given notice. His (the Chancellor of the Exchequer's) course was to afford all the information he could in the very limited aspect of the case with which he had to deal, because it was not for him to enter on the question of controversy raised between the gallant General and his hon. Friend last year as to the sufficiency of the Votes for the army service. He should leave that matter to his hon. Friend; but he would first answer, as well as he could, the question of the gallant General as it appeared on the paper. The question of which the hon. and gallant General had given notice was, "What portion of the sum of £850,000 granted by Parliament to cover the entire expenditure on account of the

China war during the financial year 1859-60 has been appropriated to, or is reserved for, the liquidation of the claims of the Indian Government on account of advances made or expenses incurred in India?" It appeared to him that the right hon. and gallant General had, to a certain extent, misunderstood the effect of the Return which had been made to the House of the Motion of the hon. Member for Stamford (Sir Stafford Northcote) last year. The hon. and gallant General seemed to be of opinion that, inasmuch as a sum amounting to about £610,000 of Indian expenditure was to be anticipated on account of the Chinese expedition at the time when the financial statement was made last year, and when the Vote of £850,000 was announced, £610,000 out of that £850,000 ought to have been set aside to meet Indian claims. He did not concur in that opinion. The Vote of £850,000 which the Government proposed as a Vote of Credit for the small residue of the financial year 1859-60, was necessarily indefinite to a certain extent, but it had reference to the periods within which the payments could be made, as well as to the ultimate claims which might arise during the remaining portion of the financial year.

General PEEL: It referred entirely to the China war.

The CHANCELLOR of the EXCHEQUER: Quite so, but the hon. and gallant General would recollect that the sum of £610,000, which was the principal item of the amount estimated, not claimed, was not a service which could probably be appropriated to the year 1859-60, because, although the expression used was "early in the spring of 1860," it was understood to mean the time at which the expedition was to sail—namely, some time in May—and, consequently, the claim was not one which, in the judgment of the Government, was properly applicable to the Vote of Credit granted in respect of the year which was to end on the 31st of March. The Government had to consider two things—first, the financial provision for the latter end of 1859-60; and, secondly, the financial provision for 1860-61. So much for the principle of the Vote of Credit, and, therefore, he should say that the main object of the Vote was to supply means for meeting such excess upon the army and navy expenditure as might be justly due to the expedition to China. The application of the Vote might be shortly stated. The navy in consequence of its having a sufficiency upon its ordinary Votes, made no claim whatever upon the Vote of Credit. A sum was provisionally allotted to it, but that arrangement was afterwards cancelled. The army, on the contrary, would absorb a very large portion of the Vote of Credit. He apprehended, however, that it could require nothing in aid of its ordinary Votes, except what it could show to have been expended on account of the Chinese expedition. The right hon. and gallant General knew that the army accounts were not yet closed, and he believed the separation of expenses between ordinary services and Chinese services was not yet completed. What he was given to understand was that the whole of the army claims on account of the Chinese expedition would be satisfied, and that the residue of the Vote of £850,000, whatever it might be, whether more or less than £200,000, would be applicable to meet the Indian claims on account of that portion of time. He must also point out to the right hon. and gallant General, with respect to these Indian claims, that it was quite impossible to make an accurate separation of accounts in respect to the periods to which the charges belonged, because, unfortunately, the Indian financial year did not coincide with ours. The Indian accounts were made up to the end of April, whereas ours were made up to the end of March; and he did not expect it would be possible to divide the Indian expenditure accurately between the year 1859-60 and the year 1860-61. Here, in passing, he might be allowed to express his entire concurrence in what the right hon. and gallant General had said with respect to the great inconveniences and disadvantages that attended the enormous depending accounts between the Indian and British Governments. It was hardly possible to exaggerate them, and, in point of fact, at particular periods they were the means of greatly misleading the House of Commons. At one time we were in large advance to the Indian Government, and then our expenditure at home appeared much greater than it really was; at another the Indian Government was rather in advance with us, and then our expenditure appeared less than it really was. Independently, therefore, of other objections, the existing state of things had a serious effect upon the functions of the House of Commons; and he, for one, should be glad when the time came, when by whatever instrumentality, the accounts could be put upon a better footing. All he could say at present was that, although great changes had taken place of late years, they had been entirely to the disadvantage of the British Exchequer. Last year, when we were called upon to make a heavy financial provision for the existing Chinese war, we were likewise obliged to pay up heavy arrears for a former Chinese war. At the present moment, we were pretty well up with the Indian Government, and, indeed, he might go the length of saying that, including all that the Indian authorities had spent on behalf of the Chinese expedition, they owed us a good deal more money than we owed them. We were, therefore, out of pocket for the moment, but with a prospect of reimbursement. He would now answer the three questions which the right hon. and gallant General had put to him. So far as he was aware, no portion of the sum of £850,000 had been, or could have been, applied to any ordinary Votes. He was unable to state, the right hon. and gallant General not having given him notice of his question, whether there had been any transfer of Votes from one army service to another. Such a transfer might have taken place in some matter not of great importance—of a mere administrative character; but, if so, it must have escaped his recollection, if, indeed, it had ever been within his knowledge. However, the question could be answered so as to give full information if the right hon. and gallant General would allow time for the purpose. With respect to the question whether there was to be a Vote for an excess over the Army Estimates of last year, that was a part of the controversy between the right hon. and gallant General and the Under Secretary for War, and all he could say was that no application had up to the present time been made to the Treasury for any such purpose. As he had already stated, the separation of expenditure on the part of the War Department between the Chinese services and the ordinary services was not yet completed, and he should leave his hon. Friend the Under Secretary to enter further into that matter. Officially he had received no information on the subject.

MR. DISRAELI:—The answer of the Chancellor of the Exchequer has, it appears to me, fully justified the first part of the observations of my right hon. and gallant Friend. The right hon. Gentleman has made some important admissions; but he has not supplied my right hon. and gallant Friend with the whole of that information which he desired to obtain. I should like to know whether any portion of the sum of £850,000 was appropriated to the Indian service. But I quite despair—

THE CHANCELLOR OF THE EXCHEQUER: I am sorry to interrupt the right hon. Gentleman, but I thought I had stated that the great bulk of the Vote of £850,000 would be appropriated to army expenditure, and that the residue would be applicable in satisfaction of the Indian claims. I may be permitted to add that the payments made to the Indian Government up to the present time on account of the Chinese war amount in all to £1,111,000

MR. DISRAELI:—I will not pursue the subject further except to express my hope that ere long we shall have an accelerated audit. Until we have it it will be impossible to enter upon any intelligent criticism. I must say that the right hon. Gentleman entirely misapprehended the spirit of the observations of my right hon. and gallant Friend in the second portion of his observations. When the right hon. Gentleman says there was a want of courtesy and of fairness in these observations towards the hon. Gentleman, the Under Secretary for War, I must say I drew a very different inference. I thought he conferred on the hon. Gentleman a great advantage, and that the position taken by my gallant Friend was one which if I had been in the responsible position of a Minister I should have deemed one of great courtesy and consideration from a leading Member of the Opposition. My right hon. and gallant Friend expressed his approbation of the policy of the Government—so far as their estimate of the proper amount of force. Surely it was an enormous advantage to a young Minister that he found he was not to fight a battle with the Opposition, but that he would be assisted with the advice of my right hon. and gallant Friend. On the other hand, my right hon. and gallant Friend impressed upon the notice of the House and the Government that in his opinion they had not demanded sufficient funds to pay for the maintenance of this force. This gave the hon. Gentleman the advantage of knowing what, in the opinion of the Opposition, were the weak points with which he would have to deal. With that adroitness which I have no doubt distinguishes the hon. Gentleman—else he would not have been placed in a position which I have no doubt he is quite adequate to fill —he will find that this is one of the most favourable opportunities that could be given to a young Minister, and I do not doubt that the hon. Gentleman will know how to avail himself of it. When he rises to make his statement he will know that he has to address himself to an Opposition which has already assented to the amount of force, and which has intimated its opinion that he ought to ask for more money. I suspect, indeed, that the hon. Gentleman will find that any observations of an unpleasant character which may be made will come from below the gangway on his own side. At all events, the remarks of the hon. and gallant General cannot be said to be deficient in courtesy or in fairness to the Under Secretary, whose statement would now be heard with much interest and attention.

ARMY—NEW BARRACK STOVES.

QUESTION.

Colonel WILLIAM STUART, in pursuance of notice, rose to call the attention of the House to the new Stoves or Stove Grates lately placed in the barracks in London, Portsmouth, Chatham, and other stations; and to ask the Under Secretary of State for War, The name of the Inventor of these Stoves, the name of the Contractor, the cost of the Stoves themselves, and the expense of fitting them at the different stations; also, whether any Officer in command of a district, garrison, or regiment, or any Barrack Master in charge of a station, has reported favourably of the experiment; and whether the economy of fuel has been sufficient to justify the expense incurred in the alteration? These stoves, he was told, had caused a great consumption of fuel without anything like a correspondent benefit, even where the number of men in the barracks had been reduced. Some of the grates had been made for the old barracks, and he understood that the expense of alteration amounted to £4,000 for Chatham and £1,500 or £2,000 for Portsmouth. He wished to ask if these alterations were going on in other portions of the country. From what he had learned, these stoves were failures, either for giving out warmth or in promoting economy. The grates were too small, and the warm air which was generated came from a height of eight feet from the ground. The tendency of this state of things was to make heads hot and feet cold. The sufferings of the men during the passing winter had been considerable; in many instances the men were glad to get a rug from another man's bed. The barrack masters had been ordered to try these stoves, and one principal defect was found to be, that fuel which had formerly lasted seven days was consumed in five, and when a requisition was sent for more fuel the reply was that the regular winter allowance had already been issued. Many of the officers were obliged to supply fuel at their own expense. All the while the Estimates were largely increasing. The Estimate for fuel and lights in 1859 was only £96,000, in 1860-61 it was £112,000, and for the present year it amounted to £172,000. He complained of the great expense of these experiments being forced on the country, to the discomfort of those immediately affected by them. In this way large sums were annually frittered away in trying experiments which turned out to be failures.

Mr. T. G. BARING, in reply to the Questions put by the gallant Officer, begged to state that the inventor of these stoves was Captain Galton, an officer who had paid great attention to the improvement of the comfort of the soldier, and the contractor was Mr. Kennard. Captain Galton had no pecuniary interest in the matter. The stoves were designed for ventilating as well as warming, and he had been informed by Major Buckley, Barrack Master at Chatham, that by their use fresh air was introduced into the barrack rooms, so that the air was pure and sweet, even after the men had slept in them all night. Having been to the barracks and seen the stoves in operation he quite admitted that there was some inconvenience in them. They did not produce so large a fire or afford the same convenience to the soldier in heating his dinner as the former stoves. There were some defects to be remedied; but after the alterations suggested had been made he thought that the objection to the stoves would to a great extent be removed. The expense of putting up these stoves had, no doubt, been very considerable, chiefly on account of the apparatus for ventilating; but the actual cost of the stoves themselves was very small—only £3 10*s*. for the medium size, and £3 15*s*. for the large size. The expense occasioned was chiefly with a view to ventilation.

Colonel GILPIN said, he was one of the officers who had tried these stoves at Portsmouth, and could state that these stoves were an utter and entire failure. What might be the effect of the improvements suggested he could not say, but on one occasion, when he went round his barrack-room, a thermometer being placed at either end, he found the one where the stove was to introduce hot air at zero, and where there was to be no hot air the thermometer stood much higher. The stoves were also condemned by the medical officers of the regiment, and he believed also by the general commanding in the district. As far as regarded Portsmouth garrison he believed there had not been a single report in favour of the stoves except from the inventor.

HUNGARIAN NOTES.—QUESTION.

Mr. T. DUNCOMBE said, he would beg to ask the Secretary of State for the Home Department—or perhaps the noble Lord the Foreign Secretary would have the goodness to answer—What instructions were given to Sir Richard Mayne, in reference to the alleged manufacture of Notes in this Country in the name of Hungary, and what course Sir Richard Mayne took upon those instructions; by what authority Sir Richard Mayne required the Messrs. Day to suspend the manufacture of the Notes; and by whom the expenses of the proceedings taken are to be defrayed? It appeared that early in February an application was made at the Foreign Office to the noble Lord the Member for the City of London by the Austrian Government, or by the representative of Austria in this country to stop the manufacture of notes which was said to be going on at the establishment of the Messrs. Day. The noble Lord entertained the question, and took, as he told them the other day, the opinion of the law officers of the Crown. The matter having been referred to the Home Department, the Home Secretary also took the opinion of the law officers of the Crown. He (Mr. Duncombe) thought the noble Lord then went out of his way in telling the House that in the opinion of the law officers of the Crown the manufacture of those notes was illegal. He (Mr. Duncombe) had often heard questions asked in that House to which the Government answered—"We took the opinion of the law officers of the Crown, and we are to be guided by it." But if the Government were asked to lay that opinion upon the table, they always said, "Oh, no! it is only to guide us." The effect of the statement made by the noble Lord must be to prejudice the proceedings at present pending in a court of justice. If the law officers of the Crown had given their opinion that the manufacture of those notes was illegal, he submitted the noble Lord ought to lay that opinion on the table of the House pending the proceedings which were being taken. The law officers of the Crown having given their opinion on a case submitted to them nothing appeared to have been done for nearly three weeks. In the meantime a communication was made early in February to Messrs. Day's place by Sir Richard Mayne, the Commissioner of Police, requiring Messrs. Day to suspend the manufacture of those notes. The Messrs. Day were pursuing their trade legally, as he believed it would turn out, and that trade was interrupted by the communication of Sir Richard Mayne. Notes had been ordered by M. Kossuth for his own purposes, but what those purposes were they did not know. Austria might have made representations to the noble Lord to stay the issue of those notes; but if he (Mr. Duncombe) was rightly informed, a large number of the notes was ordered after the visit paid by Sir Richard Mayne to Messrs. Day's, and an additional number of hands were taken on. He was told that among those hands was a detective employed by Sir Richard Mayne. This detective obtained a print of one of the notes; but it appeared that Messrs. Day had subsequently looked over their papers and found all their prints were intact. Now, he wished to know where this note came from, because they knew that it had been produced before the Court of Chancery. Perhaps the right hon. Gentleman (Sir George Lewis) would be able to explain how this note came to be produced before the Court of Chancery. There ought to be no equivocation shown in this matter, because if there was anything more repugnant to the feelings of the people of this country than another it was the spy system. He wished, therefore, to know what were the instructions given to Sir Richard Mayne, and by what authority he required the manufacture of the notes to be suspended? Another question was by whom the expenses incurred in procuring information and paying for that espionage were to be defrayed? for it was notorious that the Government had obtained the clue they wanted by bribery. If our Government found the money, then this country was paying for the spy system of Austria. If Austria found it then our police were in the pay of Austria. If Her Majesty's Government had used what was called the secret service money for this purpose, how would the people of England like their taxes to be spent in that way? He said this was disgraceful conduct on the part of the Government. Although he believed the noble Lord had pro-Austrian sympathies, he could not have thought he would allow such a visit to be paid by the police to the shop of respectable tradesmen, and their business to be thus arbitrarily interrupted; still less could he have supposed the noble Lord would have given the opinion he had done pending the litigation in that case, which would be argued in a few days, when it was most probable that the injunction obtained against the Messrs. Day would be withdrawn.

Sir GEORGE LEWIS: Sir, I think there is no doubt that my hon. Friend, if he believed that any grievance existed in this matter, has exercised a constitutional privilege in bringing the subject under the consideration of the House on the Motion for going into Committee of Supply; but I trust, after the simple explanation which I have it in my power to give, that the House will be satisfied that no grievance exists. My attention was called by Sir Richard Mayne to the existence of certain notes printed in the Hungarian language about the 5th of February, and I may say that Sir Richard Mayne, myself, and every other person in the Home Office were equally ignorant of the Hungarian language. It was, however, a small printed note, purporting to be signed by "Kossuth Louis." It appeared that it was printed by Mr. Day, the lithographer, and at my suggestion Sir Richard Mayne put himself into communication with Mr. Day, and addressed to him the following letter, dated February 11:—

"Sir Richard Mayne requests Mr. Day will be so good as to call here to-morrow at 12 o'clock, or as soon after as may be convenient.

"Metropolitan Police Office, Feb. 11."

In consequence of that letter an interview took place between Mr. Day and Sir Richard Mayne; but I do not understand that Sir Richard Mayne made any demand on Mr. Day of the nature my hon. Friend states. On the 13th of February Sir Richard Mayne addressed a second letter to Mr. Day, which I apprehend contains the substance of the intimation that my hon. Friend alluded to. This is the whole of the correspondence addressed by Sir Richard Mayne to Mr. Day:—

"Sir,—I request you will detain for the present all the Hungarian notes on your premises, as you told me yesterday you would do if a notice to that effect were given to you.

"I hope to see you to-morrow with reference to the inquiry on which you are to give me information.

"I am, your obedient servant,

"Feb. 13. "Richard Mayne."

Mr. T. DUNCOMBE: Did you give Sir Richard Mayne no instructions?

Sir GEORGE LEWIS: I gave him those instructions. I wish to say that Sir Richard Mayne was acting entirely under my instructions. Well, no further interview took place between Mr. Day and Sir Richard Mayne, and nothing further passed in writing. That is the whole extent of the transaction between Sir Richard Mayne and Mr. Day. With regard to any detective, I am not aware of any person having been employed by Sir Richard Mayne in the manner my hon. Friend describes. No expense has been incurred by the Government, and they are no parties to the proceedings now pending before the Court of Chancery.

Mr. BRIGHT: I think my hon. Friend gave the right hon. Gentleman an opportunity to make a rather fuller statement than he has done, and I am sorry he has not availed himself of it. The right hon. Gentleman mentioned—and it was the first fact he stated—that Sir Richard Mayne called his attention to the matter of these notes. I should like very much to know who first called Sir Richard Mayne's attention to them. Was it the noble Lord at the head of the Foreign Office, or the right hon. Gentleman himself, to whom the noble Lord deputed the subject? Because it makes some difference in the case whether Sir Richard Mayne did this of his own mere motion or from the orders of a superior Department. The right hon. Gentleman did not tell us exactly how the matter stood in this respect. It appears that Sir Richard Mayne had become possessed of one of these notes. The right hon. Gentleman has not informed us how he became possessed of it. It is not to be supposed, I presume, that the ex-Governor of Hungary sent him a copy, nor is it asserted that Mr. Day sent him one. Somebody must have been in Mr. Day's works and abstracted a note to make use of it—in fact, to furnish it to Sir Richard Mayne. It is stated, further, that a police-officer obtained employment with Mr. Day as a labourer at the press, and that he took one of the notes belonging to his employer—an act of larceny, I imagine, though I hardly know what the lawyers would call it. Certainly it would not be a very honest act. If he did not do that, it is said that he must have used some paper of his own, making an impression of the note upon it, and furnishing it to Sir Richard Mayne. If that be true — and the House will, I am sure, think it a little important to know whether it is or not—we arrive at this position—that in a matter which does not in the least concern the security of the Crown or Government of England, but which does in some degree, it may be, affect the interest of a foreign Government, the head of the Metropolitan police undertakes to introduce into the workshop of a tradesman in this City one of his detectives in the garb of an honest, frank, labourer at a printing-press, in order that he may there discover what the tradesman is doing, and take from his premises a note which may be used in a court of justice, not only against the ex-Governor of Hungary, whose name is attached to it, but against Mr. Day himself. That is contrary to all the opinions prevailing in the country with respect to the powers of the police. Whatever use may be made of such a proceeding for the purposes of our own Government—and I do not think it would be very desirable even in that case — there can be no question that it would be very wrong for the Home Secretary to sanction such a proceeding on the part of the police, for the purposes of the Austrian or any other foreign Government. Of course, as regards the main question, that will be settled by the Court to which it has been referred. I do not mean to go into it; because what that Court decides we can be well content to agree to; but I think the right hon. Gentleman owes it to the House to be a little more explicit. He ought to tell us whether the Home Office, acting for the Foreign Office, and Sir Richard Mayne acting for the Home Office, or for the Austrian Government, is to be permitted to introduce into the shop of a London tradesman a detective in the garb of an honest labourer, who may give evidence whereon a foreign Government can pursue an exile who has taken up his residence among us. I shall say no more about that; but the right hon. Gentleman ought to make an explicit statement, because, Sir, if any part of this transaction is left unexplained it will create a very strong and most unfavourable suspicion against the conduct of the Government throughout the entire country.

MR. HENLEY: Before the right hon. Gentleman answers that appeal allow me to put one further question on a point he has not touched upon. As I understand the action from his description of what has taken place, an interview passes and a letter passes between Sir Richard Mayne and the tradesman employed in this act; and the right hon. Gentleman left the matter in this way without giving us any further explanation as to the intermediate stage of the matter. He says that Sir Richard Mayne gave this tradesman notice not to suffer any of that property to go from his premises, and there the right hon. Gentleman left it. Now I think it is right to know whether the police of this country are to give notice to a tradesman not to suffer property that may be in the ordinary way of business in his possession to go off his premises, although no criminal charge has been alleged against that tradesman. The right hon. Gentleman says that, and there he left it. Is this tradesman now under notice from Sir Richard Mayne, or is he not? The right hon. Gentleman shakes his head, so I suppose he is not; but he did not inform the House. Of course, in a question of doubtful circumstances it is perfectly justifiable for the police, if they think a crime is about to be committed, to take means to prevent it. That is a totally different matter, and I think it is not lawful to leave a tradesman under such a notice when the matter to be dealt with appears to be a question to be decided by a civil court on a motion for an injunction, and not by a criminal court. When the right hon. Gentleman answers the question I should be glad to know whether Sir Richard Mayne has withdrawn his notice.

SIR GEORGE LEWIS: Perhaps the House will grant me permission to reply to the questions that have been put to me by the hon. Member for Birmingham (Mr. Bright) and the right hon. Gentleman who has just sat down. I can state in the most confident manner my belief—I think I may say my knowledge, but certainly my belief—that no improper agent such as the hon. Member for Birmingham describes was induced by corruption to give information. I know nothing whatever of any such means having been used. The reason I interfered in the first instance was this—the House must be aware that it is contrary to the law of the country to counterfeit the money of any foreign Government. Not being, as I said before, master of the Hungarian language, I could not tell the exact nature of this note without obtaining a translation of it. Afterwards, when we got a translation of this note, and saw that it did not purport to be a counterfeit of any Austrian money, but that the fabrication was one of money to be used by a new Government to be constituted, we saw that if the matter was a crime at all it was one of a different character. We took the opinion of the law officers of the Crown. That opinion was, of course, confidential, given for the guidance of the Government, and it is not for me to state it; but, in consequence of the opinion of the law officers, the Government decided not to institute any proceedings against Mr. Day; and he was informed—certainly when he came to Sir R. Mayne he must have understood—that this notice was only for the moment, and until further information had been obtained; and he could not for twenty-four hours have remained under the impression that the police would lay any embargo on his property.

MR. BRIGHT: The right hon. Gentleman has not explained how he came by the note.

SIR GEORGE LEWIS: The note was laid before me by Sir Richard Mayne.

CROWN PROSECUTIONS AT ARMAGH (IRELAND).—OBSERVATIONS.

SIR HUGH CAIRNS said, he rose to ask the attention of the House to a question with regard to the due and impartial administration of justice in a country nearer than Hungary. He referred to the Crown prosecutions which had taken place in Ireland, in the county of Armagh, at the Spring Assizes held for the county. The House would perhaps remember that in the month of July last there occurred near Lurgan one of those unhappy riots which were not new in that part of Ireland, in the course of which one individual unfortunately lost his life; another was severely wounded, and several were wounded in a less degree. It was hardly necessary for him to say at the outset that no one regretted more deeply than he did that such occurrences should ever take place, or was more desirous that proper steps should be taken to bring to justice any persons who were answerable for such conduct. He wished also to say that in the short statement he was about to make, he derived his information from the usual means of public information, the newspapers. He believed that the statements of which he was about to make use were correct, but he should be most happy to be set right in any unintentional inaccuracy. If, moreover, there had been any prospect of seeing either of his hon. and learned Friends, the Attorney or Solicitor General for Ireland, in their seats in the House within a definite period, it would have been his duty and his happiness to have postponed his inquiry till their arrival. At the recent assizes at Armagh several persons were put on their trial for participation in this affair. The prosecution was conducted by the Government in the usual way. The Attorney General went down from Dublin, the Solicitor General accompanied him, and they were assisted by four other eminent counsel. The first person prosecuted was Samuel Tait. He was indicted for the murder of the individual who, as he (Sir Hugh Cairns) had said, lost his life on this very melancholy occasion. He believed he was right in saying the case opened by the Attorney General was, that there could be no mistake as to the nature of the circumstances. He was indicted for murder, and was accused of having committed the crime in cold blood. It was the duty of the officer of the Crown, having in his hands the usual materials in such cases—the information and the evidence—if he had arrived at the conclusion that it was a case of murder, to call upon the jury to say it was a case of murder. He must here remind the House of an important fact to consider in this case, namely, the position in which a prosecutor stood in Ireland. In that country, instead of individuals being allowed to prosecute in such cases as this, the rule was that the prosecution should be instituted by the State, and be conducted by one or other of the public prosecutors. The first point on which he should ask for an explanation was this: it appeared there was in the possession of the law officers of the Crown the dying declaration of the unfortunate man Murphy who lost his life. Now he had never heard it doubted that if a dying declaration of this kind bore an aspect favourable to the prisoner it was evidence almost conclusive in his favour. The dying declaration in question was to the following effect: Thomas Murphy, being under the apprehension of immediate death, said that on the evening of the 12th of July, 1860, there was a crowd of people passing along the road, consisting of about 200 men, beating drums. He, the declarant Murphy, threw some stones at the crowd four or five times, and a pistol was thereupon fired by a man of the drumming party. Shortly afterwards a gun was fired in the direction of those who were throwing stones; that the stones were first thrown by the Catholic party; but he thought the shots would not have been fired if the stones had not been thrown first. He (Murphy) afterwards received a shot from a pistol or gun, from the effects of which he believed he was then dying, but he did not know who was the person who fired the shot that wounded him. It seemed, therefore, from this declaration that the unfortunate man, who was a Roman Catholic, admitted there was a riot on his side by the throwing of stones, and that afterwards guns were fired. This declaration was in the possession of the Crown prosecutor; he (Sir Hugh Cairns) was far from saying that the throwing of stones justified having recourse to fire-arms; but if this declaration had been produced as part of the Crown evidence there would have been an end of any case of murder. That, however, was not the course taken by the Crown. The document was withheld from the jury by the prosecution; but, fortunately, that did not deprive the counsel of the prisoner from using it; he did produce it; but he (Sir Hugh Cairns) need not point out to the House the great difference between such evidence being produced by the Attorney General for the prosecution, and its being brought forward afterwards by the counsel for the defence. His question to the right hon. Gentleman the Chief Secretary (Mr. Cardwell) would be, was it not the case that this dying declaration, in the possession of the Crown, was withheld and not laid before the jury as part of the case of the prosecution, but left to be produced by the counsel for the prisoner? Of course, when it was produced, there was an end of the charge of murder, and the only question remaining was one of manslaughter. But there occurred this remarkable fact on that question. The custom, for the sake of fairness, universally was, that in Crown prosecutions every witness whose name was on the back of the indictment should be examined on behalf of the Crown, and that the prisoner might have the benefit of that witness. He understood there were two witnesses named Hepburn and Morrough, whose names were on the back of the indictment, but who were not called by the Attorney General. There was a question at the trial as to whether Tate was the person who fired the gun or not, and there were discrepancies in the evidence which were commented upon by learned Judge who presided, but the jury thought the question of identity had been sufficiently proved, and they found the prisoner guilty of manslaughter. But a most remarkable fact occurred the next day. A trial took place of a man named Wright on a different charge, and it so happened that the Crown called as witnesses the two men Hepburn and Morrough, whom they had not called on the trial of Tate. The examination of these witnesses fell into the channel of the occurrences discussed on the previous day. Hepburn said he was perfectly well acquainted with Tate, and that he saw the man who fired the shot when Murphy fell, but could not tell who that man was. The conclusion from this was irresistible. If Hepburn had been produced at the trial of Tate, and given that testimony, it would have gone far to settle the question of failure of proof of identity. Morrough in the course of his examination said, "I know Samuel Tate very well. On my solemn oath Samuel Tate was not one of the men who fired. I was there, and throwing, and I have not been put on my trial." This witness pledged his solemn oath that the man convicted by the Crown was not the man who fired the shot. Supposing Hepburn and Morrough had been called on the previous day, no one could doubt what would have been the effect of their testimony. It would at once have concluded the trial of Tate, who must have been acquitted. These were the two circumstances to which he first wished to direct the attention of the Chief Secretary. What took place thereupon? Tate had had a verdict passed against him. Application was made to the Judge to arrest sentence, in consequence of the matter which had transpired at the second trial. The learned Judge (Baron FitzGerald) said, if the law advisers of the Crown did not undertake to do so, he should feel it his duty to call the attention of the Executive to the inconsistencies in the evidence, and to the testimony of Hepburn and Morrough on the other trial. It might be a question, the learned Judge added, whether this evidence would not have turned the scale in Tate's favour if it had been produced before the jury. It appeared clear from all the trials that there had been rioting on both sides on this unfortunate occasion. He apprehended that, consistently with the due and impartial administration of justice, the Crown should have taken proceedings, not only against those engaged on one side but also against those engaged in rioting on the other side. The Solicitor General for Ireland had been challenged to say why the Crown had not prosecuted some one on the other side; and the Solicitor General was reported to have said that if any person thought there was any one culpable on the other side, the courts of justice were open, and he might proceed against any such person by information. It was well known, however, that in Ireland no private individual would be allowed to take up what was called a party prosecution. The Attorney General would not allow it. With such an answer from the Attorney General, what would the country think of the administration of justice in Ireland? Here was a case in which the Attorney and Solicitor General went down from Dublin with a bar of four eminent counsel to conduct a prosecution against one side, with the purse of the nation to pay all expenses; but it was nothing short of a mockery to say to those who used the argument that you should prosecute both sides, the courts were open to any one who wished to prosecute on the other side. Was that a course the Government were prepared to endorse? In the second trial Wright was indicted for having feloniously wounded a man named McCann: the prisoner's identity was not proved and he was acquitted. Then came another trial of a remarkable kind. A number of persons were indicted for misdemeanour on this occasion. They were charged with walking in procession with colours and with rioting. It became necessary to empannel a jury. The jury who convicted Tate were all Protestants, and that should have convinced the Attorney General that there would be no difficulty in obtaining a verdict from a mixed or an entirely Protestant jury. But in the first place the counsel for the prosecution announced they were going to direct all the jurymen in the previous cases to stand aside; there was no great harm in that. In the next place it was intimated that all persons who were resident in Lurgan would also be challenged on behalf of the Crown. The justification for this was not very clear, as there was no pretence for saying that Lurgan was implicated as a town, because the riot took place at some distance from the town, though the procession had passed through it. Well, the panel was called. This was a trial for a misdemeanour. In a trial for misdemeanour the prisoner had not any right to challenge, unless he could show some definite and distinct cause; although the Crown by its prerogative has an unlimited right of challenge. In a capital case the prisoner may challenge without cause. This being the case, how did the Crown act? Several Protestants were challenged by the Crown, and the jury eventually consisted, as he was informed, of ten Roman Catholics and two Protestants. The jury was so composed in a Protestant county, in the jury lists of which the proportion of Protestants to Roman Catholics was as ten or eleven to one. According to the newspapers, before the ten Roman Catholics were put upon the jury, sixteen Protestants were challenged by the Crown and ordered to stand aside. He asked the Secretary for Ireland to tell the House why they were challenged. He did not for a moment supppose that the preponderance of Roman Catholics led to a different result from that which would have arisen if the jury had been composed entirely of Protestants. He took the jurymen to be gentlemen of respectability, and he believed that notwithstanding the composition of the jury the prisoner had a perfectly fair trial. He was quite sure they conscientiously came to the conclusion they did, and that the conviction was a proper one; but what would the country think, and especially men of strong opinions and of strong bias, when they found that the Government had taken such a course in this prosecution? It was impossible to say that it was a justifiable course, and the middle and lower classes were likely to feel strongly in regard to the conduct of the Government. No one deplored more than he did occurrences such as had given occasion to these trials. Of late years he had observed a feeling unfavourable to such party demonstrations as had given rise to those disturbances growing stronger and stronger among persons of all shades of politics in Ireland, and nothing was more likely to increase that feeling than a just and impartial administration of the criminal law when any of those unfortunate events took place. At the same time if there was one means more calculated than another to reanimate slumbering passions of a party character it would be the course taken by the Government in this case, unless some satisfactory explanation of it were given by the right hon. Gentleman. They should have avoided anything which had even the appearance of being directed against, or unduly or improperly weighing against the one side or the other. Sir John Davies said, as the result of his experience in travelling through Ireland, that though the Irish were a very excitable people and felt very warmly, they yet had at heart an innate love of justice and fair play. He believed that was true still. He could not believe that the Government desired to bear unduly on one side or the other, but though he gave them credit for that, it was impossible not to see that what had been done, unless capable of explanation, could not fail to produce in the country feelings exactly the reverse of those which it was desirable should prevail.

Mr. CARDWELL said, he cordially concurred in the concluding observations of the hon. and learned Gentleman. He entirely believed that among the qualities of the Irish people there was none more remarkable than their love of equal justice and their disposition to obey the law when carried into effect with an impartial spirit. He sincerely regretted that when a charge was made against the learned Gentlemen who had conducted these prosecutions they should not be present to answer those charges themselves; but since it had fallen to him to answer for them he should proceed to reply to those charges *seriatim*, though he should regret if, in consequence of the shortness of time, there should seem any imperfection in the information he possessed. He believed, however, that he could give a sufficient and satisfactory answer to the accusation of the hon. and learned Gentleman. The last statement made by the hon. and learned Member was, that upon a trial for riot and unlawful assembly in a county where the great majority on the panel were Protestants, the legal adviser of the Crown so conducted himself as to obtain a jury which consisted of ten Roman Catholics and two Protestants, and it was understood to be implied that the objects of the Crown lawyers was to obtain a jury consisting exclusively or principally of Roman Catholics, in order that certain Protestants might not have the advantage of a fair trial. He would first state exactly, as far as he was acquainted with the circumstances, what occurred, and he would then leave it to the candour and judgment of the House to say whether any charge of that kind was substantiated. He was informed that the jury did not consist of ten Roman Catholics and two Protestants, but of four Protestants and eight Roman Catholics. Moreover, the Judge who presided, one of the most able and popular men on the Irish bench, was a Protestant, and all the Crown counsel, with the exception of the Attorney General, were likewise Protestants. With respect to the constitution of the jury, he would read the instructions sent by the Attorney General for Ireland to the Crown solicitor—

"Armagh, March 5.

"My Dear Sir,—I think it right to say, in proceeding with the cases connected with the outrage at Ballymacash, you should exclude from the jury every Member of the Orange Society, and every person who, from residence in the immediate locality, may be affected by prejudice or prepossession upon either side.

"Truly yours,
THOS. O'HAGAN."

Those were the only instructions given. They were given to the Crown solicitor, a Protestant, who, in striking the jury, was assisted by the sessional Crown solicitor, also a Protestant. Acting under that instruction the Crown solicitor and the sessional Crown solicitor, both Protestants, had taken particular care in summoning jurors. Upon the first trial the Crown did not exercise the right of challenge in a single instance, but the prisoner challenged every Roman Catholic on the panel, the result being that the jury by whom he had been tried was composed entirely of Protestants. On the second trial the same course was taken; the Crown did not challenge a single juror; and again, the person accused challenged all the Roman Catholics on the list, and had his case dealt with by a jury exclusively Protestant. When the third trial had come on the Crown solicitor, in the proper discharge of his duty, and without further communication with the Attorney General, set aside some jurors whom he believed to be Orangemen and some who resided near the scene of the outrage, there being among the latter several Roman Catholics. Well, then, the case stood thus:—The twenty-four jurors who had served on the former trials were very properly excluded from the third. The Roman Catholics who had been called and who had not served on the first or second trial could not be challenged by the prisoner, inasmuch as the charge against him was one of misdemeanour; and the consequence was that the third jury was composed of eight Roman Catholics and four Protestants, all of whom were selected in the most legitimate way—unless, indeed, it were established that the Crown ought to have taken a course which, in his opinion, it had no right to adopt—namely, to set aside a number of men otherwise perfectly competent to discharge the duties of jurors, on the express ground that they were Roman Catholics. To the verdict of the jury so constituted his hon. and learned Friend opposite said he took no exception; and he (Mr. Cardwell) might add, on the still higher authority of the eminent Judge who tried the case, that it was impossible upon the evidence adduced to have come to any other conclusion than that at which they arrived. Was it, he would ask, right, under these circumstances, to come down to the House of Commons and charge the law officers of the Crown in Ireland with having shown a disposition to place Roman Catholics on juries in that country to the undue exclusion of their Protestant fellow-subjects? The next charge made against the Irish Executive by the hon. and learned Gentleman was that the culpability in connection with the melancholy occurrence in question being attributable to both parties, the Government had contented itself with prosecuting the Protestant offenders, while against Roman Catholics no prosecution had been instituted. Now, if it could be proved that any of the offenders who ought to have been brought to justice had been allowed to go unpunished, he should admit that some good ground for the accusation of his hon. and learned Friend might have been established. Nothing of the kind could, however, be shown, the reason why persons had been prosecuted on one side and not upon the other simply being that the demonstration which had led to the sad events of which the hon. Gentleman spoke originated with one, the Protestant, side; that the lives lost were those of Roman Catholics, and that the guns fired were discharged by their Protestant opponents. Another reason why no prosecutions had been instituted against the other side was to be found in the fact that no informations had been sworn upon which additional indictments could be based; but if his hon. and learned Friend would undertake to bring forward any particular instances to justify the charges which he had made, he (Mr. Cardwell) would be prepared to deal with them when they came before the House. His hon. and learned Friend went on to say that there were two witnesses whose names stood on the back of the indictment who were not called upon originally to give evidence; but who having on a subsequent occasion, when the charge of attempt to murder was being disposed of, been placed in the box, made statements which, if they had been adduced on his trial, might have led to the acquittal of Tate. Now, he felt assured that his hon. and learned Friend, in referring to that circumstance, did not mean to impute to the law officers of the Crown in Ireland that they had been guilty of the incredible meanness of keeping back a witness because they believed his testimony would be favourable to the accused. He (Mr. Cardwell) could not, however, allow the statement to pass without a clear and emphatic denial, because if he were to do so an erroneous impression as to the course which had actually been pursued by the law officers of the Crown might be created.

SIR HUGH CAIRNS said, he should be sorry to have his language misunderstood. What he did say was this—assuming that there had been an error of judgment in this matter, he thought it was important that some explanation should be offered as to how such a circumstance could have happened; and he added that he thought the evidence of the two witnesses being withheld was a most important feature in those proceedings.

MR. CARDWELL: The course which had been taken in the instance in question had been adopted with the unanimous concurrence of all the counsel engaged for the Crown—five of whom were Protestants and all of whom were men of eminence. The practice as recognized in Ireland, was, he might add, as he was informed, strictly observed in the case. The informations of both the witnesses alluded to were sworn before the trial, and were placed in the hands of the counsel for the prisoner, as well as in those of the counsel for the Crown. Everything, in short, which the latter knew in reference to the statements which might be anticipated from those witnesses was known also to the former. The witnesses, moreover, were in attendance, and ready to be called if the counsel for the prisoner had expressed a wish that that course should be taken. They were not called, however, and on the following day and upon another trial, happened to give evidence which the counsel for the prisoner contended would have been material on the previous trial. All he could say was, that that evidence would be brought under the consideration of his noble Friend the Lord Lieutenant of Ireland, and, that being so, it was obvious that it was inexpedient he should enter into it at the present moment. He should, therefore, content himself with repeating that the usual practice in Ireland had, so far as he was aware, been followed out in the case, and with repudiating the supposition that the law officers of the Crown in that country could descend to such an expedient as that of keeping back testimony which might be important for the defence of a prisoner upon his trial. Another charge which had been made was that those who advised the Crown in the prosecution of Tate, having before them the dying declaration of the deceased man Murphy, ought to have known that there was no sufficient ground for preferring a charge of murder, and consequently that they ought not to have allowed that charge to be preferred.

SIR HUGH CAIRNS said, the right hon. Gentleman had not stated the point quite accurately. Whether a charge of murder ought to have been preferred was a matter of opinion. The objection to the course pursued was that, a charge of murder having been preferred, the dying declaration of the deceased was withheld from the jury. It was, no doubt, open to the Attorney General for Ireland to persevere in the charge of murder if he thought proper to do so, but he should not have opened such a charge without accompanying it by a statement of all the evidence which could be produced.

MR. CARDWELL said, he had no information from his learned friends with respect to that part of the case, and, of course, he could not state what had influenced them in the course they had taken. But, as he (Mr. Cardwell) understood, the serious part of the charge was that the dying declaration of the man Murphy showed there was no foundation for the accusation of murder, and that such a charge should not have been preferred. [Sir HUGH CAIRNS:—That is a mere question of opinion.] He was able

to say, however, that the dying declaration was before the Judge and the jury, although he did not know why it was put in for the prisoner instead of for the Crown. In reviewing the evidence the learned Judge had stated the case with the utmost openness and impartiality. He contended that there was nothing in the constitution of those who conducted these trials which could lead the people of Ireland to entertain the mischievous and calamitous impression that there was any disposition on the part of the administrators of the law to hold the scale of justice otherwise than in a firm and equal poise. He entirely concurred in the concluding observations of the hon. and learned Member for Belfast, and assured the House that it was the earnest desire of the Government that the conviction that the law would be administered equally to all classes should be fully impressed on the people of Ireland, and that their efforts would be unceasingly directed to effecting that object.

MR. WHITESIDE said, wherever the life of a fellow-creature was involved it was the glory of the criminal law of England that whoever the man might be that was placed at our bar of justice, every opportunity should be afforded him to obtain a fair trial. He was happy to bear his testimony to the fair and honourable conduct of the Crown prosecutors generally, and to the just and impartial verdicts usually pronounced by the juries of the north of Ireland. But that was not precisely the question at present before the House. The right hon. Gentleman had taken good care not to answer the particular charge made by his hon. and learned Friend (Sir Hugh Cairns). The Crown no doubt had a right to put a man on his trial who it was believed had committed murder, and to take away his life if he were guilty. But he never heard, in his position of public prosecutor, that he should be at liberty to put a man on his trial for murder when he knew that he had not committed that crime. Now, what were the facts of the case? There were two men of the name of Humfreys, and one man of the name of Tate, charged with the crime of firing the shot that killed the person whose life was lost. If they had all been tried together, then the two witnesses whose names were on the back of the indictment, if produced, would have negatived the charge as against Tate, and, perhaps, have fastened it upon the two Humfreys. But that was not the course that was taken. The unfortunate man who was killed had in his dying moments, and possibly after he had received the consolations of religion, made a declaration—every word of which he (Mr. Whiteside) believed to be true—to the effect that Tate, the prisoner, was not guilty of the crime of murder. That declaration was taken before a magistrate of the Crown, and was returned by the magistrate to the Crown solicitor. That dying declaration distinctly stated that no shots would have been fired had it not been for the unfortunate circumstance of stones and bricks having been first thrown at the persons who were walking in the alleged procession. The deceased man, Murphy, it was said, knew the person of Tate perfectly well, and did not in the smallest particular inculpate him. The right hon. Gentleman opposite, the Secretary to the Lord Lieutenant of Ireland, stood in that House the sole representative of the Irish Executive. But that was not the right hon. Gentleman's fault. He (Mr. Whiteside) was sorry that the Attorney General for Ireland was not in that House, because he believed that a more amiable or honourable man did not exist, nor was there one for whom he had a higher respect. But it was the unfortunate position of the right hon. Gentleman opposite that for the first time this quarter of a century there was no Attorney General for Ireland in the House to assist the Chief Secretary in his arduous labours. Neither he nor his hon. and learned Friend near him had any intention of attacking the right hon. Gentleman; but as his hon. and learned Friend represented the capital where those scenes occurred he thought it his duty to call attention to the subject. He (Mr. Whiteside) contended that, whoever might be the prosecutors on such an occasion, they were bound to have submitted the dying declaration of Murphy to the jury before whom Tate was tried. They were bound to do so by every principle of honour, and for the sake of humanity and justice. The position of the Crown prosecutor in such a case was not that of a man who was seeking a victory, but an officer of the State who was bound to see justice administered fairly and impartially to all Her Majesty's subjects. Any evidence which he thought made for the prisoner he was bound to submit to the jury. If he (Mr. Whiteside) were the prosecutor, and were in possession of such a dying declaration, he should feel himself bound by every principle of justice and fair play to lay it before the jury. The excuse of the Solicitor General was that the document did not tend to inculpate the prisoner—no, it tended only to exculpate him. That was a most unfortunate argument for his learned Friend to use. When a man was put on trial for his life the whole truth ought at least to be made known. He was deeply pained to hear from his right hon. Friend (Mr. Cardwell) that the officers of the Crown had taken the course they did, not in haste but deliberately and after a consultation.

MR. CARDWELL: The right hon. and learned Gentleman is mistaken. I stated that I had received no communication from my learned friends upon that part of the case.

MR. WHITESIDE said, he was glad to find that he was mistaken. With regard to the witnesses whose names were on the back of the indictment—who had been examined before the Grand Jury, and whose testimony went to exculpate Tate and inculpate the other two men—why were they not called at the trial? It appeared the counsel for the prisoners did not see their names on the back of the indictment, and so far they were excusable for not calling them. He agreed with his learned Friend that the counsel for the Crown were not bound to examine witnesses whose evidence would damage their own case; but they were bound—at least that had always been held the rule—to produce them that the other side might examine them. That was what he called English justice. The two witnesses who were kept back were of the same faith as the person who lost his life, and, therefore, were not likely to be biased in favour of the prisoner; but they were not examined, and the jury, contrary to the usual practice, gave the benefit of the doubt against the prisoner, and found him guilty of manslaughter. On the next day the two witnesses who had not been called, being wanted for another trial, gave their evidence clearly exculpating Tate, who had been found guilty of manslaughter the day before. The Judge, on hearing their testimony, remarked upon the new discovery, and said he should represent it to the Lord Lieutenant. But that was no answer to the charge of keeping back evidence that ought to have been produced. Surely the liberties and lives of the people of Ireland ought not to be dependent upon the opinions or will of the Lord Lieutenant, but upon the due administration of the law. He (Mr. Whiteside) now asked the Government whether they intended to punish that man Tate, who had been convicted only because important evidence was withheld, which, had it been produced, would have led to his immediate acquittal? He was assured that it was the universal opinion in the neighbourhood that the man was as innocent of having fired the shot as any Member present. He could not doubt that the Government would hasten to rectify the mistake that had been committed. In a former trial Mr. Justice FitzGerald had judiciously sentenced the processionists to the heaviest punishment; and he had very properly observed to the other party that they should also be punished for taking the law into their own hands. In respect to the point of challenging the jury, he (Mr. Whiteside) when prosecutor exercised his right of challenge on one occasion in Belfast. He was called on in that House to explain his conduct in that affair, and he hoped that he should never be impugned in such a subject again. But what was done in the case immediately under consideration? The right was exercised with so liberal a hand that the Crown prosecutors had actually set aside half of the panel; sixty were challenged out of the 120 that had attended. Of these twenty-four were jurors who had acted satisfactorily in the preceding cases. Now, if the Attorney General had good cause for this extensive exercise of his right to challenge he was fully justified in taking that course; but in a highly civilized country, when 120 respectable men attended to have it stated that sixty of them were deemed unfit to try a case was he thought one of the most alarming precedents in the administration of justice. He submitted that the points urged by his hon. and learned Friend had not been satisfactorily answered. He regretted that the two law officers for Ireland were not in the House. If they were likely to be here his hon. and learned Friend would have postponed the consideration of this question. If, however, he had postponed it until those learned functionaries were present he should have postponed it to the Greek Kalends. The right hon. Gentleman opposite conducted with the greatest courtesy and kindness the important business with which he was charged, and he trusted that he would ever be received with that courtesy and consideration in Ireland which were always proffered to a distinguished stranger. Indeed, it appeared to be a principle with the Liberal Government opposite, that as regarded the high offices of Lord Lieutenant and Secretary no native need apply. The office of Chief Secretary, however, could not be in more honourable hands than those of the right hon. Gentleman; and it was only to be desired that he would be soon relieved of his arduous labours in the legal business of the country by having the able assistance of the Attorney General for Ireland in that House to bear his portion of them.

Motion *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee; Mr. MASSEY in the Chair.

(In the Committee.)

(1.) 146,044 Land Forces, exclusive of men employed in India.

MR. T. G. BARING, in rising to bring forward the Army Estimates, said he would ask permission to reserve any observations he had to make with respect to that part of the speech of the right hon. and gallant Member for Huntingdon which referred to the expenditure for army services in 1859-60 till the accounts for that year were finally made up, and it was known whether there was a necessity to come to the House for a Supplementary Estimate. Of this he would assure the Committee, that no part of the Vote of Credit for China expenditure should be applied in supplement of the ordinary army expenditure for that year. So far as he was personally concerned he did not feel in the slightest degree annoyed at the course which had been taken by the right hon. and gallant Gentleman, who had invariably treated him with the greatest frankness and courtesy, although he ventured to think that it would have been more convenient if the observations with respect to the Estimates had been deferred till after the statement he had now to submit to the Committee. He would allude to those observations in their proper place, and he should speak with great diffidence in doing so if he had himself prepared the Estimates. But that was not the case, for they had been most accurately and carefully framed by the noble Lord the Secretary of State for War.

The number of men he had to propose of all ranks was 146,044, which was a nominal increase of 775 men on the numbers voted for 1860-61. But it was to be remembered that in the number of men voted last year, the embodied militia were not included. The right hon. and gallant Member for Huntingdon had mentioned this as if it had not been the usual practice, whereas the embodied militia were always omitted from the numbers, and had been omitted in the Estimates of the right hon. Gentleman himself. He thought that he could prove that the right hon. Gentleman was not correct when he stated that the nominal increase of 775 men was equivalent to a real decrease of 9,000. In order to give as clear a statement as he could of the numbers proposed to be voted, and for which provision was taken in the Estimates of 1861-62, as compared with the year now closing, he would compare the average of the numbers actually borne, as appeared from the Adjutant General's returns for the year now closing, including the embodied militia, with the numbers for which provision was made in the coming year. By taking that comparison the Committee would clearly see how we stood during the past year, and how we should stand during the year now about to begin. Commencing with the whole British army—in 1860-61 the average number of regular troops borne acording to the Adjutant General's returns, including Staff, was 228,020. The average number of militia embodied during the year was 9,569, making a total of 237,589. Against these numbers the total number to be borne during 1861-62 is estimated at 212,773, showing a decrease of 24,816. In order to explain this decrease and advance a step further he would take the number of men borne during the year 1860-61, paid out of the Indian revenue. In that year there were paid from the revenues of India, in the East Indies, 72,712; depôts at home, 15,058; being a total of 87,770. In 1861-62 there would be in the East Indies, 62,041; depôts, 6,638; total 68,779, showing a decrease in the numbers paid out of the revenues of India of 19,041. He had added 2,000 to the number of troops in the East Indies, given at page six of the Estimates, because all the regiments expected to return from India in the course of the year were borne for numbers upon the British establishment, but only a part could of course be reckoned in the estimates of cost. Pursuing the calculation still further he would state the numbers borne and paid for out of the imperial revenues in each year. For 1860-61 the average number of men was 149,819; provision was taken in the present Estimates for 144,044. The real decrease upon the British establishment, therefore, was 5,767, instead of 9,000 as stated by the right hon. and gallant Gentleman. He would now go on to compare the numbers in the colonies and in the United Kingdom. In 1860-61 there were in the colonies and China 55,883; in 1861-62, 51,717, showing a decrease of 4,166, and there remained a total of 93,936 employed in the United Kingdom, including the embodied militia, for 1860-61, whereas the total for 1861-62, with no militia, would be 92,327—showing a decrease of 1609. The numbers in the United Kingdom would be, as he had said, 92,327, to which adding the Indian depôts—more than 6,000—would give 99,000 as the average for the United Kingdom for 1861-62, and as the regiments from India arrived we should be still stronger at the end of the year. In order to make the matter more clear, he would give the Committee the number of battalions for the two years. On the 1st of April, 1860, there were 40 in England, 57 in India, 33 in the colonies, and 9 in China. In 1861, the numbers would be respectively 49, 51, 34, and 5, being an increase of 9 battalions at home, and there would be a further increase when the New Zealand affair was settled. In comparing the force of the two years in the United Kingdom no doubt the diminution in 1861-62 would be larger than he had yet stated; because the Indian depôts were larger last year than they would be this. But he thought that the substitution of regular troops for militia, and having more battalions of regular infantry in this country would quite make up for a small decrease in numbers. He did not say that with a view to disparage the militia, because no one could ignore the admirable state of discipline to which those regiments had been brought by the energy and attention of their commanding officers, and by the good conduct of the men. On the other hand, no hon. and gallant Gentleman who had commanded a militia regiment would deny that regiments of militia never could be perfectly equal to regiments of the Line. The Committee would see that, in addition to the strength of battalions of the Line in this country, they would have a larger reserve of militia regiments than they had at the commencement of the year, and that the perfectly trained men who would remain available would form the nucleus for raising the force to the same strength again, if necessary. The number of militia disembodied in the course of the year would be 5,500 artillery and 12,800 infantry. So much for the numbers for the year 1861-62, which appeared to Her Majesty's Government to be sufficient, and yet not too great for the position which this country occupied in the world. The right hon. and gallant Member anticipated that there would be an excess on the numbers voted, and he founded his statement upon the actual numbers on the 1st of February last. He could assure the Committee that the subject had received the careful consideration of Lord Herbert and of the Commander-in-Chief, and that no difficulty was anticipated in so regulating the numbers as to bring them within those for whom provision was made. Hon. Members were aware of the state of a regiment which came home from India, and as part of the force was coming back from India he did not anticipate any difficulty in keeping the number within the Estimate which he hoped would be voted by the Committee.

Having explained as clearly as he could their position as to numbers in the coming year, he thought he ought to explain briefly how the reductions would be made. There would be a reduction in India of five battalions of infantry and of one regiment of cavalry coming home. There would be a reduction in the strength of infantry and cavalry regiments in India, and there would be a reduction in the strength of the depôts of Indian regiments at home. The cavalry regiments would be reduced by one troop. No officer would be placed on half-pay, as the supernumeraries would be absorbed as vacancies occurred. That would explain the reduction of 19,000 men in the force paid by the revenues of India. No men would be discharged in India, as it was anticipated the regiments would reduce themselves quite as quickly as was desirable. With respect to the colonies, the force would be reduced by the recall of five battalions from China, and increased to a small extent by troops sent to New Zealand. There would be a slight alteration, which it might be convenient to notice. The Malta Fencibles, whose pay was extremely low, would be changed into artillery, with an increase of pay. The change was very popular in the corps, and would make the force much more effective. At home the alterations would be as follows:—A regiment of cavalry would come home from India. The cavalry regiments would be reduced by twenty-five men and twenty-eight horses in each regiment. Provision would be made for six-eighths of a new garrison brigade of Royal Artillery, the two batteries coming from China forming part of the brigade. It was possible that four batteries of Horse Artillery would come from India in the course of the year, and if that should be the case, the formation of the brigade of garrison artillery would be postponed, and by a different arrangement the money would be sufficient to provide for the four batteries of Horse Artillery which returned. There would be a small increase in the Royal Engineers during the year, two companies being added in order to form a depôt at Chatham. The military train would be reduced by one battalion. With regard to the infantry, the reduction in the number of men upon the establishment of regiments employed in China must be set against the battalions coming back from India and China. Those regiments were increased on the breaking out of the Chinese war, and, the war being concluded, they would be brought back to their original strength. There would be an increase in the establishment of two battalions employed in New Zealand. There would be a decrease of one second assistant-surgeon in all the regiments at home. It was found that two assistant-surgeons had not enough to do, and therefore had not sufficient opportunities of improving in their profession. There would, however, be an increase in the number of Staff surgeons in order to provide for detachment duty and ball practice.

With regard to that part of the whole expense of the army, which depended upon the numbers of men voted, he would follow the right hon. Gentleman's example, and take together Votes 2, 3, 4, 9, and 10. Votes 2 and 3 were for pay, allowances and miscellaneous. Vote 4 was for the embodied Militia. Vote 9 was for clothing, and Vote 10 was for provisions. In 1860-61 the total of those Votes was £7,479,363. In 1861-62 it was £7,410,346, showing a decrease of £69,017. That comparison would not entirely accord with the sums voted for 1860-61, and for this reason—that from the estimate for clothing for 1860-61 was deducted, as would be seen at page 84 of the Estimates, a sum to be received from the Indian Government amounting to £200,000. That sum was not a payment for supplies furnished to India in 1860-61; it was simply a repayment for former supplies. A Committee of the House which sat last Session recommended that the system should be altered, and payment made at once. It was the last time such an item would appear; but in a comparison of this year and last that sum of £200,000 must be added to the clothing Vote for 1860-61. The right hon. Gentleman the Member for Huntingdon said, that he did not think sufficient money had been taken to provide for the numbers to be voted. But the rough calculation of the right hon. Gentleman himself proved, if it proved anything, that the money was sufficient, and moreover the return of expenditure upon the Votes which he was reviewing for the last year in which the accounts were made up, gave an average of £54 per man, which was about the sum proposed to be voted for the ensuing year. He did not think, therefore, that the anticipations of the right hon. Gentleman would be realized. This year a very advantageous change has been made in the preparation of the Estimates of the War Department. They were now prepared by that branch of the department which controlled the expenditure during the whole of the year, and much greater accuracy, therefore, might be expected in the preparation of them.

He would now advert to those changes in regard to expenditure, and in the administration of the *personnel* of the army, which were of sufficient importance to be noticed in a general statement. A Report of a Commission on the recruiting of the army had recently been laid on the table, and in accordance with its recommendations it was proposed to make a change with regard to enlistment. The Commission pointed out what had been pointed out before, that it was equally advantageous to a man in India, who had served his ten years, to take his discharge and come home at the expense of the public, and then re-enlist, as to re-engage on the spot, and remain with his regiment. It was proposed, therefore, to give to a man who re-engaged at the expiration of his time, very great advantages as compared with those who took their discharge and subsequently enlisted. It was also proposed to give to those men a furlough on their return to this country, or on the first convenient opportunity. It was also proposed to reduce the bounty to £1, making it up to the soldier, however, by allowing him a larger quantity of necessaries. How far the War Department would be able to go in this respect, however, had not yet been decided. In regard to the food of the army he had not much to say which would be new to the House. The system of slaughtering cattle and baking bread by the commissariat—which worked admirably—had been extended, as well as the system of providing the soldier with a certain quantity of groceries for a 1½*d.* stoppage which had answered so well that it had been put in practice at the camps, in the Mediterranean, and the West Indies. This tended to an alteration in the pay and stoppages of the soldier, and to the introduction of an uniform 6*d.* stoppage, thereby giving the soldier the same net pay in all parts of the world. With respect to clothing it was proposed, instead of a tunic lined with serge, to furnish the soldier with a waistcoat, and a tunic unlined, which would be available for hot and cold climates. Measures had been taken to simplify the patterns of clothing, and to diminish the number of different sorts of cloth, and it was expected that when the cloth was not of so many different qualities the supply would be improved. The clothing manufactory at Pimlico was well worth a visit. The rapidity with which large quantities of clothing were turned out was remarkable. A short time ago the clothing for seven battalions was sunk in the river and destroyed, but the manufactory made up the deficiency in a fortnight, and would have turned it out much more quickly but for some difficulty with respect to the facings.

The health of the army had been exceedingly good during the year, and the low rate of mortality stated by the Secretary for War last year had been maintained. Abroad, also, the rate of mortality had been below the average. In China a medical officer of rank, Dr. Rutherford, had been attached to the army, simply for the sake of providing for its general health, and in consequence of the care taken during the campaign the mortality of our troops there hardly exceeded that of Aldershott, or other home stations. The effect of the new medical warrant had been to attract a much higher class of candidates for the medical service of the army, and, in fact, medical men now complained that the army drew away all the best young men of the profession.

There had been several reductions in the Staff at home. Two appointments hitherto held by Lieutenant-Generals has been reduced to Major-Generals' commands—the Inspector of Infantry, and the command at Shorncliffe. One Major General, at Dublin, had been reduced, and five Major-Generals' commands had been reduced to Brigadier-Generals' commands—one at Shorncliffe, three at Aldershott, and one at Dublin, and the office of Assistant Adjutant General of the Brigade of Guards would be abolished. These changes had been made with the entire concurrence of the Commander-in-Chief, and this would show that those intrusted with the administration of the army did not lose sight of economy. Another alteration had been made in regard to Staff appointments. Hitherto, when a Major had been appointed to the Staff he was put on half-pay; it was now proposed that he should be seconded. Colonels of the Royal Artillery holding certain large commands would receive command money with the rank of Colonels on the Staff. The War Office had decided to carry out the scheme proposd by the Duke of Cambridge before the Committee on the Organisation of the Army last year. With regard to the entrance of officers into the army, every young gentleman before entering the army would be required to pass a year at a military college in learning the practical rudiments of his profession and some portion of its scientific branches. The education would be physical as well as mental, and every young officer, when he joined his regiment, would be able at once to discharge the functions of an officer without having to learn his drill. This would very much do away with the necessity of keeping young officers at depôts, which it would be generally allowed was an advantageous change.

He had now to make such observations as were necessary upon the remaining Votes. In the next, that for the Volunteer Service, an increase of £38,000 was proposed for the yeomanry. They were to be called out this year, and everybody who had any knowledge of the yeomanry would allow that unless they were called out for permanent duty occasionally the force would soon fall away. A Committee had been recently appointed of yeomanry officers, among whom was the noble Lord who had lately occupied the chair of that House (Lord Eversley) in conjunction with cavalry officers, and it was expected that they would be able to recommend considerable reductions in the expenses of the yeomanry without impairing its efficiency. There was an increase in the charge for the Volunteers this year compared with the last of £27,000, which consisted of pay and allowances to adjutants. He would make but few observations on this occasion upon the subject of the Volunteer force, as the whole question would shortly be brought before the House by the noble Lord the Member for Haddingtonshire (Lord Elcho). He was happy to be able to state that there was no symptoms of the Volunteer movement flagging. During the past year 40,000 men had been added to the force; and at the present moment we had 217 battalions, 130 of which were administrative battalions, formed of corps which had in the course of last year joined together to have the benefit of the services of an adjutant. There were now 1,500 corps, and 140,000 men. Many of the battalions had arrived at a state of very great efficiency, and some of them, he believed, were fit to act with the regular troops. One of those battalions, which was very strongly represented in that House—namely, that connected with the Inns of Court, and composed of gentlemen of the long robe, was perhaps more remarkable for its efficiency than any other of those corps. In the course of the year there had been assemblages of the Volunteers at different places. The gratifying circumstances of the occasion on which Her Most Gracious Majesty reviewed 21,000 men in Hyde Park were still fresh in the recollection of all who witnessed the stirring scene. Scotland had used all its exertions to rival, if not excel, the displays in this country; and at Edinburgh the Queen had inspected as many as 22,000 Volunteers. In Lancashire and other counties similar demonstrations had taken place, and more than 30,000 Volunteers had had the advantage of being reviewed by general officers, who had reported favourably of their efficiency.

He next came to Vote 6 for the War Department. In that Vote there was a small increase, chiefly arising from the annual increase in the salaries. In constructing the War Department out of several different offices, each having the management of a different branch of the service, great difficulties had to be overcome. Ever since the new department was formed the attention of successive Secretaries of State had been directed to the perfecting of its constitution. Much evidence was taken on that subject last year before a Committee of that House, and a plan proposed by the Secretary of State for War was laid before it and approved. He had only now to state that Lord Herbert was now engaged in carrying out that plan with all the care and caution that were necessary in dealing with so large an establishment as the War Office, the object being to have at the head of all the great branches of army administration officers practically acquainted with the departments over which they had to preside, and brought into immediate contact with the Secretary of State, who was responsible to Parliament. Provision had been taken for the appointment of a Director General of Ordnance, who would have the general superintendence of the manufacturing departments at Woolwich, and would advise the Secretary of State in relation to the artillery. The Accountant General's Department would, he hoped, with the assistance of a Treasury Committee, be very shortly placed upon a satisfactory footing. Before leaving the subject of the War Office he ought to state that the system of minuting which was prominently brought under the notice of the Committee had been curtailed, and would yet be curtailed still further.

The Votes for the *matériel* of the army next followed; and he would observe that the detailed accounts to which the right hon. and gallant Member for Huntingdon had referred had been quite accidentally omitted from the Estimates. They were now laid upon the table and printed. He would take the Votes 7, 8, and 11 together, the first of which included the salaries of the manufacturing establishments, the second the wages, and the last warlike stores. The total amount of the Votes for *matériel* in 1860-1 was £3,627,327; and here, as in the case of the clothing Vote, he had added a credit from India amounting in this case to £300,000 which was deducted from Vote 11 in the Estimates for 1860-1. The corresponding charge for the year 1861-2 would be £3,459,723, thus showing a decrease of £167,604. The whole of our regular forces, the militia, embodied and disembodied, the Volunteers, and the pensioners had been armed with the Enfield rifle. A quantity of the same weapons had been supplied to the colonies, and the regular troops at home and in the Mediterranean had been provided with the interchangeable rifle, so named because the separate parts of each rifle so exactly corresponded as that any part of one rifle would equally fit another. Thus, in an action where many arms were broken a complete rifle might be formed at once from broken parts of the damaged weapons. Mr. W. Richards's carbines had been exceedingly well reported of from India as being a very efficient arm for cavalry. He might there mention that in a very short period a trial would take place of the comparative merits of the Whitworth and the Enfield rifles. The Armstrong gun had excited much attention both in the House and the country. He could not accept the figures given by the right hon. and gallant Gentleman opposite, as to the charge for the Armstrong guns, which he had stated at less than £460,000. He would only state to the Committee that the cost of the ammunition, the carriage, and the other appurtenances for the Armstrong gun was greater than the actual cost of the gun itself; and at least £800,000 of the present Estimates would be applied for those guns and their accessories. At the beginning of the financial year 1860-61 the number of Armstrong guns issued for service was 169. In the year about to close there would have been 776 more "proved" and, in most cases, also issued; making a total of 945 Armstrong guns manufactured up to the 1st of April, 1861. In the course of the year ending the 1st of April, 1861, 300,000 rounds of ammunition would likewise have been produced for that description of ordnance at a cost of £220,000. At the commencement of the next financial year the value of materials and of guns in process of manufacture is estimated at £230,000. The whole of the field batteries of the Royal Artillery at home had either been supplied with Armstrong guns, or the guns were in store ready for issue when convenient. To the navy there had been issued 16 100-pounders, 42 40-pounders, 6 25-pounders, and 13 12-pounders, and it might perhaps interest the Committee to know that, though Sir Baldwin Walker could not be intercepted, his ship, the *Narcissus*, was fully supplied with Armstrong guns. Provision had been taken in the Estimates this year for the manufacture of 1,057 Armstrong guns of the following calibre:—330 100-pounders, 280 40-pounders, 197 25-pounders, and 250 12 pounders. This was independent of a large sum taken to provide for the manufacture of a muzzle-loading gun for the navy, which was to form the naval broadside, this species of gun not being altogether settled at the present moment. Of late the price of the Armstrong gun had much decreased. The practice of buying part of these guns from the Elswick Ordnance Factory, and of manufacturing others, had been found of great advantage for it established a wholesome competition and gave the Government some check as to the price. The Elswick Company had behaved with great fairness. The prices had necessarily been experimental at first, and in one instance they told the Government that the price which was being paid for a certain description of gun was too high, and voluntarily suggested a reduction. The original price of the 12-pounder was £250; it was now £120. The price of the 40-pounder was at first £350; it had now been reduced to £285; and the cost of the ammunition was likewise being reduced. The experimental character necessarily attaching to the manufacture of the guns had added largely to the expenditure. It might be supposed that when once a 12-pounder had been tested and proved you had nothing to do but to make bigger guns on the same scale. But it was found that the same proportions would not answer for the 40-pounder; it was only by constant experiment that the proper proportions were arrived at; and nothing could be more interesting than the beautiful contrivances by which Sir William Armstrong had gradually overcome all these difficulties. A good deal had been said respecting the guns used during the recent operations in China. Those guns were inferior in range, accuracy and power to the 12-pounders now issued. They were hastily equipped, without any of the improvements which were now being applied, but still the practical test furnished of their efficiency was eminently satisfactory, and the manner in which they were worked did the greatest credit both to the officers and men engaged. An article in the *Mechanics' Magazine* purported to give an extract from the report of an officer who served in China, but the information furnished to this periodical was quite inaccurate. The statement was—

> "That though the Armstrong guns under the most favourable circumstances gave very accurate shooting, the casualties to our outlying riflemen were so serious that the guns were obliged to be withdrawn at the most critical part of the action in which they were engaged."

If there had been any foundation for so extraordinary a statement it would certainly

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have found its way into *The Times*, but there was not a word of truth in it, and no casualties of the kind ever occurred. The article also alleged

> "That the old service guns had to be advanced in place of the Armstrong 12-pounders, which were pronounced generally inferior to the French rifle gun for purposes of actual warfare."

This statement was said to have emanated from Major Hay, an artillery officer in command of one of these batteries. Now, the only foundation for such an allegation was, that occasionally part of the lead stripped from the shells when fired. No casualty occurred from this cause, but it was reported that inconveniences might arise in firing over the heads of our troops. There was not the slightest difficulty, however, in meeting that defect, either by the use of zinc or by fixing the lead to the shell by a kind of mortice. What Major Hay really said as to the general efficiency of the guns was that,

> "On all occasions when required the guns, their screws, &c., were as clean, and in as good working order, as when in England. . . . . Their precision of fire, and the actual results obtained by them, cannot for a moment be doubted. They were the admiration of all."

And, again, "As compared with our present guns, the superiority of the Armstrong gun is manifest;" to which he added that they were "superior to the French guns in accuracy and rapidity of fire." Captain Milward, who was in charge of another battery, writing after the disembarkation at Peh-tang, reported all the guns to be "in excellent preservation, and fit for work," and added,

> "This is the eighth time the battery has been embarked or landed since leaving England, each time in boats, mounted and dismounted, never once landed at a wharf, and at Odin Bay landed in a surf. During the whole of these operations no serious damage has occurred to guns or carriages."

In regard to the use of the guns in actual service the same officer wrote—

> "The battery in action at Singho, on the 11th of August, fired an average of 18 rounds per gun, at 1,200 and 450 yards, besides two shells at 2,100, all with the most excellent effect. The concussion fuzes acted admirably; the practice was entirely against cavalry in open order, and quite prevented their forming for a charge, which they attempted more than once. The effect of the shells was all that could be desired; the two fired at 2,100 yards dispersing a large body of cavalry instantly."

And, again—

> "At the capture of the Peiho Forts (August

> 21) the guns and carriages stood the firing, which was rapid and continuous, very well indeed. . . . On the whole I can safely report that little alteration for the better can be made in the gun, which has acted in every respect up to my anticipations, both in travelling and firing."

It is true that on two or three occasions the vent pieces had been blown out. That was a serious defect, but it did not prevent the gun continuing firing, and this defect had since been remedied by Sir William Armstrong in the most simple manner, so that it was now rendered impossible for the future. The only other defect of any consequence arose from the difficulty of manufacturing proper fuzes, but this also had been, he believed, satisfactorily met. In point of strength the Armstrong gun had stood what he believed was a perfectly unique test. A 12-pounder gun was fired 200 times according to the following programme :—10 rounds with service charge of 1½lb. of powder, and single service shot of 12lbs.; 10 rounds with same charge and a projectile equal to two service shot; 10 rounds same charge and a projectile equal to three service shot; and so on, gradually increasing up to 100 rounds, the last ten of which were fired with a projectile equal to ten service shot, and of such a length as to protrude several inches beyond the muzzle. The second 100 rounds were fired with double charges of powder, and with projectiles increasing as before, until they reached ten times the weight of the service shot, and again extended beyond the muzzle of the gun. The gun remained uninjured to the last, and would be issued for service. A 40-pounder of the strengthened pattern had also been tested in a similar manner, and had endured without injury 100 rounds fired with service charges, and projectiles progressively increasing in weight from 40lb. to 400lb., the latter forming solid cylinders, which filled the bore to within three inches of the muzzle. These were tests which had never been stood by any gun before, and the Ordnance Select Committee were, therefore, right in saying,

> "It may be safely assumed, from the proof, that the Armstrong 12-pounder possesses a degree of strength far beyond any requirement of the service, and that it is practically impossible to burst it by fair means."

It had been stated that a 100-pounder Armstrong gun that was tried at Portsmouth had turned out a failure; but this was not correct; the gun was not sent to Portsmouth to be fired, as it had been somewhat injured in proof by a shell bursting at its mouth; but it so happened that it was fired; but it was not as a trial. The gun was returned to Woolwich with no further defect than before. A similar statement had been made with respect to a 100-pounder Armstrong gun at Shoeburyness; that had been sent there only for trial, to ascertain if the copper ring at the *bouche* might be dispensed with. A rather extraordinary experiment had been recently made as to the effect of shot upon the Armstrong gun. A 9-pounder cannon was brought within twenty yards of an Armstrong gun and an ordinary brass fieldpiece, and fired on them. The Armstrong gun which had been damaged before in proof was smashed, and the brass-piece rendered unserviceable. But as no batteries of artillery were ever known to come within twenty yards of each other, the experiment had no practical value; and as they were obliged to go within twenty yards of the Armstrong gun to hit it at all, it showed that it was very difficult to do so. An experiment that had been made with Armstrong and smooth-bore cannon against two Martello towers on the Sussex coast had proved very satisfactory. The guns were placed at the same distance against two Martello towers of exactly the same construction, the smooth-bore pieces having the advantage in the weight of shot. From the Armstrong guns 170 rounds were fired, from the smooth-bore 271. In the tower against which the latter were fired no practicable breach was made, but the wall of the tower exposed to the fire of the Armstrong gun was reduced to a complete ruin. A trial had also recently been made with a segment shell from a 25-pounder Armstrong gun at two iron embrasures, and in a few rounds all the lay figures representing the gun detachment were struck. He did not think he had anything more to state with respect to these pieces; and he would only further remark upon the store Vote that the arsenals were well supplied, and the steam reserve was complete as to guns, ammunition, and stores. This Vote had been largely increased of late years. Nor was this wonderful; the old kinds of weapons were much cheaper than the improved ones, and the ammunition for them was cheaper also. The old Brown Bess musket cost only 30*s*.; the Enfield rifle cost £2 15*s*. or £3; a 32-pounder gun cost £56; an Armstrong 40-pounder £285; the ammunition for the 30-pounder 9*s*. per round; for the Armstrong gun 16*s*. 8*d*.; and there was not only the increased cost of the different arms, but the constant changes in them. But he hoped the expense was now diminishing. When the first cost of replacing one kind of arm by another was once over the expense would be very much reduced.

The Vote for works and fortifications for the present year was very small, and the items would be better discussed when the Vote itself was before the Committee. It was the opinion of the Secretary of State that the expenditure on fortifications should be kept as low as possible; and that in many cases it would only be necessary that the sites of proposed works should be in the possession of the Government, that the works might be constructed as occasion required. The real decrease upon this Vote as compared with 1860-1 was £47,000—although there was a nominal decrease of £437,000—a charge of £390,000 having been transferred to the fortification loan. This fact, which, indeed, was patent upon the face of the Estimates, had not, as the right hon. Gentleman the Member for Huntingdon supposed, escaped notice, for it was naturally alluded to in *The Army and Navy Gazette* some time since.

In Votes 13 and 14 for Barracks and Civil Buildings, in which there was a decrease as compared with last year of £44,541. He would only mention in respect to these Votes that provision had been made for extending the school of gunnery at Shoeburyness; it was also proposed to establish in Lancashire a school of musketry, like that at Hythe; this would be a great convenience to officers, and saving of expense to the public on account of the travelling expenses of officers stationed in the north of England. The improvements already introduced in barracks and hospitals would be continued, and the Committee would readily believe that so long as Lord Herbert presided over the War Department, in no respect would the exertions made to improve the condition of the soldier be diminished. As to that condition he would read an extract from the Report of certain artillery officers who had very recently visited the Continent and reported upon the state of foreign armies. Those officers said that

> "Although in one or two instances a few alterations and improvements suggest themselves which we consider might be advantageously introduced into our service, still, on the whole, the condition of foreign soldiers is immeasurably inferior to that of our own; it would not be difficult to mention a large number of advantages unknown to the former which the latter enjoy; commencing with the voluntary enlistment system as opposed to conscription, we might show successively how the personal liberty of the British soldier is better cared for, how the discipline by which he is governed is not only based upon a broader foundation of justice, but is enforced in a far less oppressive and irksome manner, and how his rights, whether as a soldier or citizen, are secured to him with a certainty and impartiality unknown in Continental armies. We have already noticed the absence of any attempts to ameliorate the position of the foreign soldier, to provide him with amusement during his leisure hours, and of any particular regard for his personal welfare and happiness except where his military efficiency is concerned:—when to this we add that our men are better paid, better clothed, and better fed than those of either France, Sardinia, Austria, Russia or Prussia, we shall have said sufficient to show how considerably the balance is in favour of the British soldier."

With respect to the Votes for non-effective charges it was not necessary to make any observations, as they depended upon causes over which the House had no control; but he might mention one matter which had been alluded to by the right hon. Gentleman the Member for Huntingdon (General Peel)—the state of accounts with the Indian Government. A Committee which sat last year had called attention to the inadequate sum paid by the Indian Revenue to meet the dead weight charges imposed upon the Imperial Revenue for the large number of men employed in India. A Committee, consisting of officers selected by the Secretary for India, the Secretary for War, and the Treasury, had met, and had recommended that instead of the present system, by which, under Act of Parliament, £60,000 a year was paid for those charges, a sum of £3 10*s*. per annum for each effective man in India should be paid out of the Indian revenue. That would give in round numbers £200,000 in aid of the Imperial exchequer. To that proposal the Secretary for India in Council had agreed, and it would be the duty of the Chancellor of the Exchequer or the Secretary to the Treasury to introduce a Bill to give effect to that arrangement. It was also proposed to get rid of the complicated accounts between the India Office and the War Office, and that a sum of £10 per effective man in India should be paid in lieu of the detailed charges for depôt and other expenses incurred in this country on account of troops serving in India now paid out of the revenues of India.

That change would save an immense amount of unnecessary correspondence and delay in the settlement of the army accounts.

Having gone through the Estimates to the best of his ability, he had only to notice the general result. As the right hon. Gentleman (General Peel) had said, there was not, he admitted, a real decrease of £185,795, but he would proceed to explain that so far from there being, as the right hon. Gentleman supposed, an increase as compared with the Estimates of last year, the real decrease was larger than that which appeared upon the face of the account. The apparent decrease was £185,795, to which must be added £500,000 of Indian credits in 1860-61 which he had explained upon the clothing and store Votes, and which raised the decrease to £685,795. On the other hand, the sum of £390,000, being the charge for fortifications transferred to the loan, must be deducted, leaving the real decrease this year at £295,795, as compared with the Estimates of 1860-61. He had only to add that the Estimates had been framed with every regard to economy consistent with the efficiency of the public service. He thought Parliament would not consider a less number of men than were asked for to be necessary, nor that it would be right to interpose any needless delay in completing the improved ordnance for our navy, and, therefore, he thought the Committee would agree that the Estimates proposed were not larger than in the present circumstances of Europe it was proper to submit for army services in the year 1861-2. The hon. Gentleman then moved that the number of troops in the United Kingdom for the ensuing year be 146,044 men.

COLONEL DUNNE said, he was glad to hear the opinion of the distinguished officers referred to as to the superior advantages enjoyed by the British soldiers over those in foreign armies. But he wished to draw attention to some peculiarities and errors in the Estimates now laid before them. There seemed to be discrepancy between the reduction of money and the reduction of men. He thought also that the Indian and the home accounts had been mixed up together in a most injudicious manner, and then deductions made in a manner utterly confusing. It did not appear to him (Colonel Dunne) that the hon. Gentleman had answered the objection of his hon. and gallant Friend. Apparently the hon. Gentleman asked for 146,044 men in this year against 145,269 of last year, or an increase of 775 men. But it was necessary to take the reductions made in this country and to compute them together with the reductions made in India. It appeared from the statements of the hon. Gentleman that six regiments were coming home and the Indian establishment was to be reduced by 16,856 men. Of these at least 10,000 would be transferred to the home establishment. If the six regiments of infantry, and, at the same time, since regiments of cavalry and the artillery were brought home this still left 6,856 men to be reduced in in India in some way or other. About 5,000 or even 6,000 of the Militia force would be actually reduced. But how did the hon. Gentleman explain how the remaining 10,000 men were to be reduced? The ordinary casualties of the year would, of course, reduce the army if no recruiting took place; and Mr. Sidney Herbert next stated the addition to the army each year at about 18,000 men. But the hon. Gentleman, while he proposed to reduce the army by 15,000, asked in his Estimate for recruiting for a sum sufficient to raise a much larger number than would be required. The hon. Gentleman asked £40,000 for recruits. But each recruit costing £4 10*s.* he could not see how he arrived at that £40,000. How were the men raised to be disposed of? or if recruiting was to be stopped where was the necessity for the Vote? Either there was too much for recruiting or too little for the pay of the troops. The hon. Gentleman had said that the Estimates were framed with a due regard to ecomony. He (Colonel Dunne) did not think this was the case. He thought quite the reverse. He wished to keep the army effective; but he found that while there was a reduction in the effective part of the army, there was an increase in almost every item for the staff and civil service of the army. Last year £13,000 was taken for supernumerary officers of regiments; that was increased this year to £15,000. He thought the system of leaving officers on the strength of regiments who were appointed to the staff, as now proposed, most objectionable, as it obviously afforded an opportunity for favouritism. The system of the reduction of officers had been most capricious and varied at different times. It acted most unfairly. Formerly when cavalry regiments returned from India the two Lieutenant-Colonels and Majors were reduced—sometimes only the latter. At present it is said the Majors are to be left and the second Lieutenant-Colonels reduced. Why is this distinction made? Two Lieutenant-Colonels—Colonels Ainsdier and Tyler—have been lately reduced. Colonel Tyler has been reduced as Major before, and has seen service in almost every campaign in India. Why should he now be reduced as Lieutenant Colonel? He has already been reduced as Major; but now were he Major and not Lieutenant Colonel he would by the change lately made be retained on the strenth of his regiment. I ask the House and the country are these recollections and changes fair to military men whose professional prospects are dependent on such fantastic caprices? He regretted to see the depôt battalions retained. They had been condemned by almost all highly experienced officers, and among others by Lord Seaton, who was, perhaps, the highest authority on the subject, and who had written a pamphlet against the system. The £62,480 for recruiting was an increase on last year of £6,054, and on the entire expenses of the recruiting staff there was a considerable increase. If they could recruit during the whole of the Crimean war with the staff they then had he could not see any cause for that increase. Then, also, hospital expenses had been raised. No doubt it would be said that this was in order to promote the comfort of the men; but a case had not, in his opinion, been made out for the increase of the Estimate. These expenses used formerly to be paid out of soldiers' stoppages; not that he (Colonel Dunne) approved of stoppages for any purpose, whether for hospital, for food, for forage, or for clothing; stoppages were bad in principle. The soldier ought in all cases to know what he was going to receive, instead of the amount depending upon accident, the state of his health, or in any other requirement. This system also led to a most objectionable multiplication of accounts and an increase in the civil department of the army. The pay of the number of clerks employed on account of stoppages would nearly compensate for their amount. He would pass over the vote for the administration of martial law, but he could not pass over that for the movement of troops. Our troops were now for the most part concentrated in large camps, at Aldershott, the Curragh, and elsewhere; there was, consequently, less movement of troops than usual; yet these economical Estimates showed an increase of £42,000 under that head. The next extravagance was the Staff. In 1815, when the number of men was upwards of 300,000, and when the Commander-in-Chief, the Duke of York, received the pay of a Field Marshal, which was about £6,000 a year, the Staff of the Commander-in-Chief amounted to £19,870 a year. Now, with only 146,000 men, and his Royal Highness the Duke of Cambridge not receiving much more than half the sum paid to the Duke of York in 1815, the Staff of the Commander-in-Chief was £14,920. Then the cost of the civil department appeared monstrous; £201,823 was out of all proportion. It was true that the Ordnance had been separate from the army head-quarters; but even allowing for that, he could not see why the amount now asked for should be so great. He then came to the appointment of Inspector of Cavalry. To this there could be no objection; it was a special service, and this duty was essential to the preservation of the efficiency of the army. He also approved of there being a Director of Artillery. But he could not see the use of a General Inspector of the Guards; it was unworthy of that distinguished body to need the inspection of General Officers. As to the Inspector of Infantry, the Committee would be surprised to hear that he never is allowed to inspect a regiment of infantry; his duties were confined to the inspection of depôts. If depôts were ababolished the occupation of the Inspector would be gone; and if not why were the Generals of districts not as competent to inspect a depôt of infantry as an infantry regiment? He thought that the present enormous Staff ought to be reduced if economical principles were to be carried out. There was an immense Staff of Inspectors of Volunteers which appeared increased from last year in the present Estimate. Why could not the Volunteers be inspected by the Generals commanding the districts; or by field-officers detached from regiments in those districts, as were those who inspected the yeomanry force? That could be done without any expense at all. He did not think the Estimates had been framed in that spirit of economy which had been promised by the noble Lord to a deputation of Members of that House, very few of whom he (Colonel Dunne) saw present now that the Estimates were brought on for discussion. In fact, the House would find an increase almost on every item which even if, on each considered, small, yet added up came to a considerable sum. He had already suggested a reduction of at least £250,000, and, he thought, fulfilled his promises of pointing out to the hon. Gentleman a sum four times the amount of the stoppages from the ill-paid cavalry officers for the forage of their horses, and yet he had not even touched on those establishments and manufactories under the War Department, in which, he believed, there was a wide field for our army. The hon. Gentleman had alluded to the clothing of the army. Now last Session he (Colonel Dunne) had moved for a return which would have shown how much the Government paid for the coat of a soldier. That return had never been made, the reason being, he believed, that the Government were so badly informed on the subject they could not make it. He had been informed that the new clothing cost 40 per cent more than it did formerly. But the Government seemed to him to know nothing about it; and yet this department was under the superintendance of able officers, who, he did not doubt, could at once give any information required. The hon. Gentleman had talked about the Armstrong guns, and he was perfectly right in saying that we must go to a great expense for those guns. The hon. Gentleman had referred to the 12-pounders only, as if there were no other guns; but he had said nothing about 9-pounders. Were there not 9-pounder Armstrong guns to be used, and guns of various calibre already made? With regard to rifles, in 1853 a new rifle was adopted, and every year since enormous sums had been expended in the manufacture of rifles. He believed that ever since the union of the Ordnance and War Departments no less a sum than £4,000,000 must have been voted for the purchase of rifles, or for the cost of the manufactories and machinery for making them. He would like to know what had become of all the rifles? There ought to be more than enough for an army of double our force. No doubt a great many might have been lost in the Crimea and in India; but a return ought to be laid on the table of the House every year of the number of rifles lost. What was called the Reserve Fund was likewise a matter deserving the serious attention of the House, and he hoped some account of that fund would be laid before the House. The House, perhaps, was not aware that during and since the Crimean war the War Department, while appointing Commissioners and holding out to the public that it was about to abolish or at least discourage the existence of sale and purchase of comissions in the army, was actually at the time itself selling commissions, and then formed what they called a reserve fund, very useful for their own manipulations of commissions, but of very doubtful utility either to the service or the country. The Committee on the Organization of the Army, presided over by the right hon. Gentleman, the Member for Carlisle, came to the conclusion that a fund of this kind might be attended with danger if it were not brought under the supervision of that House. He had run hastily through these Estimates on the present occasion, but as they came to be voted he should take the opportunity of examining and discussing many of them in detail. Neither his judgment nor his professional feelings—call them even prejudices—would lead him in the least to recommend the smallest decrease in the efficiency of the service; but he thought that if the country voted larger sums for that service at least it had the right to see that those sums were efficiently and economically expended; and still further, the War Department was bound to give the House all information on the subject which could not prejudice the public services.

MR. W. WILLIAMS, after complimenting the hon. Gentleman, the Under Secretary for War, on the able and clear statement he had made to the House, said he wished to ask whether there was any other nation that paid so much for war establishments as England in a time of peace? Why was England burdened with such enormous cost for military establishments? No country in Europe had any idea of attacking us; nor were we called upon to assist any other nation in any quarrel in which they might be engaged. Great pains were taken to impress on the public mind that we had something to fear from France; but our military force was greater than that of of France. The right hon. and gallant General, the Member for Huntingdon, recently stated that we had a military and naval force consisting of 600,000 men, including that in India and the colonies. With our Volunteers and the Irish constabulary we had a military force of 380,000 in the United Kingdom. Now, what was the force of France? Not long since the Emperor had stated in an official document that it amounted to 400,000, of which 20,000 were *gens-d'armes.* 100,000 men were away in different parts, leaving the actual force in France at 300,000. Now, was it likely, under these circumstances, that the Emperor of the French had any idea of invading us? Even if he did, it was proved beyond dispute in the debate on the Navy Estimates that our men and ships were double those of France. He was sorry to observe that the present Government was the most extravagant that had ever ruled over this country. Taking the proposed Army Estimates of £14,600,000, and comparing them with those of former Governments, he found that in the last year of the Duke of Wellington's Administration they amounted to £7,900,000; under Lord Grey to £8,110,000; under Lord Melbourne to £7,800,000; under Lord John Russell in 1851 and 1852 £8,823,000. Taking the seven years he had referred to of previous Administrations, the average amount of the Estimates of those years was £6,600,000 less than was required for this year. Some explanation ought to be given of this enormous increase. He looked upon the Volunteers as of immense benefit to the country, and as our great means of defence. With them we did not require such an immense standing army. If he had thought it would be of any use in the present temper of the House he would move for a large reduction of these Estimates. But he did advise the House to make a stand against this enormous expenditure. He believed, if these Estimates were referred to a Committee of five independent Gentlemen, who would thoroughly investigate them, millions might be saved without in the least diminishing the efficiency of the army. He thought it was a most unjust course on the part of the Government to borrow money to erect fortifications.

Colonel DICKSON said, he had observed that the ideas of the hon. Member for Lambeth with regard to the numbers of our army became more expansive every year. How the hon. Member could make out that we had nearly 400,000 men under arms he was at a loss to conceive. Although he (Colonel Dickson) had not been in the House so long as the hon. Under Secretary for War, he would take the liberty of observing that in making his statement he had displayed an amount of ability which showed that his right hon. Friend (the Chancellor of the Exchequer) had no occasion to throw his protective ægis around him; but great as was the ability which the hon. Under Secretary had displayed he had failed to convince him (Colonel Dickson) that in framing these Estimates the Government had paid the slightest regard to considerations of economy; and it was not because he happened to sit on the Opposition benches, but as an independent Member he felt it his duty to protest against the expenditure, which he thought was totally unwarrantable and unjustifiable when it was considered in proportion to the number of men they had. He was not in favour of reducing the number of the army by a single man; that he believed would be the worst of all false economy; but he had looked back to the Estimates of 1853 and 1854, when they were admitted to be on the eve of the Russian war, and he had compared them with the expenditure of the present time. He had not done this because he entertained so Utopian an idea that they would be able to return to the smaller expenditure of former years; for as the nation increased in wealth and in power, and as it became sensible of the necessity of making better provision for the comfort of the men, the expense must of necessity increase; but he did not see why the increase should have been so great as it had been, or why, in 1853 and 1854, they should have paid £9,700,000 for 119,881 men, and why, in 1861 and 1862, they should be called upon to pay £14,600,009 for 146,044 men. Instead of there being a reduction of £186,000, if they added to the Estimates for the year the cost of fortifications and some other little matters, they would find that the sum they would have to provide for the military establishments would amount to nearly £16,000,000. This was a state of things which he thought it was high time they should put a stop to. In his statement the hon. Under Secretary alluded to another branch of the subject, which was fairly past the consideration of the House—that was their warlike stores for land and sea use. Whilst they could always improvise men they could not want the stores, and therefore they must always keep a large stock, and lose no opportunity of adopting all the implements which from time to time were made in warlike improvements; but he found in the Estimates of 1853 and 1854 that the cost for stores for land and sea use was £374,697, and now it was put down at £2,200,581. This was an increase he saw no reason for. Again there was an increase of £39,472 in the costs of the departments of the Commander-in-Chief and the Secretary of State. They had been given to understand that the formation of the office of Secretary of State for War would lead to economy in the departments; but he found that, including the charge for postage, the united office cost £80,000 more than the offices of the Secretary at War and the Ordnance Office in 1853-4. Of course, the increase of expenses on account of the Volunteer corps no one would begrudge, if it was kept within any reasonable limits. They had been told that the cost of the army might be closely calculated by adding two "0's" to the number of the men. That might be; but why, he should like to know, were they this year to pay at the rate of £100 per man, when in 1853 and 1854 they paid £75 per man? The additional £25 per man made a difference on the whole of £4,000,000, which would make a very nice little deduction from the income tax, which they would neither be willing nor able much longer to pay. They were only asked for 775 more men, and yet the items for extra provisions, fuel, forage, &c., came to £178,457, or above £250 per man. He merely referred to this as showing the extravagant manner in which these Estimates were made up. The hon. Under Secretary had said he proposed to decrease the cavalry. He hoped the Government were not serious in this. A cavalry soldier cost a good deal of money to make, and when made ought not to be lightly cast aside. Moreover, there was no necessity to decrease the number of men; all that was required was to decrease the expense; and if his hon. Friend the Under Secretary would refer to a light publication (as there had been references to several publications during the evening), namely, *Punch*, he would see there a woodcut representing the state of the navy which was equally applicable to the army. It was not the fighting men but the thinking men who were so expensive. The hon. Gentlemen took great credit for the clothing establishment; but say that it took a fortnight to fit out seven battalions, that did not speak very well for it, as private establishments would readily do that in a week, and had done it in less. He heard with great regret of the idea of establishing a school and college for young men. This system was, he thought, a monstrous one—it was following too much the foreign plan; and the fact of its being compulsory on young men to enter these colleges would deter many from joining the army at all. The great Duke said that he wanted gentlemen, and he would undertake to make them soldiers. This college he (Colonel Dickson) thought was a mistake. He hoped the Estimates would be well canvassed. Where the reforming band of fifty were he did not know. The country was getting sick of the expenditure which was going on, and if the same apathy was continued by the House he thought it would be a good reason for extending the suffrage.

SIR STAFFORD NORTHCOTE wished to ask for an explanation of one point in the hon. Gentleman's statement. The Estimates showed a net decrease of £185,000 compared with the expenditure of last year; but they had been told that the decrease was really much larger, because there were sums amounting to £500,000 to be written off from the Indian credits of last year. He wanted to know what this meant. In Vote 9, for the clothing department, the sum voted last year was £524,000, but the sum required here was but £325,000, and the difference, £200,000, was set off as a credit for clothing supplied to the Indian Government. This, it appeared, was to be done no longer. Hitherto we had provided a larger quantity of clothing for our own army than was required, in order to send some of it to India. But was it intended that in future the Indian Government should get its own stores and clothing directly for itself, instead of getting them through the medium of the War Office? If so, that would be no real saving. He wished to know whether the Treasury had authorized any shifting of these accounts from the War Department to the Indian Department during the past year.

SIR FREDERIC SMITH said the statement made by the Under Secretary for War was so clear that it left room for but few questions. He would, in the first place, congratulate the War Office on the improvements they are represented to have made in their mode of keeping the accounts and correspondence. He had given notice at the close of last Session of his intention to move for a Select Committee early in the present Session to take into consideration the defective mode which existed in the War Department of conducting the accounts and correspondence; but if the heads of that department were now engaged in the necessary reform he should wait to see the result. On the whole he should assent to these Estimates, and as he approved of the number of men it was proposed to have, other items of expenditure must to a certain degreee follow. But he should object to some of the details when the time came; and that some economy might be effected in these matters by the House of Commons was evident from the reduction they had obtained in the remounts of the cavalry. Now, in a few days, they would have to come to the Votes on fortifications. He hoped the hon. Gentleman would then give the House some details as to what had been done with the £2,000,000 voted in August last. He should ask whether it had been partly or wholly expended, and whether the works yet had been commenced or the plans approved; because, if they had not been extensively carried on, the House might now decide to stop their progress, and he would try to induce the House to do so. Seven months had now passed since the £2,000,000 were voted for those fortifications, and a particular account should be given of them, for in August next he supposed the hon. Gentleman would be asking for £2,000,000 more. There were some items in the Estimate to which he entertained objections; but, on the whole, he was prepared to give it his support. It was his intention, however, to give notice of a Motion to reduce the item for the movement of troops by £70,000, as he did not see why more should be paid under that head in the ensuing financial year than in that which was just closing. He was glad to perceive that some reduction had taken place in the cost of cavalry horses, and he attributed this good result to the Motion for a Return which he had made some time since. As for the Armstrong guns, the report we had heard of their failure in China proved, he rejoiced to find, to be perfectly unfounded; but in the experiment made at Woolwich, it appeared from a statement of the hon. Gentleman, in reply to questions about it, that one of those guns was destroyed at a distance of twenty yards. The construction of those guns was indeed a wonder, and quite worthy of this country and of that ingenious man who had invented them; but it would be as well, before incurring enormous expenses for their manufacture, to ascertain what their defects might be, because if they were more brittle than ordinary guns, Sir William Armstrong ought to provide a remedy in time. Their powers in throwing shot and shell had been sufficiently proved, but what remained to be proved was the amount of their resistance to injury from shot fired at them. He trusted the War Department would give their attention to this important matter.

Mr. T. G. BARING, in reply to the various questions that had been asked, said that the House would probably be of opinion that minor points connected with the Army Estimates might be more advantageously discussed when the time came for voting the items in detail. With regard, however, to the observations of the hon. and gallant Member for the Queen's County (Colonel Dunne) he could only assure him, on the part of his Department, that there was no wish to withhold information, and that the Return he asked for would be presented before the clothing Vote was taken. He was sorry to hear that in the opinion of the gallant Officer the Member for the county of Limerick (Colonel Dickson) to educate officers for the army at a college was objectionable. Such an education, however, was similar to that which most hon. Members had received at Oxford or Cambridge, and to the course of education undergone by distinguished officers in the Indian service; and he could not see, therefore, why it should be unsuited for officers in Her Majesty's service. He admitted that the Estimates of 1861-62, as compared with those of 1853-54, exhibited an increase; but he contended that the calculations based on this comparison had had not been fairly presented to the House. The number of men voted to a great extent influenced the whole of the remaining items. In 1853-54 the men voted were, in round numbers, 120,000; while in 1861-62 they were 146,000. The total Estimates for the former year was about £9,500,000, and, observing the same proportionate rate of increase, they should in 1861-62 have amounted to £11,000,000. He had, therefore, to account in the coming financial year for an excess of £3,500,000 over that amount. But on looking into the particular Votes, he found an increase of £2,400,000 for warlike *matériel*, consequent in a great measure in the changes which had unavoidably been made in small arms and ordnance. For provisions the increase was £580,000, as between the two Estimates; but the Committee must bear in mind that this increase mainly arose from the improvements which had taken place in the condition of the soldier; and which were really equivalent to an increase in his pay. Seeing that the rate of pay for agricultural and almost every othre description of labour had of recent years undergone so great a change it would be absurd to maintain that that of the soldier should be kept at a standstill. The votes of the House of Commons had also from time to time necessitated an augmentation of our expenditure for military purposes; for instance, there was an increase of £35,000 in the pay of sergeants in consequence of such a vote. In conclusion, he had simply to express a hope that the Committee, with a view to the convenience of the public service, would allow him to take the Votes for the number of men, and that for pay and allowances, which it was expedient should be passed that evening.

COLONEL KNOX said, he did not wish to reduce the number of men in the army, but he did wish to reduce the expenditure. As to the proposition that young men should be obliged to go into a college for one year's probation before entering the army, he looked upon that proposition with considerable alarm, though he quite admitted that everybody of any experience in the army was anxious to do away with the depôt battalions. It was not the Military Departments, but the Civil Departments, that were eating them up, by causing increased Estimates. Under the old system, when we had four times the number of men that we now had under arms, the number of clerks employed was only a sixth that now employed, and their pay and allowances were very large. Since the change which had been effected in the War Office in 1855, the number of clerks throughout the service had been considerably augmented, and they, and not the officers of the army, it was who were eating up the money voted by Parliament. A captain did not receive nearly so much as a second-class clerk, nor an ensign as a third-class clerk. There was one office which had been made during the past year, that of *précis* writer to the War Office, and this increased the expenditure £1,000 a-year, though similar officials in the Foreign Office were not remunerated in so handsome a manner. There were also things put down in these Estimates which should not be charged as military expenses, such as £15,000 a-year for police, aides-de-camp to civil Governors, £3,000 or £4,000 a-year, besides forage for horses, and the Staff of the Lord-Lieutenant of Ireland. One word as to the movement of troops, for there was a very large increase under that head. He could not understand why there should be this enormous expense for the movement of troops at home. We had also a very large increase under the head of recruiting, though the recruiting was *bonâ fide* stopped. Then, again, there was an increase in the expense of the hospital department. He should be very sorry to object to anything which would ameliorate the condition of the soldier, and he could not help saying, in passing, that no other army ever went on foreign service so efficiently equipped, especially as to the medical department, as the army we had sent to China. But the China war was now over. Under the head of medical staff alone there was an increase of £10,323, and on the hospital Vote there was an increase of £40,000. The charge for the administration of martial law was also high. He agreed that the army should be kept in an as efficient state as possible, and he repeated that he believed that the only place in which to make a reduction in expenditure was in the Civil Departments. When the new War Department was created, the Government gave a pledge that they would furnish a full and detailed account of its duties and the probable expense, but that statement had never been laid before the House. As to the clothing of the soldiers, nobody could deny that it had very much improved but it had also very much increased in expense.

MR. HENLEY complained that the Under Secretary of State for War had lumped together the non-effective and effective services, than which no more effectual method of throwing dust in the eyes of the Committee could be devised. In the year 1853-4 our army numbered 120,000 men, and the charge for the effective service was about £7,500,000. This year we were to have 144,000 or 145,000 men at a charge of something like £12,500,000 for the effective service. Thus, while the increase in the number of men was only 21 or 22 per cent., the increase of charge was 60 per cent. This extravagance ran through every branch of the Estimates. When the different army offices were consolidated the country was promised increased efficiency, and very naturally some economy was also expected. Instead of the latter anticipation being realized, however, the expense of the War Department had risen from £120,000 to £195,000, or about 60 per cent. He did not think that we had a man too many in the army; but if that army was to be maintained at a constantly increasing charge he was afraid that in a little while the country would become dissatisfied with the expense, and a rush would be made to cut down the number of men to a dangerously low point as the only mode of diminishing the expenditure. He had seen such things happen before, and he did not wish to see them again. He did not think that the increase of charge could be entirely accounted for by the change of our ordnance. He thought that a good deal of it was the result of the extravagant habits which the War Department had contracted during the Crimean War. We were then borrowing millions of money, and we did not care what we spent. We had a great object to achieve, and we spent money recklessly to achieve that object. Expensive habits once formed were not easily eradicated. The Government and heads of Departments knowing more about these matters than anybody else were always able to explain away any disagreeable details; but the country would soon get sick of this, for the people did not like paying taxes, and they would call for a reduction in the number of men. He, for one, deeply grieved that this should be so. There was stated to be a decrease upon the Estimates this year of £185,000, but that decrease was rather apparent than real, as it arose from there being no Vote for the militia and the fortifications being charged to another account. It was very easy for the Government to defend the items in that House, but the country would look to the general result; and, in his opinion, some economy might be effected by more judicious management.

VISCOUNT PALMERSTON: Sir, everybody seems to be agreed that the number of men asked for is not greater than the interests of the country require, and all who understand military matters admit that the number of men in a great degree governs the aggregate expense of the army. Everybody, I think, is also agreed that the extended application of science to instruments of warfare, that is the introduction of great improvements in cannon—muskets, and other things used in military operations—must, during the period of transition at least, cause a very great increase of expense. Now, if hon. Members look at these Estimates they will find that a great portion of the increase as compared with former periods arises, first, from the addition to the number of men; and, secondly, from the change of the implements of war. But, besides that, hon. Gentlemen ought to bear in mind that certainly no Session passes, and not many months in any Session pass, without Members getting up and proposing good, but at the same time expensive, changes in arrangements connected with the army. One Member presses upon the House the necessity of improving the barrack accommodation for the soldiers; another says the clothing is defective in quality and ought to be improved; a third states that the hospital accommodation is not what it should be; and others that various other changes ought to be made to render the condition of the soldiers more fitting the improved temper and habits of the times. All these alterations, good though they may be, are attended with more or less increase of expense, and when they come to be put together in a great aggregate they tend of course to swell the Estimates. But I do not think that anybody will be of opinion that these augmentations of expense are not usefully incurred. We are now told that the Civil Departments are extravagantly conducted, and those military Gentlemen, who see the increase of expense and who want to turn off the attention of the House from the fact that a great part of that increase arises from military considerations, wish to throw the whole blame upon the Civil Departments. They say there is a most extravagant increase in the Civil Departments. That is a matter which the Committee will consider when we come to those Votes. If they can show that there are augmentations in the Civil Departments which are not required for expediting the public business it will be for the Committee to interpose. With respect, however, to the consolidation of the Military Departments I must beg leave to say that there never was a greater improvement made in the organization of any branch of the public service. In former times there was a Secretary of State who combined the War Department and the Colonies. There was a Secretary at War who also had charge of the Accountant's Department of the Army, There was a Commander-in-Chief who also had the Medical Department under him.

The Treasury had the Commissariat, and there was a separate Ordnance Department. I need not say that there was a confusion and a clashing between these different departments which proved exceedingly embarrassing to the public service. The consolidation of these departments under one head—the Secretary of State for War—has been an immense improvement in the administration of our military affairs. It may for the moment have rendered necessary an increase in some of the branches of the Civil Departments; but I venture to say that when the matter comes to be looked into the House will find that, even if there has been a temporary increase in some parts of the administration, the efficiency of the military service has been immensely promoted by the introduction of the new system.

MR. MONSELL did not think that the noble Lord had entirely answered the judicious remarks of the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), that the real cause of alarm was this gradual increase that was going on from year to year in those military Estimates. As the right hon. Gentleman had observed, for the sake of the service and of avoiding the revulsion of feeling which must arise if that system were to continue, they ought well to consider every single item in those Estimates. They were all agreed that the number of men was not too large at present; and the Under Secretary for War had well accounted for £2,500,000 increase in connection with the increase in the number of men. But there was one part of his remarks not so satisfactory. He stated in round numbers that the increase in warlike stores demanded for this year would amount to about £2,500,000. Now that enormous expenditure had been going on, not for one or two, but for four or five and even six years, and as there had been no expenditure of those stores, there must be an enormous accumulation of them. When they were about to create those establishments at Woolwich, which had been entirely successful, one of the arguments which had the greatest weight with the House was that by having this enormous productive power in their hands they should be able to get up their stores in a few months even if they were low. Therefore they had now got the means of producing enormously almost every species of warlike stores; yet still, after a large expenditure had gone on for several years, they were this year called upon for a larger sum by about £160,000 or £200,000 for those establishments than last year. Before they voted that sum they ought to have a full explanation as to the state of their stores at present, and the productive power of the establishments. They ought to hesitate before allowing this enormous expenditure to go on from year to year. He sincerely believed if this enormous expenditure were to go on increasing in this way there would be a tremendous revulsion, and that before long they would be left without a sufficient supply of money voted by that House to meet the wants of the country.

MR. CONINGHAM was convinced that the statement made by the right hon. and gallant Member for Huntingdon (General Peel), that the present Estimates might be regarded as our peace establishment, would sink deeply into the public mind. Whatever might be the opinion of the country as to Parliamentary Reform, there was but one opinion that the expenditure had reached that point where it must be stopped. The Under Secretary for War said that it was satisfactory to have a Government establishment for the manufactory for Armstrong guns; but the Government had also entered into a contract with the Elswick firm. The arrangement was however so extravagant that the prices had been reduced. He was certain that if all the contracts entered into by the War Department were similar to those concluded by the Treasury it would be impossible to conceive arrangements more profligate and wasteful. He was not inclined to leave the country defenceless, but he was convinced that our military forces might be maintained in an equally efficient state as at present with a largely reduced expenditure.

MR. FRANK CROSSLEY thought that great credit was due to the Under Secretary for the ability he had shown in explaining the Estimates to the Committee. From comparison it appeared that we were now spending £3,500,000 more than was required by the increase of men since 1853-54. Part of that enormous increase, no doubt, arose from the public manufacturing establishments. He did not agree that we had saved anything by the Government factories. Governments were the worst manufacturers and agriculturists in the world, and all they wanted should be supplied by private individuals under a system of open competition. The country really could not afford so large an expenditure. They could not increase the taxation. Were they prepared to add to the National Debt? He wished that the country should be kept in a proper state of defence; he did not think we had too many men at present, nor that we overpaid them, for wages were general on the rise; the clothing of the army was better now than formerly, but he suspected that it cost us a great deal more money than when it was supplied by the colonels. But he was a sanguine man, indeed, who could look forward to such a state of prosperity as we had enjoyed of late years. He believed that much greater economy might be exercised in both services, without impairing their efficiency.

Mr. LIDDELL wished to make a remark upon the observations of the hon. Member for Brighton (Mr. Coningham). The statement of that hon. Member was liable to misapprehension. He seemed to infer that we had entered into so bad a contract with the Elswick Company that we had since reduced the terms for making the Armstrong guns; but he (Mr. Liddell) would remind the Committee that the reduction in price was volunteered by Sir William Armstrong himself.

Mr. T. G. BARING explained that when the Elswick Company found they were able to produce guns at a cheaper rate, because they were now of an uniform shape, and not subject to so many alterations as formerly, they voluntarily made the reduction. The contract was not an extravagant one; but it was very creditable to the company that they had given the Government the benefit of the greater economy in the production of the weapon.

Mr. WALPOLE observed, that it was said by an hon. Gentleman on the other side of the House (Mr. Coningham) that this was to be considered a peace Estimate. He was afraid that statement would cause considerable alarm as to the prospective expenditure of the country. What he understood the Under Secretary for War to state was something different from what the hon. Member for Brighton understood. He (Mr. Walpole) understood the hon. Gentleman to state that the charge for military stores, which had so much increased, was owing to the transition state through which, as the noble Viscount said, they were passing. He wished to ask whether, when they had passed through that transition state, these Estimates ought not to be reduced in a year or two by say £2,000,000? He wished, also, to ask another question. In the Report of the Army Organization Committee there was a fund mentioned called the Reserve Fund, which arose from the sale of commissions, which was disposed of and properly applied by the Secretary of State to the relief of what he might call the dead-weight expenses, of which no account was rendered to that House. The Army Organization Committee had recommended that a proper account of the distribution of that money should be appended to the Estimates; and he wanted to know when that recommendation would be carried into effect?

Mr. T. G. BARING replied, that it was the intention of the Secretary for War to furnish an account of the Reserve Fund. He had examined the Vote for stores for the coming year very minutely and carefully, and he anticipated that a considerable reduction in the Vote might be made in 1862-3, and a still greater reduction in the following years.

Mr. H. B. JOHNSTONE complained of the inconsistency of hon. Members on both sides of the House who demanded expensive reforms and improvements in the army, and then grumbled when they had to pay the bill. Reduction of expenditure was a popular cry on the hustings; but he begged the Committee to remember how much it cost to render our army and navy effective at the time of the Crimean war, owing to the miserable state into which those services had been allowed to fall. Considering the state of the Continent we ought to be prepared for every contingency; and he trusted that as we were now getting a good article in the shape of weapons the country would not grudge the price.

Colonel DUNNE said, that considerable expense had been rendered requisite of late years for putting the military departments into a proper state of perfection. When he went into office under Lord Derby there was hardly a gun among the Ordnance stores that was fit for field service. He thought the Votes ought not to be further proceeded with at that hour.

Viscount PALMERSTON trusted that the House would proceed to Vote the men and their pay and allowances that evening.

Vote *agreed to.*

Motion made, and Question proposed,

"That a sum, not exceeding £4,780,000, be granted to Her Majesty, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces, at Home and Abroad, exclusive of India, which will come in course of payment from the 1st day of April 1861 to the 31st day of March, 1862, inclusive."

COLONEL DUNNE moved that the Chairman report Progress. He said the understanding with the noble Lord at the head of the Government was that he only wanted to vote for the men, in order to enable the Government to introduce the Mutiny Bill. If they passed this Vote they would be precluded from debating the Estimates any more with a view to economical reductions. He submitted that further time should be given for the discussion of the details.

VISCOUNT PALMERSTON said, he had made no such engagement. The engagement he proposed applied to Monday last, not to to-night at all. It was absolutely necessary that the present Vote should be taken for pay and allowances to officers and men. It did not apply to the Civil Department, to the stores, or to any of those matters which had chiefly been discussed to-night. The Committee, having voted the men, could not refuse the money with which to pay them. He should take the sense of the House on the question.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again.

The Committee *divided*:—Ayes 22; Noes 122: Majority 100.

Original Question again proposed,

COLONEL KNOX contended that if they agreed to this Vote they would be prevented making any considerable reduction in the Estimates. He objected to the amount for depôt battalions.

MR. T. G. BARING informed the hon. and gallant Member that his objection applied to Vote No. 3, and not to the present one, which was No 2.

COLONEL KNOX considered it was monstrous to go on discussing such enormous Estimates at that advanced hour of the night. He objected to the increase of the item for the medical staff, and moved that the Vote be reduced by £50,000.

Motion made, and Question proposed,

"That a sum, not exceeding £4,730,000, be granted to Her Majesty, to defray the Charge of the Pay and Allowances of Her Majesty's Land Forces, at Home and Abroad, exclusive of India, which will come in course of payment from the 1st day of April, 1861, to the 31st day of March, 1862, exclusive."

MR. T. G. BARING said, that these charges also formed part of another Vote.

Motion, by leave, *withdrawn.*

COLONEL DICKSON said, it was quite evident that the Committee could not properly discuss those Votes at that hour of the night. He had certainly understood the arrangement entered into with the noble Viscount in the same way as the hon. and gallant Member for Portarlington (Colonel Dunne). He told hon. Members if they went on voting this money away without due consideration, all idea of economy would be utterly useless. Surely the noble Viscount could not say that it was necessary the whole of this enormous sum of nearly £5,000,000 should be voted away at that moment, when the hour of midnight had passed.

MR. AUGUSTUS SMITH thought the Government ought not to proceed further to-night. The Vote was nearly £5,000,000 and it ought to be divided into portions.

VISCOUNT PALMERSTON would be very unwilling to ask the Committee to decide at once on a matter which might be open to discussion. The money was much wanted. He would propose to take a Vote for one-half on account.

Original Question, by leave, *withdrawn.*

The CHAIRMAN then put the Vote

(2.) £3,000,000, on account, Pay and Allowances, Land Forces.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported *To-morrow.*

Committee to sit again *To-morrow.*

RED SEA AND INDIA TELEGRAPH BILL.

THIRD READING.

Order for Third Reading read.

MR. AYRTON asked the Chancellor of the Exchequer whether he contemplated paying this annuity to the company, or closing the contract in a manner more beneficial to the public? From inquiries which he had made as to the value of the annuity, he found that continuing the annuity would be paying more than if they paid the amount in ready money. He hoped, too, that the Chancellor of the Exchequer would look through the evidence, which disclosed great laxity in the manner in which the business had been transacted. The *ex officio* director seemed to have acted quite independently, just as he liked, without the sanction of any Treasury Minute.

THE CHANCELLOR OF THE EXCHEQUER said, the remarks of the hon. Member referred to matters which the House was hardly yet in a condition to decide. He deprecated any attempt to impute blame to the non-political civil servants of the Government. The responsibility for their actions he maintained ought always to be fixed on the political heads of the Department, and he hoped that principle would always be maintained. As this Bill was a *restitutio in integrum* of the original contract, of course all the powers originally reserved to the Government would remain in full force, and it would be the duty of the Government to consider carefully what course would be the most advantageous to be pursued in this matter. Of course it must not be presumed that they had a foregone conclusion as to the policy of continuing the annuity.

Sir STAFFORD NORTHCOTE said, that the officer of the Treasury to whom the hon. Gentleman opposite had alluded, though he might not always have had the sanction of a Minute of the Treasury, had acted throughout in communication and with the sanction of the political heads of the Department.

Bill read 3° and *passed.*

LONDON COAL AND WINE DUTIES BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Sir GEORGE LEWIS moved a Resolution, on which to found a Bill for the purpose of continuing for ten years the coal duties and the port duties on wine now levied by the officers of the Corporation of London. The coal duties consisted of a 4*d.* duty, which the Corporation considered part of the City estate; an 8*d.* duty which had been appropriated under an Act of Parliament, and the proceeds applied by direction of the First Commissioners of Works, and which would shortly expire; and another duty of a 1*d.*, which would also shortly expire. He proposed to continue these duties for ten years—the proceeds of the 9*d.* tax to be paid into a fund to be devoted to metropolitan improvements—the purposes to be hereafter defined by Parliament, but more especially with reference to a recommendation of a Committee of last Session which sat on the Embankment of the Thames. These duties were at present levied over twenty miles round a central point in the Metropolis; but he proposed to confine the area to the metropolitan police district.

Mr. AYRTON objected to this mode of proceeding. It was usual to indicate the nature of a Bill before going into Committee to move the Resolutions.

Sir GEORGE LEWIS believed he had followed the universal practice in regard to this subject. If the House wished the debate to be adjourned he should not object, but he saw no necessity for that, as the Bill could be debated on the second reading.

Mr. PULLER complained that several towns in Hertfordshire would still be left liable to the tax, when they had nothing whatever to do with the London coal or London improvements. He hoped the right hon. Gentleman would reconsider the area of the district still left liable to a tax.

Mr. AYRTON said, that the only case in which a Resolution was at once moved was in cases where the revenue was affected. The House was taken by surprise. The Resolution was a most objectionable one, and he should oppose the Bill on every stage.

Sir FRANCIS GOLDSMID thought the complaint that the House had been taken by surprise was not warranted.

Sir MINTO FARQUHAR was glad that the area was to be confined to the metropolitan police district; but he thought that as the money was to be exclusively devoted to metropolitan improvements, it, therefore, ought to be limited to the Metropolis alone.

Mr. INGHAM said, the measure would operate prejudicially on an important industry in the north.

Resolved,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to continue the Duties levied on Coal and Wine by the Corporation of London."

House *resumed.*

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Massey, Sir George Lewis, and Mr. Clive.

Bill *presented* and read 1°; to be read 2° on *Monday*, 8th April, and to be printed [Bill 68].

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, March 15, 1861.

Minutes.] Public Bills.—1ª Red Sea and India Telegraph.

2ª Charitable Uses.

3ª Admiralty Court Jurisdiction; Bank of England Payments.

INDIA—THE ARMS ACT.—PETITIONS.

The Earl of **ELLENBOROUGH** *presented* petitions from British and East Indian Merchants, Traders, Bankers, Clerks, and uncovenanted Civil Servants of Her Majesty, and others residing in India, and from Europeans and Eurasians residing at Simla, complaining of the Arms Act passed by the Legislative Council last year, and praying for relief. By this Act Europeans and Natives were placed on the same footing, and were equally required to deliver up the arms in their possession to the magistrates. The British residents maintained that under the Bill of Rights they were entitled to possess arms for their own protection, and that the Indian Government had not authority to take them away. It was right to add that in a circular issued by the Governor General the objectionable features of the Act were done away with; but he was, nevertheless, bound to express his sympathy with the petitioners in the indignation which they expressed that they should not have been specifically exempted in a Bill which was passed in haste at a time of great popular ferment.

Earl **DE GREY** and **RIPON** said, the Governor General of India entertained the opinion, in which he was cordially supported by the Home Government, that it was impossible with fairness and justice to make a distinction in an Act of the Legislature between Her Majesty's Native and European subjects. It was not thought advisable to make the distinction in the Act itself; but in the Act as it passed the Council power was given to the Governor General to exempt from its operation such persons and classes as he might think it unnecessary to bring under its provisions. A circular letter was accordingly issued, in which it was stated that the European residents ought properly to come under the exemption, not being persons from whom an improper use of these weapons was to be apprehended.

The Earl of **ELLENBOROUGH** could not appreciate the distinction drawn by the noble Earl. If it were wrong to place Natives and Europeans on a different footing in an Act of Parliament, could it be right to do so in a Proclamation by the Governor General.

Petitions *ordered* to lie on the Table.

DISTURBANCES AT WARSAW.

QUESTION.

Viscount **STRATFORD DE REDCLIFFE**, seeing the noble Lord the Under Secretary for Foreign Affairs in his place, wished to put a question before the Orders of the Day were proceeded with. He had no doubt that most of their Lordships had seen in the public prints an account of events which had occurred at Warsaw, which were attended with circumstances of great interest, and were likely to be followed by very important consequences. It had come to his knowledge that there was much reason to believe that the accounts of these events which had been given in one of the leading journals of the day were substantially and mainly correct. The matter was specially interesting at the present time when so many political changes were taking place. But the principal reason for his taking the opportunity of calling their Lordships' attention so early to the subject was that all that related to Poland had a most important bearing upon the Treaties of 1815, which, although they had, during the last few years, received some very rude shocks, had not yet been entirely set aside; and the events to which he referred, although attended with some loss of life, had been accompanied by so much moderation on the part of the people, and in many respects on the part of the authorities, that both had a claim upon the attention of their Lordships. He should therefore be glad to learn from his noble Friend, Whether Her Majesty's Government had received through the usual official channels any information upon this subject, and whether there would be any objection to laying upon the table any papers which they might have received?

Lord **WODEHOUSE** said, that the Government had received from Her Majesty's Consul General at Warsaw an account of the important events which had occurred in that capital, which, as far as he was aware, for the most part confirmed the accounts which had been published in the newspapers. He did not receive his noble Friend's note in time to communicate with the noble Lord at the head of the Foreign Office, and he, therefore, could not at present promise to lay that despatch upon the table. He would on Monday inform his noble Friend whether or not it could be produced.

CHARITABLE USES BILL.

SECOND READING.

Order of the Day for the Second Read-read read.

Lord **CRANWORTH**, in moving the

second reading of the Charitable Uses Bill said, it was similar to one which he introduced into their Lordship's House last Session, except that the present Bill did not contain some provisions which were then very generally objected to. Their Lordships were aware that by an Act passed in the reign of George II., at the instance of the Earl of Hardwicke, and commonly though not very accurately called the Mortmain Act, persons who proposed to give lands to charitable uses were prevented doing so except in the mode provided for by that statute. That Act, after reciting the public and private injury done by persons devising when in a dying or languishing condition their land for charitable uses, provided that no lands or money to be laid out in the purchase of lands should be devoted to charitable purposes by will or in any other manner except as pointed out by the statute. The statute provided several safe-guards, some of form and some of substance. It provided that every disposition should be made by deed indented, sealed, and delivered in the presence of two creditable witnesses; that it should be executed twelve months before the death of the donor; that it should be enrolled within six months after its extension; and that it should take effect in possession immediately on execution. It provided further, that there should be no power of revocation or reservation whatsoever for the benefit of the donor or grantor. He (Lord Cranworth) did not propose to go into the policy of the Act. Some thought it too stringent, and others not stringent enough; but he thought every one would agree that there ought to be no unnecessary restriction, provided all the proper provisions of the law were carried out. The first restriction was that the deed should be executed at least twelve months before the death of the donor, that provision he did not propose to alter. The next was that it should convey the right of immediate possession, which he also thought useful. The next provision was that the deed should be indented and enrolled. He did not propose to interfere with the enrolment, which was done in the High Court of Chancery; but he proposed to repeal the provision which made a deed for charitable uses void by reason of its not being indented. One of the precautions introduced into the Mortmain Act was that there should be no reservation of any sort or kind in favour of the grantor. That was very right where the person gave his property out of pure charity; but the case was very different where parties purchased land for valuable consideration. He could assure their Lordships that this was a case which required the interference of the Legislature. What he proposed was that no future deed should be void by reason of its not being indented, nor by reason of its containing any reservation of a nominal rent, or of mines, minerals, or casements, covenants for repair of roads, or the like things, which might reasonably be allowed. It also provided that no conveyance of a copyhold for charitable uses should be void by reason of its not being made by deed. He was, as all persons and especially lawyers were, averse to retrospective legislation; but there might be exceptions to the rule, and he had the precedents of the 9th *Geo.* IV. and the 4th and 5th of the Queen, for what he next proposed to do. He proposed to enact that no deed under which any possession is now held for charitable uses of any estate or interest, made for valuable consideration, shall be void for any reason, provided such deed was made to take effect in possession, was without power of revocation, and either has been enrolled, or shall be enrolled within twelve months after the passing of this Act. Upon the whole he was very confident that his propositions were entitled to the favourable consideration of their Lordships.

Moved, That the Bill be now read 2ª.

THE LORD CHANCELLOR said, he would offer no opposition to the second reading of the Bill; but with great and sincere respect for his noble and learned Friend he did not view the clauses of this Bill with any satisfaction. He would not make any comment upon the measure, further than to say that it would require great amendment in Committee. When the subject was under discussion last year he was in hopes that his noble and learned Friend would have undertaken a task worthy of his great abilities—a comprehensive reform of the Law of Mortmain—which was now in a most defective and lamentable condition. As the noble and learned Lord had most justly observed dying persons ought to be protected from improper influences and importunities; but the noble and learned Lord had confined his case to those only who had land, and had taken no heed of those who had large pecuniary fortunes to bestow. As the law at present stood a testator could not leave a perch of land to charitable purposes, but he might bequeath a million of money. He was sorry to say that this state of the law offered every facility to unscrupulous persons to induce dying persons to dispose of large sums of money when they were not in the full possession of their faculties, whereby families were often robbed, and what were miscalled "charities" established which did no good to the country. Another great evil was the facility of establishing perpetuities. The law abhorred perpetuities in general, but, though it forbad them in regard to family arrangements and restricted the power to a very limited time, it allowed them to be created in the case of charitable uses. Every gift was "charitable" which was for a public purpose and was not repugnant to religion and morals; and many things might be called charities which were of themselves perfectly innocent, though of no public benefit. He would give an instance of what had been held to be a charity. There was a very rich gentleman, who had a very great estate, and was very desirous to be a philosopher and an author. He published a book containing his notions on philosophy, which nobody read, and by his will he left an annuity of £300 a year for the benefit of an unsuccessful person in literature, who should support his doctrines in philosophy and praise his publications. Reference was first made to the Master to know what were his publications, and what was their tendency, and the Master having reported that there was nothing in those opinions and publications contrary to morality and religion, the charity was established. Another gentleman left certain funds to be applied, one-half for the benefit of fifteen maidens in the parish between the ages of eighteen and twenty-five, the prettiest girls and those who most regularly attended church; and the other half for the benefit of fifteen spinsters above the age of fifty, with the like qualifications, except, he supposed, as to beauty. The trustees were very much puzzled, and they came to the Court of Chancery for advice, and the Court held that they were not bound to make any selection on the ground of beauty, but that in all other respects the gift was a perfectly good charity, and that it must be carried into effect: and, therefore, as long as the sun shone and this world continued there would be this allowance to fifteen maidens and fifteen spinsters in the parish in question. He thought there should be some fixed period, on the lapse of which charities should be reviewed, and that done which the testators themselves would probably have done. That was done some years ago in the case of the charity for the redemption of captives from Barbary corsairs. That use having entirely failed the Court of Chancery applied to the fund the doctrine of *cy pres*, and directed the money to be applied to purposes of education; but as the law at present stood there was no power to convert a useless charity to useful purposes. His noble and learned Friend by his Bill seemed rather to try to patch up a building which ought to be, if not demolished, reconstructed on a very different basis. But he hoped that if it passed, it would be an encouragement to proceed further, and to improve the Law of Mortmain among the other amendments of the law.

LORD ABINGER said, he also entertained views of dislike to this Bill. Their Lordships would not suspect that the noble and learned Lord was the author of it, for most of the clauses were shrouded in great obscurity, and there would be the utmost probability that difficulties would arise in practice upon every one of them. The preamble was most insidious, and great ingenuity had been expended in drawing the clauses so as to conceal, under the plea of amending the Law of Mortmain, their real object of subverting it altogether. He did not feel himself called on to move that the Bill be read a second time that day six months, but he hoped that it would be got rid of in some way or other, and a new measure, based on different principles, substituted for it.

LORD WENSLEYDALE was in favour of the principle of the Bill, which he believed would remove a great many grievances and difficulties produced by the existing state of the law. He admitted there were many details of the measure which might be corrected in Committee.

LORD CHELMSFORD entirely agreed with the noble and learned Lord who had last addressed their Lordships. It appeared to him that the Bill embodied all the alterations that could safely be introduced into the Law of Mortmain. The Act had a prospective and also a retrospective operation. The retrospective portion of the Act, which would, of course, be open to the most observation, applied to the cases of grants for full and valuable consideration. Under the Mortmain Act a distinction was made between voluntary grants and grants for full and valuable consideration, and it was not necessary that the latter should be executed twelve months before the death of the grantor. It was strange that persons reading that Act should suppose it to be the intention of the Legislature to dispense, in the case of such grants, with all the other formalities required. Many conveyances were, however, executed without such formalities, and it became necessary for the protection of the grantees to introduce a statute, the 9th *Geo.* IV., by which these deeds were rendered valid. So the law stood at the present moment, and his noble and learned Friend now proposed to carry the principle further, and retrospectively to render valid all deeds which had been executed for full and valuable consideration where the necessary formalities had not been observed. The only doubt on this point would arise from the difficulty of ascertaining at this distance of time whether such a consideration had been given. Still, this was not a sufficient objection to the retrospective clause, and the prospective part of the Bill certainly remedied a great evil. As the law now stood the slightest reservation in favour of the grantor rendered the deed void. Now, there were various instances in which it was impossible to obtain the gross value of lands, because it was customary to grant them upon fee farm rents. Such grants would be void, and he approved the change proposed in this respect. There were also many cases in which such reservations as were named were absolutely necessary, and he apprehended that if the power in certain cases to make reservations was given it would be a benefit to the owners of land as well as those interested in charities. He confessed that he could not agree that it would be desirable for any general inquiry to take place at this time into the statutes of Mortmain.

Motion *agreed to.*

Bill read 2ª accordingly; and *committed* to a Committee of the Whole House on *Monday* next.

House adjourned at half-past Six o'clock to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 15, 1861.

MINUTES.]—NEW WRIT ISSUED.—For Sutherland County, *v.* the Marquiss of Stafford, now Earl of Sutherland, in the Peerage of Scotland.

PUBLIC BILLS.—1° Cork Infirmary; Salmon Fisheries (Scotland, &c.); Marine Mutiny; Mutiny.

2° Consolidated Fund (£4,000,000).

WITNESSES' ALLOWANCES AT ASSIZES.
QUESTION.

COLONEL SMYTH said, he would beg to ask the Secretary of State for the Home Department, Whether he is prepared to alter the scale of allowances to prosecutors and witnesses at Assizes and Quarter Sessions in certain cases, as suggested by deputations from Yorkshire and Lancashire during the present Assizes?

SIR GEORGE LEWIS said, he had carefully examined into the subject of the question of the hon. and gallant Member, and it appeared that, although the present scale of allowances was strongly objected to in some of the northern counties, and by persons who were in a position to give great weight and authority to their complaints, nevertheless, in the great majority of the counties, and particularly in the metropolitan districts, no complaints arose. The great diminution which had recently taken place in the number of prosecutions had been by some persons explained on the theory that the allowances to witnesses were insufficient; but that diminution was general throughout England, and pervaded counties in which practically there had been no reduction in the scale of allowances. The diminution also extended to Scotland and Ireland, in which no change had taken place in the scale of allowances. Under those circumstance he did not feel himself justified in recommending to the Treasury a general increase in the allowances; but he would be prepared to bring in a Bill to enable any county which thought those allowances insufficient to make an addition to them from the county rates.

EXPENSES OF THE CHINA WAR.
QUESTION.

SIR STAFFORD NORTHCOTE said, he rose to ask the Secretary to the Treasury, Whether the sum of £250,000 allotted to Navy Services out of the Vote of Credit of £850,000 for the China War, and found not to be required in the financial year 1859-60, has been or is to be surrendered; or whether any portion of it has been expended on or is still available for Army or Navy Services in connection with the China War? It appeared by the accounts recently delivered, that the sum of £250,000 was not required for the services of the Navy in the China War; and in November last the money was repaid by the Admiralty into the Treasury chest. He wished to understand what was to be the final disposition of that £250,000.

MR. F. PEEL said, the whole Vote of Credit was applicable to the expenses of the China war after the ordinary grants of the year had been exhausted. He stated the other night that, in the case of the navy, the ordinary grants had been found sufficient for the whole expenditure, both ordinary and extraordinary. In the case of the army the expenditure had not yet been finally ascertained; but the whole of the Vote of Credit, including the sum of £250,000 which was allotted, in the first instance, to the navy, and which had since been retransferred to the Treasury, would be available if required to defray the charge of the military operations in China.

SIR STAFFORD NORTHCOTE: Available for the army?

MR. F. PEEL: Available for the army.

SIR STAFFORD NORTHCOTE then gave notice that in going into Committee of Supply on the Army Estimates he would call attention to the subject.

THE BUDGET.—QUESTION.

MR. MOFFATT said, he would beg to ask Mr. Chancellor of the Exchequer, When he proposes to make his Financial Statement?

THE CHANCELLOR OF THE EXCHEQUER said, he was not able at that moment positively to state the day when the financial statement would be made. It was very desirable that it should be made on as early a day as possible after the 1st of April, and he should hope by Thursday, the 11th of April. If any other day were selected he would give due notice to the House.

On Motion for the adjournment of the House at its rising till Monday next,

ITALY—LORD JOHN RUSSELL'S DESPATCHES.—QUESTION.

MR. T. DUNCOMBE said, he rose to ask the Secretary of State for Foreign Affairs, If no Despatches were sent to Sir James Hudson between the 31st August and the 27th of October last; and if so, why those Dispatches are omitted in the further Correspondence relating to the Affairs of Italy; and also what are "the interests which Great Britain has in the Adriatic," which the Despatch of 31st August states "Her Majesty's Government must watch with careful attention." He wished to know why the despatches written during the period to which his question referred had been suppressed. There was a period of two months with respect to which they had no information whatever, and that he thought was a very considerable time indeed when the importance of the subject was considered. The Government took great credit to themselves for what was called non-intervention with the proceedings and acts of the people of other countries; but he was informed, and he was not making the statement without authority, that their boasted non-intervention was all a hoax. They certainly had not interfered in regard to Naples and Rome, because their interference was not asked by the people of those places, who did not seek the permission of the British Government to act as they chose. But where Austria and Hungary were concerned Her Majesty's Government had been ready with their interference. They had assisted the strong against the weak; they had assisted the strong against those who had been too long oppressed and tyrannized over. One despatch in particular had been suppressed, but all that would come out by and by. The very despatch of the 31st August would never have seen the light of day if it had not been published first in Germany. In that despatch the noble Lord said, "England has interests in the Adriatic which must be watched with careful attention." Now there was not a man from the Land's End to John o'Groat's House who could tell where those interests were. Perhaps the noble Lord would be good enough to tell the House what they were? There was another despatch—a very important one—wherein, as he was told, the noble Lord instructed Sir James Hudson to say that the Government of England would not allow any fleet to leave the Italian coast for Dalmatia. With that menace there was the fact that we had a fleet at Corfu of 800 guns. Now if that was not intervention he did not know what the meaning of the word was. He asked why should not a fleet leave the coast of Italy for the coast of Dalmatia, even if it were intended to support Hungary? He was told also that there were despatches in which the noble Lord said that Austria was required as a counterpoise to France, and, therefore, of course, Hungary was not allowed to attack Austria at the same time that an attack might be made by Sardinia upon Venetia. There was another despatch which the noble Lord wrote to Sir James Hudson at a time when Louis Kossuth was in Turin. The noble Lord, as he (Mr. Duncombe) was informed, said in that despatch, "Keep your eye upon the doings of Louis Kossuth." To that despatch Sir James Hudson replied in terms worthy of an Ambassador of this country—namely, that he did not conceive it was the duty of a representative of England at a foreign Court to keep an eye upon the doings of a foreign exile, and he declined to do the noble Lord's bidding. But there was another case of interference on the part of the noble Lord. It appeared that a railway was projected, called the Genoese Railway, of which Louis Kossuth was a director. A despatch was written by the noble Lord, in which Sir James Hudson was instructed to inform the Sardinian Government that it would give great offence to England if the Sardinian Government granted a concession to any railway of which Louis Kossuth was a director, because they considered it a means of putting money into the hands of Kossuth for revolutionary purposes in Hungary. That despatch was sent to Sir James Hudson, and again he (Mr. Duncombe) believed that Sir James Hudson declined to do the dirty work, or to be the instrument of communicating such a message to the Sardinian Government. Sir James Hudson told the noble Lord so, and said—

> "You little know the Sardinian Government or Count Cavour if you suppose that if they wished to enter into negotiations with Kossuth they would not do it openly and before the world; and that they would not ask the permission of England to enter into such negotiations."

Sir James Hudson declined to communicate that despatch to the Sardinian Government. There, again, Sir James Hudson had shown himself worthy of the high office of Ambassador of England, and would not condescend to take that underhand way of trying to prevent Hungary rising and shaking off the tyranny of Austria. He (Mr. Duncombe) said that those things wanted clearing up, and they must be cleared up by the noble Lord. If there were a shadow of foundation for them, the honour of England was at stake, and the non-intervention principle was a perfect farce. They would act in a manner discreditable and dishonourable if they did not repudiate such conduct on the part of our Minister. It was, however, all of a piece with the conduct of our Government in regard to the Hungarian notes, in respect to which an injunction would be moved for in the Court of Chancery next week, with the view of preventing Louis Kossuth furnishing to his countrymen the means of rising against the tyranny of Austria. Now, he asked, could England be justified in interfering in that manner, and then talking of non-intervention? Hungary was a great country, with 15,000,000 of inhabitants, and 20,000 square miles larger than the whole of the United Kingdom. She was originally, and was now entitled to be, an independent nation in Europe. She had been defrauded of her rights by Austria, and was now on the point of regaining them. The interference of England in that underhand manner, on the ground that Austria ought to be supported as a counterpoise to France, was a policy that could not but create the greatest distrust in the latter Power. Nothing was so well calculated to strengthen the interests of this country and to secure the peace of Europe as a close alliance with France. Everything had been done by the Emperor of the French to promote that object. The Emperor had no distrust of England. The whole distrust was on the part of this country. He had no jealousy of us and no wish to rival us. On the contrary, when the Emperor saw us strengthening our fortifications, he (Mr. Duncombe) believed that his language was, "the stronger England is, the better ally will she be to France." Look what he had done with regard to passports. Had he not opened his country to Englishmen; and had not his own subjects murmured at the superior advantages enjoyed by Englishmen in France? England then wanted no such counterpoise as Austria, with her tyrannical Government. He rejoiced to believe that the days of Austrian tyranny were numbered, and that we should soon again see Hungary taking her original rank as a continental nation. He trusted that the Hungarians would not be driven into premature outbreak, and such a caution was the more necessary because he had seen letters from Turin stating that Austrian agents were hard at work trying to instigate and excite the Hungarians to rebellion. That was one of their anniversary days of freedom, and, therefore, the greater danger existed of their being provoked into an outbreak. If the Hungarians allowed themselves to be tempted into such a premature movement martial law would be at once proclaimed, and a great effusion of blood would be the result. At the same time he would advise Hungary not to give up one iota of her rights but to bide her time, letting the Government of England do what they liked to conspire with Austria against her. Hungary would still recollect that the people of England were with her in sympathy—with her if she wished to see her nationality restored, and to be free, happy, and independent of the tyranny of Austria. If those despatches to which he had referred were not forthcoming, they might depend upon it they would be soon dragged to light, and then he thought that the Government of England would not stand in a very enviable position in the eyes of the world.

MR. CAVENDISH BENTINCK said, he would beg to ask the Secretary of State for Foreign Affairs, whether information was received from Sir James Hudson, previous to the 31st day of August last, to the effect that the expedition of General Garibaldi was secretly assisted by the Sardinian Government; and whether the Foreign Office did, previous to the 11th day of September last, receive official information that the Sardianian Government contemplated the invasion or seizure of a portion of the Papal States? And, whether any and what Answer was returned by the Austrian Government to the Despatch, No. 96, addressed to Lord A. Loftus, and referring to a despatch from Consul General Perry? No one could peruse the despatches printed in the Italian blue book without being satisfied that there was a number of events of great importance which had not received any notice whatever. In regard to his first question, the noble Lord, soon after Garibaldi landed in Italy, made a statement in that House to the effect that Sardinia did not in any way contemplate the invasion of Naples, and that he had a positive assurance from that Government to that effect. The noble Lord also stated that the Sardinian Government had in no way inspired the expedition of Garibaldi, but, on the contrary, looked on it as a mad enterprise. He confessed that early in August he (Mr. Bentinck), as well as others, had come to the conclusion that that statement ought to be received with great caution, not only on account of the deceit and duplicity which had unfortunately become the characteristics of the Sardinian Government, as illustrated by their conduct during the events of 1849 and 1859, but also by the manner in which they had misled this country on the occasion of the cession of Savoy and Nice. Therefore, he was not surprised to hear from persons of reliable authority that the Sardinian Government, so far from not encouraging the expedition of Garibaldi had assisted it to the utmost of their power. He had heard it stated over and over again on good authority that the King of Sardinia and his Government had actually furnished money and arms to Garibaldi, and further that they were under an engagement sooner or later to meet him in the South of Italy. He (Mr. Bentinck) visited Italy in the month of August last, and he found the people generally entertained that opinion. He also learned that Admiral Persano had received instructions from the Sardinian Government to protect to the utmost of his power not only the original expedition of Garibaldi, but also any ships conveying supplies and succour to him. It was also rumoured that the arrangement was that Admiral Persano was to protect those ships, and then, in the event of disaster, Persano was to be quietly disavowed, and to receive an ample compensation afterwards for his services. He was greatly surprised at seeing no mention made of those facts in the despatches, because it was impossible that a Minister of Sir James Hudson's vigilance should not have known them. The opinion that Garibaldi had an understanding with the Sardinian Government was universally entertained in Italy. To show this he referred the noble Lord to the memorandum of Mr. Elliot, enclosed in a letter dated the 31st of August, in which Mr. Elliot stated that it was generally believed that the expedition of Garibaldi was secretly encouraged by the Sardinian Government. There was another point, the question of the invasion of the Papal States. It seemed to him (Mr. Bentinck) most surprising that the Government had not been informed of that event earlier than they appeared to have been. He apprehended there was no doubt whatever that during the summer of last year the Sardinian Government had positively determined to invade the Marches and Umbria. As there was no pretence for war an insurrection was planned, and under the pretence of suppressing it the Sardinian army was to enter the Papal States without declaration of war, and, with the excuse of restoring order, to remain in military occupation of the country. Such was the universal belief in Italy. Whether the success of Garibaldi was more rapid than had been expected, or whether in consequence of the interview which took place between a deputation of the Sardinian Government, General Cialdini, and the Emperor of the French at Chambery, he (Mr. Bentinck) did not know, but the Sardinians intervened before any insurrection took place under the flimsy pretext of a demand upon the Papal Government to disband their foreign mércenaries, and most flimsy was that pretext, because the Sardinian troops entered the Marches and Umbria before an answer was received from Cardinal Antonelli. Moreover, it was certain that Admiral Persano's fleet received orders to leave the west coast of Italy for the east for the purpose of attacking Ancona when the proper time should arrive long before the invasion took place; so that it was perfectly clear that the whole affair was settled from the first. Under these circumstances he could not conceive why the noble Lord was not informed of the matter. The only despatch on this point from Sir James Hudson was dated the 7th of September. It was received by the noble Lord on the 11th. The invasion of the Papal States of Umbria and the Marches took place on the 11th, actually on the very day the noble Lord received the despatch. Sir James Hudson, in that despatch, stated to the noble Lord that information had been received that an outbreak was imminent in Umbria and the Marches. Now there was no outbreak. The proclamation of the Piedmontese general to the army, upon an order being given for an invasion of those States, was found in p. 64 of the blue book, and assigned as an excuse, nothing but the employment by the Pope of foreign mercenaries; not a word was said about insurrection. He must say he thought it most extraordinary that Sir James Hudson did not lay the projects of Sardinia before the noble Lord earlier than the 7th of September. Sir James Hudson, in his next despatch, did not say he had been wrong with regard to the insurrection in Umbria and the Marches. He did not allude to the interview of the deputation from Sardinia with the Emperor of the French at Chambery, He did not allude to the fact that Admiral Persano's fleet had gone from the west coast to the east. All that was extraordinary; for it was impossible that Sir James Hudson should not have known all the facts. He (Mr. Bentinck) was in Milan at the time, and on the 2nd of September he saw a great assemblage of National Guards and military. He inquired what it meant, and was told that it was for the purpose of receiving volunteers who were to be mobilized. He inquired the object of the mobilization; and the answer given without reserve was that the mobilized National Guards were to take the place of the troops which were on the point of being sent to the Papal States. The inference on his mind was that Sir James Hudson was either culpably negligent of these matters, or that he purposely suppressed them. The only other point to which he would advert was a letter of our Consul General at Venice on the subject of Austria. He did not wish to get up a debate on Austria. As a conservative power she had always been useful to us, and perhaps the existence of Austria might be considered as an absolute necessity and safeguard to Europe. There was a nice little office at Venice, with very little to do in it, and plenty to get. There was a Consul General with £800 a year, besides a Vice Consul with £200 a year. Last summer the Consul General was Mr. Perry a gentleman who had been transplanted from some obscure part of America to Venice, a gentleman of worth and respectability, but with a very imperfect knowledge of the country and its language; and shortly after his arrival he thought to write a letter to the noble Lord at the head of the Foreign Office. It was dated the 4th of September, and it stated that the authorities considered they had discovered a plot against the Government, and that in consequence many arrests had been made. The writer said he believed that nothing of a compromising nature had been discovered, although it was well known that secret societies existed all over the country. (Well, if there were all over the country secret societies against the Government, it was not very wonderful that there should be a plot!) The writer went to say that many respectable persons had been imprisoned for months without trial. (Well, there was nothing wonderful in that. People were kept in prison even in England many months without trial;) and that within a few days a painter, named Caffi, had been imprisoned on a trifling charge. He (Mr. Bentinck) knew that individual. He was a revolutionist, and had been such for many years; and, therefore, it was not very surprising that, under the circumstances, he should be imprisoned. He was told that the imprisonment was a very short one. Now he did not wish to defend the Austrian system. All that he (Mr. Bentinck) asked was that fair play should be shown to the Austrian Government, and if our Ministers repeated complaints of the treatment of the Austrian people, they should at the same time state what were the circumstances of vexation under which the Austrian Government acted. If the noble Lord would look to the correspondence of the late Consul General at Venice, Mr. James, he would find some insight into the difficulties under which the Austrians laboured. Then the noble Lord wrote to Count Rechberg, and lectured him pretty severely on the statements contained in Consul General Perry's letter. In that case the noble Lord wrote only two days after his receipt of Consul General Perry's despatch. That formed a striking contrast with the course of the noble Lord with regard to Mr. Elliott's letter relative to the wholesale massacres ordered by General Cialdini, which letter he never answered at all. The noble Lord wrote to Count Rechberg—

> "The real danger of Austria is that she invites foreign interference by her own conduct in arbitrarily imprisoning her subjects. Her best friends deplore the absence of all her attempts to conciliate her Italian and Hungarian subjects."

But how was Austria to conciliate them? If she gave a Reform Bill to her subjects there would be no chance of conciliation any more than there was of Russia conciliating the Poles, or the English gaining the affections of the Ionian people. He did not profess to understand diplomatic relations; but he thought our Ministers abroad ought to be loyal to the Courts to which they were accredited, and loyal towards those powers with whom England was at peace. If that was not to be the usual character of our diplomatists, why the sooner what had been called its barbarous pomp was done away with the better.

RELIGIOUS INTOLERANCE IN SPAIN.

QUESTION.

SIR ROBERT PEEL: My hon. Friend, the Member for Finsbury, had occasion just now to find fault with the noble Lord for his interference in Italian affairs. The question that I have to put to the noble Lord relates rather to what may be regarded as a recommendation of the very policy which the Member for Finsbury condemns, for I have to solicit at his hands the interference of the Government of which he is the Foreign Secretary. The question I have to ask the Secretary of State for Foreign Affairs is, Whether any Correspondence has taken place between Her Majesty's Government and that of Spain respecting the imprisonment in Spain of certain persons for religious opinion; and if so what has been the tenor of such Correspondence? Now, the House is probably aware that this evening I had occasion to present petitions from various parts of the country, I may say from the most important towns in England, bearing on this subject; and petitioning Parliament respecting the imprisonment and persecution of these people. I have presented petitions from Carlisle, Cheltenham, Edinburgh, Nottingham, Plymouth, Manchester, and Liverpool. I only mention this fact to show the interest that is taken in the subject, to show that that interest is universally felt—is felt by people generally throughout the country—and by people of different sects and denominations and political feelings. And, therefore, in calling the attention of the House to what I know is a very difficult and delicate question to deal with, I admit that it must be handled with moderation and a sense of justice; and, therefore, I am quite sure I shall not ask in vain when I respectfully ask the indulgence of the House while I offer a few observations. In bringing this subject under the consideration of Parliament, of course I do not for a moment pretend to appear in the character of one suddenly smitten, if I may so say, with religious zeal. Far from it. That is an idea which I wish at the outset to dispel from everybody's mind. But I appear here on principles which every hon. Gentleman must feel. I present myself to the House on this occasion as a man duly sensible of the advantages which this nation derives from the principles of civil and religious liberty, and with a desire to see those principles expanded and extended for the blessing and advantage of other countries. And I may add, that I think it is no inappropriate position that I now hold in discussing this question. It is well known that the name I bear is intimately connected with the removal of the last vestige of penal disability in the case of the Roman Catholics of this country. I contend that when we have so freely relieved the Roman Catholics from disabilities, we surely have a right to expect, and a right to demand, that other countries in friendship with us should equally extend that liberty—at least, in a moderate degree—to those of their subjects who entertain a faith and opinions similar to our own. I may further remark that I am able to bear personal testimony to many of the facts to which I shall allude; and that although on many occasions in this House I have strenuously opposed the interference, the undue interference, of this country, and of any other country, in the internal affairs or concerns of other nations, yet I maintain that the case which I shall now submit to the House is one of a totally different character from those in reference to which I have on more than one occasion had reason to address this assembly. I present myself to you to-night in the name of civil and religious freedom, and in the cause of common humanity, which has been outraged in the persons of a persecuted sect of Bible Protestant Dissenters from the Church of Rome. I appear as the advocate of two poor Christian men, whose only crime—if crime it can be called—is nothing political; but simply consists in the circumstance that they possessed copies of the Holy Scriptures, and used them in connection with others. I say that in the name of the persons for whom I have presented petitions to-day I have a right to protest against the intolerance and against the persecution to which they have been subjected, with every indignity to harass and afflict the body, coupled with every aggravation of moral torture. I know very well that in this free country, and in this assembly, even, if I were not fortified by precedent to justify me in the course I am taking, I need not—indeed I should not be ashamed to—stand up in defence of men suffering such persecution. But, happily for me, the precedents of Parliament relieve me from every responsibility of initiation in the matter and directly sanction the course I pursue. For a period of fifteen years Her Majesty's Government, no matter what party has been in power—for a period of fifteen years have, to my mind, wisely exercised a direct influence; sometimes on political, sometimes on religious grounds, in the affairs of other countries so as to enable me to look with confidence to this appeal. I recollect well that in 1850—just to show that the Government of this country is justified on certain occasions in exercising a political and moral influence as regards the concerns of other countries, if it does so with the approval of the Parliament and the people—in 1850 I remember that a question arose with respect to the Hungarian refugees which had no intimate connection with us; but such, nevertheless, was the sympathy with those refugees of the English people that it was deemed not inexpedient that Parliament should exercise some interference in the matter. Then, again, in the same year of 1850 in the cases of Italy and Poland—and the name of the latter country it is impossible to mention without calling up to one's mind with pleasure the prospect which once again appears to present itself of liberty being restored to her—the noble Lord at the head of the Government, in answer to a question which was put to him, respecting the Polish and Italian refugees in the territory of the Sultan, informed the House that the Government of England, as representing the public opinion of the country, felt a strong interest in the fate of those people, and that negotiations on the subject had taken place through Her Majesty's Ambassador at Constantinople. These facts must prove to the House that Her Majesty's Government have from time to time directly applied the influences of moral interference in matters of this description. And in referring to Constantinople, and the religous condition of very many of the subjects of the Sultan, it is impossible to allude to the name of Lord Stratford de Redcliffe without acknowledging in this House the ability and zeal with which for a great number of years he has sought to ameliorate the condition of the Christian subjects of the Porte. Well again, in proof of the assertion that I have made that the interference of Parliament is sometimes justifiable, who does not recollect that when that gallant band of patriots, Poerio and his fellows, Italian subjects of an Italian sovereign, were confined—who does not recollect the sympathy of the people in this country of behalf of those men? Then, again, the case of the *Cagliari* excited the sympathy of the people of this country. Those were political interferences which received the approval of the House. We have also made interference on the ground of religious sympathy. It was in vindication of the principle of the right of every human being to liberty of conscience that Parliament made allusions of a severe character to the abduction of the boy Mortara in Rome. Then, again, with regard to the Christian subjects of the Porte in Syria, the voice of Parliament and the country has condemned the flagrant violation of sacred rights in the horrible persecution to which the Christians in Syria have been subjected by ruthless and implacable infidels. The case, however, which more particularly bears upon the question which I am now about to bring before the House is that of the Madiai, which occurred in 1851 and 1852. Francis and Rosa Madiai were sentenced and put into prison exactly on the same grounds as those in whose favour I now appeal to Parliament. They were sentenced by the Tuscan authorities in July 1851, to imprisonment with hard labour for the respective terms of fifty-six and forty-five months on the charge "of impiety shown in making proselytes to the so called pure gospel confession," and in possessing and reading the Holy Scriptures, with the express declaration of the Government of Tuscany that the charge was totally unconnected with politics. Her Majesty's Government, not only Members of the present Government but also the Government represented by the Earl of Malmesbury, directly and successfully interfered in that case. Having mentioned these instances of interference both on political and religious grounds, I am quite sure that now, if I can make out a case of suffering, a case of persecution and of intolerance which I believe to be unequalled in any Christian country in the world since the abolition of the Inquisition, I am quite sure I shall be supported by the House in my desire to obtain the moral influence and the active influence of the Government to relieve the sufferers. Well, Sir, what is the cause of this persecution? The House will remember that I have said that in dealing with this subject I speak of my personal knowledge of the actual facts. There are residing in Spain, especially in Malaga, Granada, and Barcelona a religious sect of Bible dissenters from the Church of Rome. The chiefs of that sect are two men named Alhama and Matamoros. Alhama, at the beginning of last year, was seized and put in prison solely because he happened to be in possession of a copy of the Scriptures, and had read them in conjunction with others. Having been confined for some time in prison he was brought to trial. And does the House, I would ask, know what the punishment is which, in accordance with the penal code of Spain, awaits the offence which he committed? Why, the sentence according to the 125 article of the Spanish penal code is that he may be condemned for ten or twelve years to the galleys, and be made the associate of the worst of criminals. Such a state of things is, I contend, a disgrace to a Christian country. Matamoros was found guilty on a similar charge, and it was only the other day that a gentleman who visited him in prison said to him—"I wish your offence, instead of being against the Roman Catholic religion, were a political one, a robbery, or any other crime; you would in that case have been long ago set at liberty." Matamoros, I may add, was condemned to prison owing to some papers which were found in the possession of Alhama, and was dragged from Barcelona, his home where he was residing, to Malaga and Granada. It was my lot to travel with him in the same vehicle from Malaga to his destination, and I could not but admire the simple piety with which he bore the suffering to which he was exposed. I afterwards saw him in prison at Granada, and the House will hardly credit it when I tell them that for no other crime than that which I have mentioned this poor man was in this 19th century and in a Christian country thrown into a dungeon only a few feet wide, shut out from the light of the day, and deprived of everything which could tend even in the smallest degree to lighten the weight and cruelty of his punishment. I said to Matamoros, when I visited him in prison, "Have you interfered in politics, or are you in any way connected with men engaged in a conspiracy against your Government?" He replied, "No; I am in prison solely and simply on account of my religious faith." Let me read to the House a letter from one of those men, to show the sufferings they are undergoing. ("Oh! oh!") If the House is not inclined to grant me that liberty I will not read it. (Cheers.) The right hon. Gentleman the Member for Bucks seems much amused at my observations. I am extremely sorry that, in dealing with a matter of such great importance, I should say anything calculated to excite his risibility. It seems that the right hon. Gentleman the Member for Buckinghamshire is highly amused at my observations. I am extremely sorry. ("Order.")

Mr. DISRAELI: Sir, I rise to order. These personal observations of the hon. Baronet are not justified by anything which I have done. They have no foundation, and there is no Motion before the House which would afford me a legitimate opportunity of vindicating myself. I am not aware of any observation of mine, or of any part of my deportment denoting dissent from the remarks of the hon. Baronet, that would in any way justify his observations. In the course of the whole time I have had the honour to sit in Parliament I must say that I never was before subjected to observations of this kind.

Mr. SPEAKER: I am sure the hon. Baronet, without my interposition, will see that his observations require some explanation.

Sir ROBERT PEEL: I must say that I am not aware that my observations require any explanation.

Mr. SPEAKER: Then the hon. Baronet will impose on me the necessity of expressing a more decided opinion.

Sir ROBERT PEEL: I at once apologize for my error in having made allusion to the right hon. Gentleman. The subject is a very difficult one to deal with, and a speaker standing immediately opposite to a Gentleman who is always laughing is not in an agreeable position. ("Order.") However, I beg to apologize for the allusion I made to the right hon. Gentleman, to withdraw anything which I may have said disrespectful to him, and to assure the House that I did not mean to give offence. To resume my statement—I asked the noble Lord the Secretary for Foreign Affairs the other day whether he would interfere in this matter, and he replied he would not. "The Spanish Government," he said in effect, "is so very sensitive and touchy that I won't make anything else but a private remonstrance." I do not think the noble Lord should limit his interference to what he called a private remonstrance to the Government of Spain. The Spanish Government may be exceedingly sensitive. All bad Governments are so, particularly when their acts are criticized; but the noble Lord should have recollected that the fact that the Spanish Government are very sensitive about the slave trade did not prevent the noble Viscount the Member for Tiverton, whose exertions for the abolition of that abominable traffic are so well known and so deservedly appreciated, from describing their conduct in that matter in terms which they richly deserved, and with most excellent effect. The observations of the noble Viscount were very severe. He said it was impossible to express the indignation he felt at the profligate, shameless, and disgraceful conduct of the Spanish Government and nation with reference to the treaties concluded with England, and he added—

> "It is extraordinary that a nation which consists of men who, taken singly, would blush to do anything that was not perfectly honest and straightforward, should, when taken in the aggregate, be guilty of so shameless and abominable a violation of good faith."

Talk about the touchiness and sensitiveness of the Spanish Government! The speech of the noble Viscount was canvassed in the Spanish Cortes, and what did the Prime Minister General O'Donnell say? He said that he did not believe that the noble Viscount had made use of the expressions attributed to him, but that if he had he could only have done so in the heat of debate. It is very evident that General O'Donnell does not know the noble Viscount, who is not in the habit of making use of expressions in the heat of debate which in his calmer moments he would condemn. The observations of the noble Viscount had an immediate effect with the Spanish Government, who, without delay, sent out a squadron for the purpose of removing from themselves the odium arising from the encouragement which they were supposed to give to the slave trade. The inference I draw from these circumstances is that if the noble Lord had made vigorous representations to the Spanish Government on the subject of the persecution of Alhama and Matamoros he might have produced a beneficial effect. I may here refer, and I do it with pleasure, to a letter which was written from Spain by a countryman of ours, when the Earl of Clarendon was Minister there. The same persecution was going on in Spain at that time as now; and what was the opinion of the Earl of Clarendon—what countenance did he give to those that were accused. The letter thus refers to the conduct of the Spanish Government and to the conduct of the Earl of Clarendon—

> "The bishop having denounced the Bible, the Ministry have withdrawn the permission which I temporarily obtained (namely, to sell copies of the Testament); but throughout this affair I cannot find words sufficiently strong to do justice to the

> zeal and interest which Sir George Villiers displayed in the cause. He has had various interviews with Ofalia (Spanish Minister) on the subject, and in these he expressed to him his sense of the injustice and tyranny which has been practised."

Such was the conduct of the Earl of Clarendon when he was our Minister at Madrid with respect to religious persecutions. The letter which I have quoted contains the words "injustice and tyranny." Those were the very words which the noble Lord applied to the Government of Naples in its treatment towards their own Italian subjects when France and England withdrew their Ministers from that Court. I am, therefore, justified in asking the noble Lord to mark his sense of the injustice and tyranny practised by the Spanish Government, not by withdrawing our Ambassador from Madrid. I do not ask for any violent demonstration, but by using his good offices, and the moral influence of the British Government in a matter which concerns us all. I have already alluded to the parallel case of the Madiai. Those hon. Gentlemen who sat in this House in the years 1851 and 1852, and in the early part of 1853, will recollect the great interest which that case excited not only in this House but in the country generally. The Madiai were condemned, one to fifty-six months' imprisonment and the other to forty-five; but the British Government—the Government of the Earl of Derby as well as the Government of the Earl of Aberdeen—as represented at different periods by the noble Lord the Member for Tiverton (Viscount Palmerston), the noble Lord the Member for London (Lord John Russell), and the Earl of Malmesbury, strongly reprobated the conduct of the Tuscan Government in that transaction, and the words then used in the despatches from our Foreign Office are directly applicable to the present case. They show what the spirit of the British Government was at that period; and, I am sure, that both the noble Lord and the noble Viscount are too generous and noble to refuse to say to a strong Government what they have already said to a weak one. Writing on the 17th of November, 1851, to Mr. Scarlett, our Minister at Florence, the noble Viscount said—

> "The only offence of the Madiai seems to be that they entertain religious opinions which are shared by the great majority of the people of Great Britain, and by a large portion of the inhabitants of the continent of Europe, and the British Government, as the Government of a Protestant country, deems itself entitled to ask the Government of Tuscany whether such a system of persecution and punishment on account of religious opinions, sincerely entertained, can tend to promote the diffusion of the doctrines of that Church, at the instigation of whose priesthood it is practised."

The noble Viscount continued, in his own eloquent and spirited style—

> "Her Majesty's Government forbear from asking whether such a system of persecution on account of religious belief is in accordance with the enlightenment of the present age, or is reconcileable with the mild and charitable principles of Christianity."

I apply these words to the present persecution in Spain, and I ask whether that persecution can in any way be reconciled with the mild and charitable principles of Christianity or with the enlightenment o the present age? The Earl of Malmesbury also wrote a very able despatch on the 27th of October, 1852, in which he said the British Government were anxious to use its good offices on behalf of the Madiai. Finally, the noble Lord the Member for the City of London wrote a despatch to Sir Henry Bulwer on the 13th of January, 1853, which I should like to see copied on the present occasion. The noble Lord said—

> "According to the last accounts received from you, the Duke of Tuscany still hesitates on the subject of the Madiai. Throughout the civilized world this example of religious persecution will excite abhorrence. As this is a matter affecting a Tuscan subject, it may be said that Her Majesty's Government have no right to interfere. If this means that interference by force of arms would not be justifiable, I confess at once that nothing but the most extreme case would justify such interference; but if it is meant that Her Majesty has not the right to point out to a friendly Sovereign the arguments which have prevailed in the most civilized nations against the use of the civil sword to punish religious opinions, I entirely deny the truth of such an allegation."

These are the opinions of three Ministers of Foreign Affairs who have, almost between them, held the seals of the Foreign Office for the period of fifteen years. These were their opinions on the case of the Mediai, a parallel one to the present. I ask the noble Lord to endorse that opinion now and to write a despatch in a similar spirit to the Spanish Government, and I am sure the effect will be immediate and beneficial. I have, moreover, authority another which the noble Lord, at all events, will not refuse to accept. It is the authority who was quoted in a memorable despatch recently written by the noble Lord, and I ask his attention to the opinion of the eminent jurist to whom I refer. The case of the Protestants in Spain under the severe persecution to which they are exposed comes within the principle laid down by Vattel in his work on the law of nations. Vattel says—

> "It must then be concluded that liberty of conscience is a natural and inviolable right. It is a disgrace to human nature that a truth of this kind should stand in need of proof. When a religion is persecuted in one country the foreign nations who profess it may intercede for their brethren; and when it becomes a case of manifest tyranny all nations are permitted to succour an unhappy people."

The authority of Vattel must certainly have a great impression on the conduct of the noble Lord. I would also draw the attention of the noble Lord to the fact that the policy of this country for very many years has always been to assist in the relief of those people who have been suffering from such persecutions. I would only allude to the conduct of Cromwell. What was his course? When he had sown the seeds of regeneration in his own country, he immediately took in hand the case of those who were suffering for their religious opinions abroad. He interfered on behalf of the persecuted Vaudois, the descendants of the Waldenses, who were maintaining their faith and discipline according to the Reformation in the midst of persecutions. And a very remarkable fact occurred at that time to show the interest which Cromwell took in this matter. Cardinal Mazarin wanted to make an alliance with England, but Cromwell declined to treat with him except on the distinct understanding and as an indispensible condition of the alliance that the faith and discipline of the Vaudois should be respected, and that they should enjoy the peaceful exercise of their religion. That, Sir, is, I think, a very decided proof of the interest which this country has taken in those who have been suffering for their religious belief abroad. There is only one other authority I shall quote bearing on this subject; and I am sure the House will listen to it with very great attention, because it is the opinion expressed by one who stands highest of all in the enunciation of his ideas on the great question of religious liberty in his *History of England.* I allude to Lord Macaulay, and I would desire the attention of the House to an extract from his fourth volume in regard to the conduct of William III. Lord Macaulay says—

> "It must not be supposed that William ever forgot that his especial, his hereditary mission was to protect the Reformed Faith. His influence with Roman Catholic princes was constantly and strenuously exerted for the benefit of their Protestant subjects. In the spring of 1691 the Waldense shepherds, long and cruelly persecuted, and weary of their lives, were surprised by glad tidings. Those who had been in prison for heresy returned to their homes. Children who had been taken from their parents to be educated by priests were sent back. Congregations which had hitherto met only by stealth, and with extreme peril, now worshipped God without molestation in the face of day. Those simple mountaineers probably never knew that their fate had been a subject of discussion at the Hague, and that they owed the happiness of their firesides, and the security of their humble temples, to the ascendancy which William exercised."

Sir, I trust the House will excuse me for having detained them at so much length, and will admit there are reasons why the Government should now bring the active influence of this country to bear for the relief of those who are suffering in Spain for their religious faith. I could wish that any expression from me as a private Member of Parliament would induce the French Government to join with the British to use their influence—as it has been used for good in Syria—in order to induce the Government of Spain to relax in this case their spirit of persecution. But, if that cannot be, it rests with our Government to take the matter in their own hands. I do not accuse the Government of Spain. It is priestcraft and the bigoted Court that are the real agents in this matter. I believe the Government of Marshal O'Donnell is doing more to develop the resources of that country than any other Government Spain has had for a long series of years. It has made vast progress in the material civilization of the Peninsula, as I have had occasion to witness on my recent visit to that country, after an absence of some years; and there is no longer that system of *gaspillage* or tampering with and plundering the public revenues which was so notorious under governments presided over by Sartorius and others. If that be the case, it surely rests with Her Majesty's Government to use their influence with the Government of Spain to relieve these poor people from their suffering. I will only ask the noble Lord to be true to the principles he has so long avowed, and be good enough to take an early opportunity, not by private representation, but openly in a public despatch, to remonstrate with the Spanish Government on the sufferings of these poor people, and the flagrant violation which has taken place in their case of the great principles of religious liberty.

AFFAIRS OF MEXICO.

QUESTION.

MR. BUTT said, he rose to ask the Secretary of State for Foreign Affairs, Whether Sir Charles Wyke, who was appointed on the 23rd of January, 1860, Minister Plenipotentiary to the Republic of Mexico, has as yet proceeded to his mission; and if not, when he is likely to do so; and whether the Foreign Office has received any official intimation of any measures adopted by the present Mexican Government to carry into effect the engagements entered into with the holders of the bonds of the Republic? He would remind the House, that though Sir Charles Wyke had been appointed as our Minister to Mexico more than a year ago, he had not till lately, if at all, left Europe, and yet during that time events of great importance had occurred. An arrangement had taken place in 1846, and again in 1850, by which a portion of the revenues of Mexico were pledged to the British creditors. But that pledge, he need hardly remind the House had not been fulfilled, though he believed that that pledge gave our Government a right to interfere in the matter. There was, indeed, scarcely a spot in the globe where it was more important that Britain should be represented than in Mexico, at the present moment, and that from reasons independent of the pecuniary question to which he had alluded. Since President Comonfort had been driven out of Mexico a dispute had been going on as to his successor. Miramon had been lately driven out of the country, and Juarez, his successful competitor, had called a Convention with a view to the establishment of Constitutional Government. It was, therefore, of the greatest importance that our Minister should be on the spot to sustain the Government by the moral influence of England against the reactionaries on the one hand and the revolutionists on the other. It was also said that General Juarez had promised Captain Aldham, of the *Valorous*, an officer who had ably supported the interests of this country in the absence of the Minister, that he was prepared to renew the pledge of the revenues of Vera Cruz and Tampico for the payment of the dividends of the British bondholders. He would be glad to know if any information of that kind had reached the Foreign Office. He should also wish to ask the noble Lord whether there would be any objection to lay on the table copies of any dispatches that would put the House in possession of the facts relating to the events that had lately taken place in Mexico?

MR. HENNESSY said, he cordially concurred with much that had fallen from the hon. Baronet opposite (Sir Robert Peel) who had called attention to the conduct of Spain. At the same time it should be remembered that the House had only heard the facts on one side, and therefore it ought to suspend its judgment until it had the Spanish Government's version of the matter before it. He rose, however, to inquire of the noble Lord the Foreign Secretary whether he had instructed Mr. Odo Russell to ask Cardinal Antonelli whether the Papal army would act on the defensive against the Sardinian invaders, or would attempt to regain the Romagna? There was a despatch from Mr. Odo Russell, stating that he had spoken to Cardinal Antonelli and asked him certain questions respecting the Papal army. He wished to know whether that was done by the noble Lord's orders. Perhaps the noble Lord would also answer another question. There was a despatch of the noble Lord's calling the attention of the Court of Austria to its having spoken of Lombardy as the Lombardo-Venetian Provinces, which the noble Lord stated to be inaccurate and a violation of the Treaty of Zurich. He would, therefore, like to know whether the noble Lord had also asked for an explanation from the Sardinian Government relative to the much more flagrant violation of the Treaty of Zurich in the assumption by King Victor Emmanuel of the title of King of Italy?

LORD JOHN RUSSELL: The House, Sir, will perhaps think that I have now to answer a good many questions, almost as many in fact, as are contained in what on the other side of the Tweed is called *The Shorter Catechism*; and certainly they are as multifarious in their nature as they are numerous.

The hon. Member for Finsbury (Mr. T. Duncombe) began by stating many reasons why he thought my conduct in the Foreign Office had been unduly partial to Austria. A few minutes afterwards the hon. Member for Taunton (Mr. Cavendish Bentinck) rose on the other side of the House, and gave what he thought conclusive proof that I had acted very unfairly towards Austria, and in a manner anything but that to which a friendly nation was entitled. These are the inconsistent accusations to which we are exposed through pursuing a policy which we think is impartial and tending to preserve the peace of Europe. In reply to those hon. Gentlemen I have only to say that without adopting any violent interference, there are occurrences from time to time which appear to us calculated to lead to a rupture between the different Powers of Europe; and in those cases I hardly think anybody will deny that it is very desirable to preserve the general peace. In the next place, when those occurrences come to our knowledge, it is a friendly as well as useful act to point out the facts to the Powers concerned, and ask for such an explanation or for such a change of conduct as the circumstances may seem to require.

The hon. Member for Finsbury (Mr. T. Duncombe) has heard of a great many things that did not happen, and appears very ignorant of many that did. He supposes that Her Majesty's Government have communicated or indicated to Sardinia that if any expedition should leave the coast of Italy for that of Dalmatia, which is Austrian territory, it would be opposed by the naval forces of Her Majesty. Now no such intimation has been given. The hon. Member seems to have been crammed with many unfounded tales of that kind. There was one thing, however, in regard to which I did put a question to Sir James Hudson, but in regard to which the answer he gave was a very different one from what the hon. Gentleman supposes. I had heard from persons in the City of London that a contract was about to be entered into for a railroad through the Sardinian territories, the first clause of which provided that a large sum of money should be paid to M. Kossuth. It was conjectured, and naturally so, that if that large sum was to be paid to Kossuth in the Sardinian territory it would be used for purposes of aggression against Austria. Now Austria might have said—I do not say that she has said, but she might have said—that if hostile preparations were made in the Kingdom of Sardinia, and these resulted in troops, ships, men, and money being employed against her, the expedition so prepared would not be regarded as the act of mere individuals, but she would think herself justified in asking for explanations and redress from the Power on the soil of which these aggressive measures had been matured. Of course that principle may be just or unjust according to the mode of its application. But it is evident that circumstances like these, whether there be negligence on the one side or too great suspicion on the other, may lead to a disturbance of the peace of Europe. I, therefore, directed an inquiry to Sir James Hudson, to ascertain whether he knew anything of this contract, and whether it was true that a large sum of money was to be paid to Kossuth by Sardinia in connection with it. As far as I can recollect, the reply of Sir James Hudson was that such a contract had been in contemplation, but had since been entirely abandoned. I must say that so far from Sir James Hudson returning to my inquiry such an answer as the hon. Gentleman supposes—an answer, that is, of very indignant virtue—as an honest and faithful servant of the Crown he gave me every information which his great intelligence and knowledge of Italy enabled him to afford. With respect, then, to any ominous omission of the despatches between the month of August and the 27th of October, I looked over the chief of them to-day, and found that they were mostly upon very trifling matters—such, for example as that an English ship had been seized by some Garibaldians and carried to Malta, and that the question was how compensation was to be obtained for that violent act. Then, again, there was a question about the Irish Legion—how it was to be brought back, and what had become of Major O'Reilly. There was another relating to the expediency of establishing a consulate at Florence; and also another respecting an English gentleman who, being in very embarrassed circumstances, was thrown into prison at Milan for a debt to his tailor. These are fair samples of the contents of those despatches. And I may observe that, having before the Session to settle with my noble Friend the Under Secretary of State as to which of the papers in the Foreign Office should be printed, I remarked at the time:—"It often happens that, if a bulky volume is presented, Members of Parliament are almost as much at a loss for information as if no despatches were given at all. Therefore let us endeavour to extract all that is most interesting, all the despatches that turn on the great points in dispute, without giving such a voluminous mass of documents as are sometimes laid on the table of the House." That is the explanation of the absence of any despatches between the two dates to which the hon. Gentleman referred. The hon. Member next asked me what I could mean by saying that the British Government have interests in the Adriatic. Well, I must inform him—although I suppose all the rest of the House are quite aware of the fact—that there were treaties made in 1814 and 1815, by which the protectorate of the Ionian Islands was given to Great Britain; that a British garrison is kept in Corfu; and that at the time when there was a great discussion whether the whole of the provinces neighbouring to Greece might not rise in insurrection, and an attempt be made to set up a great Greek Empire, a Greek Minister told me that his Government had no means of preventing any public manifestation of that kind. I say, then, it is obvious that we have such interests; and, although the hon. Member may never have heard of Corfu, let me tell him that it is a very important position, and one not to be wholly neglected by the person charged with the foreign affairs of the country. The hon. Gentleman opposite asked me several questions to which I fear I cannot give him so very satisfactory an answer.

MR. T. DUNCOMBE: I asked the noble Lord whether he did not send a despatch desiring Sir James Hudson to keep his eye on Kossuth; and also whether, in his despatch relative to the railway concession by Sardinia, he did not direct that an intimation should be made to the Sardinian Government that it would displease our Government if Kossuth was made a director of the line?

LORD JOHN RUSSELL: I never remember desiring Sir James Hudson to keep his eye on Kossuth, or anything of the kind stated by the hon. Member. I did say that the payment of a large sum of money to Kossuth, to be used for purposes of war against Austria, might be very inconvenient to Sardinia, and therefore I hoped he would make some observations upon it. I must repeat that I do not think it is for the interest either of Sardinia or of that new Italian kingdom which I should regard without those feelings of apprehension entertained by the hon. Gentleman opposite (Mr. Hennessy) that she should send out an expedition of Hungarians, not to take part in any struggle in Hungary, but to act against the coast of Dalmatia, and thereby, perhaps, to involve her in war with Austria. I do not deny that I wished to prevent this. I should be very sorry to think that either Austria should have a just cause of war against Italy, or that Italy should have a just cause of war against Austria; and, in consequence of my feeling on that subject, I do not know that I ever let pass a week, during a considerable period from the last recess without impressing upon each not to give any such cause to the other.

The hon. Member for Taunton (Mr. Cavendish Bentinck) asks me whether information was received from Sir James Hudson, previous to the 31st of August last, to the effect that the expedition of General Garibaldi was secretly assisted by the Sardinian Government. Neither before the 31st of August nor since have we been informed—have ever had any official, or indeed any reliable, information whatever—that the expedition of Garibaldi at its first setting out was in any way assisted by the Sardinian Government. Count Cavour in his despatch of the 30th of May says, and I think with great fairness and candour—

> "The irresistible impulse which has caused so many subjects of Her Britannic Majesty to testify with such noble generosity the sympathy they feel in the misfortunes of Sicily manifests itself in a far greater degree in the States of the King. Without being in any degree more desirous than the Government of Her Britannic Majesty to violate in any manner the principles of the law of nations, the Government of the King is, as well as the British Government, unable to prevent these proofs of sympathy. As a free Government it could not punish acts which international feeling may disapprove, but which do not come under the sanction of any positive law; as an Italian Government it cannot oppose itself to the current of public opinion, which is openly pronounced in favour of the population."

Now, whether Count Cavour or the Sardinian Government did not exceed what they might fairly do according to international obligations is a question into which I do not think it necessary to enter. I am not bound to defend all the conduct of the Sardinian Government; but certainly I did not receive any information, nor do I believe that the Sardinian Government was concerned in fitting out the expedition of General Garibaldi. The subsequent conduct of that Government it is not for me to criticise, for it is not the duty of the British Government to defend the acts of a foreign government. The hon. Gentleman further asks me whether previous to the 11th day of September we received official information that the Sardinian Government contemplated the invasion or seizure of a portion of the Papal States. The only information which we received on the subject was that contained in the despatch of the 7th of September, which is on the table of the House. Of course, ever since I entered on the duties of the office which I have the honour to hold, I have received various intimations that portions of the Papal States were very much disaffected towards the Pope. Various missions were sent from Umbria to Turin asking Sardinia, through deputations, to take that province under its protection. We were always told that those deputations were discouraged, but at the same time disaffection continued to prevail. When it was likely that this disaffection would break out was not, of course, in our power to foresee. The hon. Gentleman also asks a question with regard to the mercenaries employed by the Papal Government. Now, I stated, in the despatch so often alluded to, of the 27th of October, that Her Majesty's Government did not propose to dilate on the question of whether the Pope was justified in defending his authority by means of foreign levies; but I must say that I think the enlistment of those foreign levies was a subject which naturally excited great attention on the part of the Sardinian Government. As soon as it was decided, after the peace of Villafranca, to reduce the Austrian army, Austrian soldiers in great numbers went to Ancona. They were enlisted by a Papal envoy at Venice, and sent to Ancona. Many of them were in Austrian uniforms when they engaged to serve the Papal Government. At that time we pointed out to the Austrian Government what might be the effect of this, and said—

> "No doubt you are able to allow your men to engage in foreign service. Nobody denies your right to do so. But with respect to expeditions of this kind, recollect that if great numbers of Austrians should be formed into battalions on the Papal territory on the one side, and Austrian troops and an Austrian garrison should occupy Verona and Mantua on the other, nothing is more likely to induce Sardinia to believe that she is not safe, and that she must rid herself of a force of that kind. Therefore, I think, although that is not itself a case of war, yet it is one of those circumstances which might produce a collision with Sardinia."

With regard to all the circumstances which then took place, I must say that I have no complete information, but they were in that state that at any moment the Piedmontese Government might think their safety was compromised and begin to arm. That is what Sir James Hudson pointed out. He said that if Garibaldi were to proceed from Naples to the Papal States an insurrection would follow, and the Piedmontese would throw their arms into it. Of course, I am not entering into the general question, as I have no official information. Well, the hon. Gentleman asks me what answer was returned by the Austrian Government to the Despatch 96, addressed to Lord Adolphus Loftus. There, again, was another circumstance which we have pointed out to the Austrians. It is no doubt very difficult, some will say impossible, for the Austrian Government to reconcile to their rule the subjects of Austria in Venetia; but this, I think is quite certain, that the arrests made from time to time, not during the last year, but during the last twelve or thirteen years, and the confinement of persons without open trial, or their being secretly condemned, or kept without trial, is one of the circumstances that has worked most strongly on the minds of the people of that country, and induced them to refuse to be reconciled with Austria. We pointed out this to the Austrian Government, and observed how very likely it was to incite revolution. The Austrian Government replied that, as no doubt was too true, there were secret societies meditating insurrection. I do not think it necessary to produce that correspondence, but if the House thinks it would be desirable we have no objection to do so. I may observe that we made a further statement, recommending open trial.

Next, with respect to the question of the hon. Baronet the Member for Tamworth (Sir Robert Peel), I entirely agree with him that punishment for religious faith totally unconnected with political opinions is in utter violation of those rights which every one of us ought to enjoy. The opinion of this House is, I believe, that every person, no matter what his faith, ought to be at liberty to profess his religious belief and express his religious opinions without being punished by the authority of the Government. That is an established principle in this country, and I have never failed in stating it to other nations when an opportunity presented itself for doing so with advantage. I may refer to the case of the Madiai family. In that case, knowing the opinions which prevailed in Italy, and knowing likewise that, though they were not very numerous, there was a certain number of Protestants in Tuscany, I thought that a representation from the British Government might be attended with a good result. Accordingly, I made one; and we know that the family were subsequently liberated. Then I may mention a case which arose in Mexico. There are in that country two parties—one called the Church party, and the other the Constitutional party. The former have laid it down as an invariable rule that there should be but one religion, and that persons who did not belong to the Roman Catholic religion should not have the right of public worship. We were anxious — France was anxious—Spain was anxious to induce the parties who were engaged in civil war in Mexico to come to an agreement that would restore tranquillity; but we added that we could not advise such a peace without recommending to both parties that the principles of religious liberty should prevail. However, as to Spain, the right hon. Baronet may be right, and we may be wrong as to the effect of an official representation; but I confess that, seeing it written in the Spanish Constitution that there shall only be one religion, the Catholic; seeing the penal laws enacted for the punishment of all who shall attempt to worship in a different manner; and knowing that that provision in the Constitution and those penal enactments are strongly supported by the clergy of Spain, who have immense influence over the people, I, like others, thought that an official remonstrance would meet with an immediate negative. My opinion is that the public opinion which is growing in the various countries of Europe, together with the great improvement that Spain has lately made in wealth and commerce, will, before many years, introduce toleration into that country. Therefore, I did not interfere on that subject.

An hon. Gentleman (Mr. Butt) asks me a question with regard to the affairs of Mexico, and especially with regard to Sir Charles Wyke. The answer I have to give is that our Government had engaged to give a sort of moral support to the late Government of Mexico—that is to say, such a recognition of that Government as would give some strength to those in authority in Mexico. But when the office of Minister from this country was vacant Sir Charles Wyke had gone to Central America to attempt to settle questions of great intricacy and difficulty that had arisen. I had no personal knowledge of Sir Charles Wyke. All that I knew of him was that he had rendered great public service to the country. He had served a great many years in tropical climates. I recommended him to Her Majesty for the appointment to Mexico. He did not come home from his duties in Central America till the month of May. I was in hopes before that period that he would have been able to go to Mexico; but when he arrived here his health was so entirely shattered by his public services in those tropical climates that he was unable to go, and he asked leave of absence for six months to recruit. For that purpose he went to Germany, and in the middle of winter I asked him to proceed to Mexico, but he said his health at that time was not restored, and he went to the waters of Carlsbad. Since that time his health has much improved, and he will be able to go by the next packet to Mexico. Sir Charles Wyke has been fifteen years in a tropical climate, and during that period he has been only one year and ten months at home, so that he was fully entitled to the short leave of absence he had obtained. I should say that the management of our affairs in Mexico has during this interval been conducted by Mr. Mathew, a gentleman who has great knowledge of the circumstances of that country. There were great difficulties to contend with there, for there was one Government at Mexico and another at Vera Cruz; and although he might enter into an agreement with the Government at Mexico he could obtain no redress at Vera Cruz; and if he made an arrangement with the Government at Vera Cruz he could obtain no redress at Mexico. Now there is but one Government, and when Sir Charles Wyke proceeds there, he will have to deal with one Government only, and I trust he will be as successful there as he has been elsewhere. I agree with what the hon. Gentleman has said of the republics of South America. Those countries are possessed of great fertility, and much natural wealth, and it is to be hoped that in time better views will prevail among all classes of the people; but so long as they remain in the distracted state in which many of them now are, one consequence will be that the property of British subjects will not be safe. There is nothing which it is more difficult for a Foreign Minister to obtain than redress; and it is frequently found in South America that a Government which commits an injury is dissolved and another in its place before redress can be obtained. I am sorry that it has not been in our power to send Sir Charles Wyke out earlier; but he is going in April.

FUNDS IN THE COURT OF CHANCERY.

QUESTION.

SIR HUGH CAIRNS said, he rose to ask a question relative to the intentions of Government with reference to the money of suitors in the Court of Chancery. The House might not be aware that the funds in the custody of that Court amounted to no less a sum than £2,000,000, in which a vast number of individuals were interested. A few evenings ago his right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) asked for information respecting a Royal Commission which had been issued to inquire into the custody and management of the funds in the Court of Chancery, and he stated that considerable surprise and even alarm had been felt in consequence of the issuing of that Commission. He did not think the alarm felt was much dispelled when the Chancellor of the Exchequer declared himself sponsor for that Commission—not from any reason personal to him, but from the circumstance that almost all Chancellors of the Exchequer for many years past had looked with rather longing eyes after, at least, a portion of those funds. The right hon. Gentleman (Mr. Gladstone) gave two reasons for the issuing of the Commission. The first was that a Committee of that House had inquired into the subject of fees in all the courts of justices, and that the recommendations of that Committee not having been followed out, it was necessary to have a Commission to examine into the nature of those recommendations. Now he was aware of only one recommendation of the Committee that had not been carried into effect. The Committee found that there was in the Accountant General's Office, when a large amount of stock was sold, and at the same time another quantity of stock purchased, a habit of making a charge on both. The Committee recommended that the difference only between the purchase and the sale should be operated upon. That recommendation had not been complied with; why, he did not know, but surely it could not be necessary to issue a Commission on such a subject. The next reason given by the right hon. Gentleman the Chancellor of the Exchequer for the Commission being issued was that a Commission on the Consolidation of the Courts of Justice had recommended that the Suitors' Fee Fund, amounting to £1,400,000, should be dealt with in connection with the building of the new courts. That reason he regarded as more extraordinary than the other, as the Commission to which the right hon. Gentleman referred had supplied them with every information that could be desired. Those reasons, then, were not considered satisfactory, and had increased the alarm already felt by the suitors. But the composition of the Commission was even a greater source of surprise. The Commission consisted of seven or eight Members. The first name which he would mention was that of Lord Kingsdown, in whose nomination all would agree, as his presence upon the Commission would insure a vast amount of learning and experience. The next two Members of the Commission were the Lord Privy Seal and the Chancellor of the Duchy of Lancaster (Sir George Grey). The present was the first occasion upon a question of reform in the Court of Chancery when it was proposed to grace a Commission by the presence of two Cabinet Ministers; but he and the public also were less impressed with a sense of the honour than with a sense of alarm at the presence of such distinguished personages upon a Commission to inquire into the management of a Ministerial office of the Court of Chancery. If the Government had any scheme of future action in relation to this matter, it was sufficient to say that the views of the two Cabinet Ministers upon the Commission would be to carry into effect the views of the Chancellor of the Exchequer. The next Member of the Commission was to be the hon. Member for London (Mr. Crawford), who upon questions of banking and commerce was a high authority, but that hon. Gentleman was a staunch supporter of Her Majesty's Government, and could not be supposed to be free from the same kind of considerations which he had suggested in the case of the two Cabinet Ministers. Then there was a clerk in the Treasury—a gentleman, no doubt, of great skill and experience in that department, but who had nothing to do with the management of the Accountant General's Office and the funds of the suitors of the Court of Chancery. This was the first time at which it had been proposed by any means to establish a connection between the Treasury and the funds of the Chancery suitors, and was a subject of alarm to the public. The remaining Members of the Commission were two solicitors,—one, Mr. Cookson, a gentleman of high honour and great experience, but a strong advocate of the plan of the Commissioners for concentrating the courts, and the appropriation for that purpose of the funds which, hitherto, had been considered as the funds of the suitors in Chancery. The last gentleman was Mr. Field, a solicitor of large business, who was examined before the Commission, and whose views, therefore, were known. That gentleman was of opinion that the office of the Accountant General was perfectly useless, and that the whole staff of clerks should be sent over to the Bank of England. He also expressed an opinion that the fee paying question should be taken out of legal hands and intrusted to a department of justice or to the Chancellor of the Exchequer, which would deal with it in a practical and commercial spirit rather than upon legal or theoretical considerations, the legal and theoretical considerations being that the money was the property of the suitors alone. Mr. Field also thought it would be well to call the attention of the Commissioners to the provisions of the Savings' Banks Bill which had been introduced by the Chancellor of the Exchequer, in which he proposed to take the funds of those institutions upon a State guarantee of 3 per cent. Thus Mr. Field was an advocate for the Chancellor of the Exchequer being allowed to deal with these funds. But the question was not so much who were upon the Commission as who were not upon it. It was the first time when a Commission had been appointed to inquire into the Court of Chancery that there were not placed upon it some of those who were most experienced in the working of the Court, and responsible for its action—the Judges in Chancery. A reason for their exclusion did present itself, which he would mention in order that it might be contradicted if it were not the true reason. Upon the former Commission several of the Chancery Judges, the Master of the Rolls, Lord Justice Turner, Vice Chancellors Wood and Stuart were examined, and they all thought it was a most grave and serious matter to deal in any way with the funds of the Court of Chancery, except for the benefit of the suitors, and that it was a question deserving great consideration, and in their minds one involving much doubt whether it was a legitimate course for the Chancellor of the Exchequer or any one to take the money which had always been regarded as the sole property of the suitors. All circumstances seemed to argue that the Commission was intended to carry out and establish a foregone conclusion at which the Government had arrived, and in some way to connect the Treasury with the funds of the Court of Chancery. He had heard a rumour that it was the intention of the Chancellor of the Exchequer to propose that some new stock should be created, to be called Chancery stock, and that the funds of the suitors in Chancery should be required to be invested in that stock at a fixed rate of interest. He did not know whether there was any ground for that rumour, but he must say that he could conceive nothing more at variance with the legislation of the last few years than any such scheme. By an Act passed last Session suitors were enabled to invest their funds in other securities than Consols, such as Bank Stock and India Stock. If, in the face of such legislation, giving suitors an option of investment, Parliament were now to pass a compulsory measure restricting the investment to one particular stock, that would indeed be going backwards. He should be glad to hear from the right hon. Gentleman that no such scheme was in contemplation. He desired to ask what were the specific purposes which the Commission was intended to work out; next, at what time the Commission would commence its sittings; and lastly, whether the Government would object to do that which had hitherto been an invariable practice, and to advise Her Majesty to add to the Commission other names, and especially those of some of the Judges of the Court of Chancery, who might be able and willing to give them assistance.

THE WINE DUTY.—QUESTION.

MR. CRAWFORD said, he rose to ask the question of which he had given notice: but he would first say that he thought he had reason to complain of the manner in which his name had been mentioned by the hon. and learned Gentleman. Because he happened to sit upon that (the Ministerial) side of the House it was assumed by the hon. and learned Gentleman that on undertaking a public duty he would cast aside all sense of duty to the public and become a blind follower of the views of the Government. He thought the hon. and learned Gentleman had no right to take that great liberty. The reason he had been placed on the Commission was that he happened to hold a public position in connection with the City of London; perhaps a further reason was that he happened to be a director of the Bank of England; and the business of the Court of Chancery with the Bank of England would form one of the subjects of inquiry. The hon. and learned Gentleman, from his forensic eminence, might, perhaps, look down on him with contempt for presuming to take part in any inquiry into any matter connected with the Court of Chancery; but he should now proceed to the question of which he had given notice, and he would explain, in as few words as possible, the reasons that had induced him to bring it forward. The legislation of last Session introduced great changes into the mode of levying the duties on wines. Instead of a fixed duty of 5*s.* 3*d.* on all wines imported, without reference to quality, a duty of 3*s.* per gallon was imposed on all wines until the 1st of January, from and after which period a scale of duties was levied, graduated according to the quantity of proof spirit each sort of wine contained. Wines were divided into four classes; on those containing less than 18 per cent of proof spirit the duty was fixed at 1*s.* per gallon; above 18 per cent and less than 26, 1*s.* 9*d.* per gallon; above 26 per cent, and under 40, 2*s.* 5*d.*; and above 40, and under 45, 2*s.* 11*d.* per gallon. Now, when the right hon. Gentleman the Chancellor of the Exchequer introduced his proposal to the House, many hon. Members, himself among the number, expressed a strong opinion that the system was erroneous in policy, and would be found inconvenient and impracticable in operation. He had reason to believe that in every respect those predictions had been fulfilled. Not only had great inconvenience been felt, but there was much inequality in the mode of assessing the quantity of proof spirit the wine contained. He knew that in the last two or three months the Chancellor of the Exchequer had received innumerable communications from persons engaged in the wine trade in the City of London, pointing out in detail the manner in which the merchants suffered from the unequal and inequitable mode in which the quantity of proof spirit in wines was ascertained. He (Mr. Crawford) had copies of some of those letters, and he would refer to one or two of them. A friend of his, for instance, wrote to tell him that on a recent occasion he received an order for a quarter cask of wine, but not having a quarter cask by him at that moment, he transferred a hogshead of wine into two quarter casks, and sold them to two different individuals. But he found that he had to pay on the one quarter cask a duty of 2*s.* 11*d.* and on the other a duty of 2*s.* 5*d.*, so that the same wine, out of the very same cask, and tested by the same scale, was charged at those two different rates! Why, the difference between those two charges was all the difference between a profit and a loss on the sale of the wine, and he would put it to any one whether business could be carried on under such a system as that? He could produce many other instances of the same kind; he could show how wine in one port had been charged with one class of duty, and that the same wine in another port had been charged with a different duty. If the Chancellor of the Exchequer called on him to do so, he could produce within one day not less than a hundred instances of the same wine having been tested in the same place, or in different places, by the Custom House authorities, and found to be of different strength, according to the places where it was tested. The right hon. Gentleman had informed some gentlemen who had referred to him, that difficulties might reasonably be expected at the commencement of a new system; but what he complained of, on the part of the wine trade, was this—that the process of testing wine to assess the duty was a difficult one, of a highly scientific kind, requiring great chemical knowledge and skill in manipulation to arrive at proper results. And the effect upon the trade of a variation in those results was important. All wines containing less than 18 per cent of proof spirit were chargeable with 1*s.*, and all wine of more than 18 per cent up to 26 per cent was charged 1*s.* 9*d.* Now, he could mention some instances at that moment in which the same identical wine had been found to contain 17 9-10 per cent at one time, and 18 3-10 at another time, and although in that case the difference was only a few tenths in the proportionate quantity of proof spirit, it might affect the amount of duty payable to the extent of 9*d.* a gallon. He had seen a letter from a highly scientific gentleman, who had been employed to make a chemical analysis. That gentleman said that a sample of wine was brought to him on the previous evening, with a request to have the per centage of alcohol in it accurately determined by noon on the following day. He commenced with it that morning at ten o'clock, but found it would be impossible to obtain a satisfactory result by the time required. So that the operation required could not be performed by a scientific man within three hours. Now he (Mr. Crawford) had visited the Custom House, and seen the process going on there, and he knew that at the Custom House they boasted that they could do it in ten minutes. And so they might; but then it was done with such precipitancy as to cause the numerous errors and different results of which he now complained. Another grievance inflicted on the wine trade was this—When the system was first established, a wine merchant could ascertain at the Custom House what was the particular strength of the wine on which he had duty to pay, and he was told that it contained of proof spirit so much per cent. But in consequence of the numerous reclamations then made, and to put an end to those opportunities of showing the mode in which this business at the Custom House was performed, this information was now withheld, and the person was simply told that his wine was in class A, or class B, or class C, and that he must pay so much duty; but if it were returned under class A he could not tell whether it contained 18 or 26 per cent of spirit. The consequence was that the merchant was unable to advise his correspondents abroad how to deal with the wine in future, because he could not get information as to the quantity of spirit it contained. Now, for all these inconveniences there was, in his opinion, but one remedy, and that was to return to a fixed duty on wine of all qualities and descriptions. He apprehended that the right hon. Gentleman, the Chancellor of the Exchequer, did not yet concur in that. But he still hoped that his right hon. Friend would be induced to alter his judgment; for he could assure him there was such an amount of dissatisfaction in the City on this subject that it would be necessary for himself, if no other Member did it, to take the sense of the House on this subject during the present Session. He was convinced that, however satisfied the right hon. Gentleman, the Chancellor of the Exchequer, might be with the process as now carried on, it would be utterly impossible to continue this system of assessing the duty. Some gentlemen in the City, who had forwarded a complaint on this subject, were informed in reply that the Chancellor of the Exchequer "differed entirely from their views as to the alcoholic test, and that Her Majesty's Government had every reason to be pleased with its operation." What, he asked, could the pleasure consist in? If they took results they would find that wine was sometimes charged more sometimes less than the proper duty. Surely the Government could not be pleased at a loss of revenue; nor could he suppose they were pleased at having made an overcharge. People in the City looked, he must repeat, to only one remedy — an abandonment of the present system. But they had been told that under the French Treaty there would be a difficulty in charging wines at an uniform rate, since the French could claim, under the Treaty, to import their wine at a duty of 1*s.* a gallon. Well, if any difficulty arose under the French Treaty he should regret it; but the amount of wines paying only 1*s.* that came from France was very small in proportion to that which came from France paying a higher duty. He apprehended that an uniform duty of 1*s.* 6*d* or 2*s.* would be sufficient for all purposes: it would secure the Chancellor of the Exchequer a fair revenue, and would not be found, taking the French wine growth as a whole, to press unfairly or unduly on the wine interest in France. Another necessary consequence of the differential duties was that the privilege of bottling in bond in the private cellars had been withdrawn. This caused the wine merchant inconvenience and loss, especially in the case of many delicate and variable descriptions of wine, such as the valuable sherries which were bottled for exportation to the East. They must now be bottled at the docks, with much less care and supervision than if it were done in the merchant's own cellars. For these reasons, without anything like a threat, he must say that the wine trade would not be satisfied to leave things in their present state, but would press the House of Commons to review its decision of last year, and to place the wine duties on a permanent and satisfactory footing, by the establishment of an uniform rate. He would, therefore, beg to ask the Chancellor of the Exchequer, whether Her Majesty's Government intend to propose to Parliament a compliance with the prayer of the wine trade for an uniform duty on foreign wines, or whether they intend to adhere to the principle of classification by means of the alcoholic test at the different rates now in force of 18, 26, 40, and 45 per cent of proof spirit by Sykes's Hydrometer? Also, whether he has any objection to lay upon the table of the House a copy of a memorial addressed to the Lords Commissioners of Her Majesty's Treasury on the 7th instant, by Mr. Sandiman, on behalf of a public meeting of the wine and spirit trade?

SIR HUGH CAIRNS said, he wished to explain that he had not intended to say a word that could be considered disagreeable by the hon. Gentleman. He had referred to the hon. Gentleman being a supporter of the Government only for the purpose of suggesting that it was convenient that the Committee who had to take such a question into consideration should be taken from both sides of the House.

THE CHANCELLOR OF THE EXCHEQUER said, that before giving a reply to the hon. Gentleman who spoke last on the subject of the wine duties, he would advert to the other topic which had been opened by the hon. and learned Gentleman (Sir Hugh Cairns)—namely, that of the Suitors' Fund in the Court of Chancery. He had not heard from any quarter, except from the hon. and learned Gentleman and from a question put by the right hon. Gentleman, the Member for Buckinghamshire, any of those alarms which had acted so powerfully on their minds, and he was, indeed, sceptical as to their prevalence. He was not conscious of having any such longing after the Chancery Fund as the hon. and learned Gentleman had suggested, nor did he know that any Chancellor of the Exchequer had ever had such a longing. His feeling was entirely of a different description as regarded judicial funds; for whenever any defalcation took place in them recourse was always had to the Chancellor of the Exchequer to replace them. A burnt child dreaded the fire, and it had been his unfortunate lot to ask the House six or seven years ago to vote between £60,000 and £70,000 for the purpose of making up a defalcation in a judicial fund—namely, that of the Court of Admiralty. Then, when they complained of the insufficiency of the arrangements under which such funds were managed, they were told that judges were not financial officers, and that it was the fault of the State and the House of Commons for not having taken wiser measures to prevent these defalcations. In point of fact, it was the State which was ultimately liable for all these funds; that, at least, was the practical working of the system. Therefore, although with respect to the possession of the funds he, as Chancellor of the Exchequer, entertained no such feeling as the hon. and learned Gentleman evidently supposed, yet he could not help confessing that he did feel great anxiety that the management and security of them should be placed in the best position, and that he felt it his duty in the office which he had the honour to hold, to provide against a recurrence of any such disagreeable incidents as that to which he had just referred. With respect to the appointment of the Chancery Funds Commission, he wished it to be distinctly understood that it undoubtedly did not arise from a suspicion in the mind either of the public or of the Government, of any neglect or deficiency on the part of the Accountant General or the officials in his department. On the contrary, he believed the duties devolving upon that department were performed with perfect integrity and accuracy. But the hon. and learned Gentleman had been but partially informed as to the nature of the answer he had given to the right hon. Gentleman, the Member for Buckinghamshire (Mr. Disraeli), on a former occasion. The hon. and learned Gentleman had quoted two reasons he gave, but omitted a third, which was more general in its character and quite sufficient to justify the appointment of this Committee. The hon. and learned Gentleman admitted that the most important recommendation of a Select Committee had been entirely unfulfilled, but he said the matter was one that might be settled by an order from the head of the Court. If that were the fact, why had it not been so settled? His belief was that there would be considerable difficulty in getting rid of these transactions in the market, and that it would require a larger change than the head of the Court would be disposed to make consistently with those principles of prudence on which he usually acted. The hon. and learned Gentleman had heard a report that the Government had a plan for the creation of Chancery stock in which it would be obligatory upon the suitor to have these moneys invested. He had great satisfaction in assuring the hon. and learned Gentleman that he was entirely misled. So far as he was cognizant of the individual opinion of Members of the Government, the subject not having come before them in their collective capacity, there had never been, on the part either of the Lord Chancellor, the Attorney General, or himself, any dream or notion of any such scheme for the creation of Chancery stock, still less of interfering with the liberty enjoyed by the suitors. The hon. and learned Gentleman referred to the legislation of last year, and said he hoped the Government would not recede from that. [Sir HUGH CAIRNS: On the contrary, I said I hoped it would be receded from.] He was glad to find he had misunderstood the hon. and learned Gentleman, because he was bound to say that with regard especially to its bearing on private trusts, that was the most extraordinary legislation he had ever witnessed, and showed great error on the part of Parliament. The Commission alone would construe the instructions which they received, but the hon. and learned Gentleman had a perfect right to ask with what views the Commission had been appointed, and to state the general circumstances out of which the appointment of the Commission arose. There were, however, very important questions which he had omitted from his statement. The immediate occasion of the Commission no doubt arose out of the proposal for the concentration of the law courts, but if reference was had to that circumstance alone, the Government would not have been justified in issuing the Commission. There were, however, other considerations which would render the inquiries of the Commission highly seasonable and useful. The hon. and learned Gentleman, in referring to the plan for the consolidation of the law courts, naturally viewed it from the position of a most distinguished advocate, and failed to regard it in the light in which it must present itself to a Minister of Finance. The proposal not only contemplated the appropriation of suitors' money, but likewise involved large though undefined public liabilities. If they set out with the idea of paying for the construction of these new courts with the funds in the possession of the Court of Chancery, who was to answer for their sufficiency? Hon. Members would remember that the estimate for the new Houses of Parliament at first was only £750,000; but the cost had grown to £3,000,000 and was not yet completed. What he might call the residuary liability of the public, therefore, became a very important matter, and it was his absolute duty, before consenting to the introduction of a Bill to concentrate the law courts, to take the best measures in his power to ascertain that the management of the Chancery Funds was as economical and prudent as was consistent with the civil rights of the suitors, and so that no unnecessary burden might be laid upon the public. Such was the nature of the connection between the concentration of the law courts and the issuing of the Commission; but he did not hesitate to say that, so far as his opinion went, there were ample grounds in the general question as to this vast fund, entirely apart from any liability of the State, actual or possible, to recommend a careful inquiry into the whole subject. There were many persons who entertained the opinion that the suitors of the Court of Chancery were very hardly used—he did not mean in respect of fees, the arrangements with reference to which would be brought to a greater or less extent under the notice of the Commission—but with reference to the fruit and benefit of their moneys while deposited in the Court of Chancery. It was said that there was British property to the extent of £50,000,000, to the owners of which they said—

> "We give you this option, and this only, either to forfeit all the fruits and interest of your money whilst it remains in the Court, or to consent to place your money in a fund where the value of the capital is varying, and consequently subject to heavy loss."

Now, the reason why such a state of things had been borne so long was that if they took the value of the public funds for the last sixty or seventy years it would he found that, with rare exceptions, their tendency in price was upwards, and that what was worth in 1795 £50 or £55, and which afterwards fell to something lower, had been since moving upwards, so that that investment had been one in which the capital was almost sure to increase. But those who were conversant with the state of things which existed 100 years ago, knew that a cruel grievance was then inflicted upon those who had invested in Mr. Pelham's Consolidated Fund when the Three per Cents were at par, and who on selling out during the American war found that that fund had fallen some 30 or 40 per cent lower. It was quite plain that they were in that state of things when they could no longer expect a progressive increase in the value of the public securities, if the rate which had existed for the last eight or ten years was maintained, it was as much as they had a right to expect. The factitious and accidental advantage which had hitherto induced suitors to bear their position, consequently was likely to be lost. If the option could be given them of having their money invested in other kinds of funds or public stock with this condition, that it should be an investment without risk to their capital, and at the same time yielding a fixed moderate rate of interest. That was a question which to the suitors was far more important than any question of the reduction of £10,000 or £20,000 a year in the fees of the Court. He held in his hand a pamphlet, purporting to be a speech of Lord St. Leonards, a very high authority on the question, in which he said—

> "In my own view the Court of Chancery stands in the light of a trustee, and the suitors of a *cestuique trust*, and I think that there might be given a certain small interest—2 per cent for example—while the funds will admit of it."

The noble, Lord, however, dismissed in a sentence what was really a financial question of the greatest complexity, for it was clear that whatever rate of interest was given to one suitor should be enjoyed by all. If it is to be the practice it must be regular, definite, and equal. There were other questions no doubt that might come under the view of the Commission, for instance the whole system of keeping accounts of the funds in the Court of Chancery, which was no doubt an antiquarian curiosity, for it was regulated under an Act which passed in 1727, and he did not suppose that there was any other instance to be found from John o'Groat's to Land's End where sums of money were governed by a process fixed in 1727. That was a matter very proper for review. There was no audit of accounts, but there was a process of fitting and welding the operations of two bodies who carried on the same operations in parallel lines. There was another important question as to the effect of the system upon the market. In speaking of transactions in the market the hon. and learned Gentleman had made a mistake in supposing that the principal question was that of brokerages. The turn of the market, as everybody conversant with the subject knew, was a very important item, and it was no easy matter to determine whether any change could wisely and safely be introduced. As regarded the composition of this Commission it was in his power to give some satisfaction to the hon. and learned Gentleman. In the first place he would doubtless, admit that one of its members (Mr. Crawford) had that night given proof of his independence, for, not only had he come to the House fully prepared, without giving him notice of his intention to discuss the question which he had raised, but he had likewise undertaken to revive the subject and to elicit the opinion of Parliament with reference to it. It was not alone on account of his independence that he had been chosen as a bank director, even more than as a representative of the Metropolis, it had been thought desirable that he should give the benefit of his experience to the Commission. This he felt bound to say, that he had not the smallest conception of what his hon. Friend's opinions were upon any question connected with the Chancery Funds Commission, and he did not believe that his hon. Friend had any notion, except from what he had heard that night, of what his (the Chancellor of the Exchequer's) opinions were, for there had been no communication between them upon the subject. The politics of his hon. Friend were an entire accident; for if he had sat on the opposite side of the House he would have been requested to serve upon the Commission in precisely the same way. The hon. and learned Gentleman (Sir Hugh Cairns) had also complained that no Judge of the Court of Chancery had been placed upon the Commission, but the Government in appointing Lord Kingsdown felt they were selecting one who not alone was intimately acquainted with the constitution and working of the Court but was likewise remarkable for an intelligent mind and for great sagacity and impartiality. He (the Chancellor of the Exchequer) knew nothing at all as to what Lord Kingsdown's opinions were, but they would be able to see ultimately whether he agreed or not with the majority of his colleagues upon this subject. The hon. and learned Gentleman had asked whether there would be any objection to appoint a Judge of one of the equity courts. He (the Chancellor of the Exchequer) could not answer that question without consulting the Lord Chancellor; but he confessed that he did not see any particular connection between the office of a Judge of the equity courts and the management of these funds. It was not their specialty at all, nor did their position bring them into particular connection with the manipulation of these funds. Then there was upon the Commission a gentleman belonging to the es-

The Chancellor of the Exchequer

tablishment of the Court of Chancery, Mr. Rogers, who no doubt was considered qualified by the particular attention which he had paid to the subject, and by his intimate acquaintance with the practice of the Court in reference to the fund as the registrar in the Accountant General's department. Now, as to the case of Mr. Anderson—and here he must complain of the right hon. Member for Bucks (Mr. Disraeli) and also tender an apology to him for having replied to him the other night with a certain sourness, caused by an expression used by him, he was sure unintentionally, where he described this very distinguished public servant as "a clerk in the Treasury." The name "clerk in the Treasury" was in letter and in spirit entirely misapplied; for the name was retained in the Treasury for civil servants of the highest quality in point of respectability and responsibility. No civil servant was charged with duties of greater weight and importance than Mr. Anderson; but it would be asked, why put him upon this Commission; the Accountant General's department was that department which had to deal with the management of £50,000,000 of property, subject to an infinity of details and complications, and Mr. Anderson was the man who of all men alive had had the greatest share in all the reforms in keeping accounts which had taken place in the administrative system of this country during the last thirty years. He was discovered by Sir James Graham in 1830 when a clerk in the Admiralty. When comparatively a young man he was the right-hand of Sir James Graham in reference to the reforms introduced by him, and ever since Mr. Anderson had had much acquaintance with accounts. His natural gift and skill, in addition to his immense experience, would have rendered it almost absurd to have appointed the Commission without having given them the benefit of his aid. There remained the names of two Cabinet Ministers and two solicitors. The right hon. Gentleman the Member for Bucks seemed to think that there was something improper in the appointment of two solicitors; but he (the Chancellor of the Exchequer) looked upon solicitors, if properly chosen, as almost the backbone of a Commission of that kind. They were conversant with the forms of the Accountant General's Office; they knew where the shoe pinched, and were best qualified to suggest improvements. He knew nothing of the politics of either of the solicitors who had been selected, but Mr. Cookson had been appointed upon the simple ground that he was the representative of the entire body of solicitors, he being the President of the Incorporated Law Society. With regard to Mr. Field, he had heard that that gentleman was in favour of the business being transferred to the Bank, and that there should be some fixed system under which the suitors might receive interest for their money in a manner different from the present system. Then there were two Cabinet Ministers went into the Commission without any foregone conclusion upon the matter. The Government had no plan framed upon the subject, and he believed that those two Gentlemen would discharge their duty with great impartiality. Hon. Gentlemen would ask, "Why put them upon the Commission?" And to that he would give a distinct answer. On a Commission involving important financial questions it was material that the State should be represented. There had been of late years examples of the mischief resulting from the omission to act on that principle. There had been Commissions appointed under the authority of the Crown to examine questions involving matters of finance without any one representing the Treasury or the State being upon them, and Reports had come forth recommending, perhaps, an expenditure of £3,000,000 or £4,000,000 or £5,000,000 of public money, and the Government then found itself in conflict with an authority appointed by the Crown. That was a state of things which it was desirable to prevent by placing on the Commission some of the responsible advisers of the Crown. The Commission, he believed, had held its first formal meeting that day.

Passing to the subject mentioned by the hon. Member for London, said that the letter referred to by the hon. Member would have been written with a fuller explanation if intended for publicity; but the meaning desired to be expressed was that relatively to the state of things and the stage of the process he was content with the working of the test. The hon. Member stated that he could produce a hundred instances of erroneous classifications of wine; still it was important to consider whether there were not 10,000, or 20,000 other instances in which there was no error. It was not by particular instances but by the general operation that a decision should be arrived at. But his hon. Friend only produced one instance where two portions of the same wine were differently charged with duty, one being rated at below 40 degrees of strength and the other above 40 degrees. That distinction was introduced at the special request of the wine trade, and had it not been for the change in the law wine above 40 degrees of strength would have been rejected by the Custom-house officers altogether or made subject to the spirit duty. The hon. Gentleman had said that this process would occupy three hours; he (the Chancellor of the Exchequer) had never heard that from any other quarter, and he believed that it would not have taken a Custom-house officer more than twenty minutes to complete this inquiry. His hon. Friend had summed up by describing the wine trade as having been thrown into a state of great confusion and excitement owing to the present state of the law; but how did the matter really stand? Under the old system we imported 6,000,000 gallons of wine in the year, whereas in the first two months of the present year we had introduced as much wine as we had formerly done in five. The fact was that immense facilities for bringing in wine into the country was now afforded, and it was only yesterday he had received one of many letters which had reached him from merchants, and in which the writer expressed a hope that the alcoholic test would not be altered, adding that he was now selling good sound wine at the rate of 14*s*. a dozen. [*A laugh.*] Hon. Members might laugh; but he should like to know, when they thus express their incredulity on the matter, whether they were really conversant with the wine trade. For his own part, he believed that the hindrances imposed on the importation of wine by the old system amounted to ten times that caused by the duty, inasmuch as there was then a monopoly of the sources of supply, which, now that the breath of free competition was let in upon it, would be destroyed. More respectable gentlemen than those engaged in the wine trade did not exist; but their habits had been formed under the system to which they had been long accustomed, the demand for wine having been confined to limited selections. They had now, however, produced a system which would leave the wine trade free. A new class of wine merchants had sprung into existence, who were selling wines at half, and less than half, the price for which the same wines were sold two or three years ago. That was a great shock to the habits and practice of the trade—*hinc illæ lachrymæ.* In conclusion he had simply to say that the Government did not intend to accede to the prayer of the petition and propose an uniform duty on foreign wines, but they did intend to adhere to the principle of classification, by means of the alcoholic test, at the different rates now in force. Though he did not pretend to deny that the present system had faults and inconveniences, these were yet less than other evils that might be substituted in seeking to remove them. As to the scale, it was not the intention of the Government to propose any change in the present Session; he thought they should have fuller experience of the system before they considered any specific modification. He had no objection to produce the memorial addressed to Her Majesty's Commissioners of the Treasury, and he should probably accompany the document with the report and comments of the officers of the Customs. He might add that he had heard it stated that negotiations had been set on foot with the French Government with the view of affecting a negotiation on the wine duties, but that no such negotiations were pending.

INDIA—THE EX-ROYAL FAMILY OF TANJORE.—OBSERVATIONS.

MR. SMOLLETT said, he rose to call the attention of the Secretary of State for India to the judgment of the Privy Council, delivered on the 27th of July, 1859, in the appeal Kamachee Boye Sahibee *v.* the East India Company, and to ask if any orders have been sent to the Government of India for the disposal of the property under litigation in that suit; and if any adequate permanent provision will be made for the support of the descendants of the Princes of Tanjore? He hoped the question would receive some attention, though it related to an Indian family whose interests had been very little attended to. The family in question was that of the Prince of Tanjore, who in 1799 ceded to the East India Company, in perpetuity, the whole of his little principality on consideration that he and his heirs should receive annually a stipulated sum, about one-fifth of the revenues of his state, and amounting to about £60,000. That agreement had been faithfully carried out by the East India Company for a long series of years From 1799 to the present time the family had ceased to exercise sovereign rights, and had been in receipt of a stipend from the East India Company. In 1855 the last of these Princes died, leaving behind him several widows and two daughters, one of these daughters having a son. No sooner was the death of that Prince in 1855 announced than the East India Company declared the principality had lapsed to them because the Prince had left no heir male claiming through a male. The Company further alleged that the engagement of 1799 had terminated, and that the stipend payable in consideration of the agreement had lapsed. He was not going to argue whether that was so or not; it might or might not have been the case, though he thought the assertion that it had was questionable. But the late Prince had saved a large amount of property, including jewels, lands, and houses, amounting in value to not less than £400,000. What did the East India Company do? They declared that that property had also lapsed to them along with the principality. The family, considering themselves despoiled, sought the protection of a British court of law, and a Bill was filed by them against the East India Company in the Supreme Court of Indicature at Madras; the Company appeared by their counsel before the Judges; the case was disposed of before Sir Christopher Rawlinson and Sir H. Davison, a decision was given against the East India Company, and the eldest widow was declared to be the successor. An appeal was carried to the Privy Council, which was disposed of in 1859, the result being that the decision of the Court at Madras was reversed on a technical point—the want of jurisdiction. It was said that seizing the property of the late Prince was an act of the State, for which no municipal tribunal could give redress. Lord Kingsdown, whose name had been referred to very recently in terms of such high eulogy, delivered the judgment of the Committee, and made use of the following emphatic language:—

> "It is extremely difficult to discover in those papers any ground of legal right, on the part of the East India Company, or of the Crown of Great Britain, to the possession of this raj, or of any part of the property of the Rajah on his death; and indeed the seizure was denounced by the Attorney General (who, from circumstances explained to us at the hearing, appeared as counsel for the respondents, and not in his official character for the appellants) as a most violent and unjustifiable measure. The Rajah was an independent Sovereign of territories undoubtedly minute, and bound by treaties to a powerful neighbour, which left him, practically, little power of free action; but he did not hold his territory, such as it was, as a fief of the British Crown or of the East India Company; nor does there appear to have been any pretence for claiming it, on the death of the Rajah without a son, by any legal title either as an escheat or as *bona vacantia.*"

When the decision was reported at Madras Sir Charles Trevelyan was Governor. Sir Charles, treating with contempt the views the Judicial Committee of the Privy Council, at once proposed to appropriate the property of the Prince, allowing small salaries to the family to lapse at the death of the incumbents. But new blood had been infused into the Council at Madras; the Commander-in-Chief dissented from this opinion on the ground that it would be unbecoming to appropriate the property in any other manner than according to law. Two other Members supported the opinion of Sir Patrick Grant, and Sir Charles Trevelyan was not able to carry out his proposal. The matter was, therefore, still in abeyance, and the family concerned was still left in a state of uncertainty. He did not make the Motion in any spirit of hostility to the right hon. Baronet (Sir Charles Wood). He was glad to see the way in which the right hon. Gentleman had acted with reference to the Mysore Princes, and to know that he intended to carry out the views he had announced. He trusted the right hon. Gentleman would give the House some assurance that these parties had met with greater consideration at his hands than they had succeeded in obtaining hitherto; and that the family of an ancient ally would meet with the justice which they merited.

MR. H. BAILLIE said, he rose to express a hope that the right hon. Gentleman the Secretary of State for India would not be deterred by the clamour raised in Calcutta, on account of the grant to the Mysore princes, from doing simple justice to the descendants of the princes of Tanjore. The seizure of the private property of the family by the Government of the Marquess of Dalhousie was an act of plunder and robbery. It was done by a Government who seemed to think that the necessities of the case justified spoliation. He trusted that the right hon. Gentleman would take the matter into his serious consideration, because the people of India would look upon the conduct of the Government with regard to it as a test whether they were sincere in their desire to carry out the promises in the proclamation issued by Her Majesty when she assumed the direct government of India, and which had done more for the pacification of that country than all the bayonets of Lord Clyde.

Mr. BRIGHT said, his attention had been called to the case of the Princes of Tanjore, with many other similar cases. He did not wish to bring any charge against the right hon. Gentleman, because he understood that the right hon. Gentleman had under consideration both the position of the family, and the redress that might be afforded to them. He believed that the whole question remained in some degree undecided. He heard that the case had been referred to the Governor General of India, and that the right hon. Gentleman was waiting for information from India before he came to a final determination. He (Mr. Bright) did not ask the right hon. Gentleman to give back the "raj" to the family. The late rajah was dead and gone and it might not be necessary to establish his family in any title or position; but nothing could be more dangerous to the interests of England in India than that the Government, on the death of a man against whom there was no charge, whose memory was unstained by any act of aggression against England or the English Government, should by main force step in and seize everything he had—the whole accumulations of a life of prudence and economy—and leave his relatives entirely unprovided for. To do that was to act in violation of every promise made to the people of India in the proclamation of the Queen on the extinction of the Government of the East India Company. When they heard that a most eminent Judge (Lord Kingsdown), speaking in the judicial Committee of the Privy Council, had expressed a strong opinion as to the injustice of the course that had been taken, he (Mr. Bright) could not believe the right hon. Gentleman the Secretary for India would delay much longer his determination to come to some arrangement that would place the members of the rajah's family in a condition of independence and comfort consistent in some degree with the *status* which they held in their own country. It would be only just to them individually, and it would be the best policy the right hon. Gentleman could adopt, for the purpose of affecting the general opinion of all portions of India when the facts should become known, and impressing the people with a conviction of the truth, justice, and morality of the Government of England in that country. He (Mr. Bright) had told the hon. Gentleman who brought the case before him that he thought the Secretary of State, on reviewing the matter, would take a liberal and just view of the whole question. He also undertook, if the case were brought before the House, to make the observations he had made, and to recommend to the right hon. Gentleman to do that which his own sense of justice should induce him to do. To treat the people of India with liberality would be the best economy and the wisest policy the right hon. Gentleman could pursue.

Mr. AYRTON said, that the Government of India seemed to imagine that when they were not subject to the decisions of tribunals they might act according to their own will and pleasure. He hoped the right hon. Baronet would teach them they were bound to deal with the natives of India according to principles of right and justice, and were not at liberty to plunder those over whom they had authority.

THE FAMINE IN INDIA.

QUESTION.

Mr. W. EWART said, that he wished to ask the Secretary of State for India, What information it is in his power to give respecting the administration of relief to the sufferers by the famine in India, and whether works of irrigation will be vigorously promoted, as the best means of preventing such calamities in future? Although he thought that the Government of that country could interpose with very little effect in cases of the kind generally, and that it rather belonged to private enterprise to mitigate the evils of a famine, nevertheless, under the deplorable circumstances of the inhabitants of the north-west Provinces, who were the victims of much suffering at the present moment, he thought the Government was called upon to step aside from their usual course with the view of alleviating the privations of the starving people. He hoped that the right hon. Gentleman would be able at all events to give the House some information in reference to the adoption of measures calculated to supply in some degree the loss that had been sustained by the failure of the crops. Of course it would be absurd to attempt to make the Government responsible for the famine; but he was convinced that if works of irrigation had been encouraged some years ago, there would have been fewer dearths in India than had lately occurred.

MR. CAVE ventured to suggest, in addition to what had been proposed by the hon. Member opposite, that a plan might be organized for bringing some of these poor people down to Calcutta in families, in order that they might emigrate to Mauritius or the West Indies. He was induced to make this suggestion in consequence of his attention having been directed that very day to a minute of the Governor of Mauritius, which had just been received, complaining of the unusual scarcity of emigrants offering at Calcutta for the Mauritius. It was well known that both there and in the West Indies they would obtain abundant employment and good wages; and that their condition would under any circumstances be better, but at the present moment more than ordinarily better than in their native country.

INDIA.

OFFICIAL EMPLOYMENT OF NATIVES.

QUESTION.

COLONEL SYKES said, he wished to ask the Secretary of State for India, Whether in future all the services in India will be open to all the Natives of India, without distinction of Caste or Creed? As his question had reference to 150,000,000 of Her Majesty's subjects in India, it ought to command the best attention of the House. The right hon. Gentleman the Secretary for India was aware that many of the Natives of India were pursuing a course of study in our universities with the view of preparing themselves for passing the competitive examinations required to enable them to enter into the public service. They had been led to do so on the faith of a clause in the Act 3 & 4 *Wm.* IV., c., 5, which was as follows:—

> "And be it enacted that no Native of the said territories, nor any natural born subject of his Majesty residing therein, shall by reason only of his religion, creed, birth, sect, or colour, or any of them, be disabled from holding any place, office, or emolument under the said Company."

The rights under that clause, the noble Lord the First Minister of the Crown had declared to remain intact on the assumption of authority by the Queen. In 1858 Her Majesty issued a proclamation in which she declared it to be her will that all her subjects, of whatever race or creed, should be freely and impartially admitted to offices in her service the duties of which they might be qualified by their education, ability, and integrity duly to discharge. One of the students, however, to whom he had referred having read the answer given by the right hon. Baronet in that House, to the effect that the Natives of India had no right to enter Her Majesty's army, had asked him (Colonel Sykes) his advice, whether he ought, under the circumstances, to give up his *status* in this country, and go back to India. By the last mail from India, also, he had received a letter from several Native Nobles and Gentlemen of the Deccan, enclosing a petition from the sirdars, jaghiredars, bankers, and others of the Deccan, addressed to the right hon. Gentleman the Secretary of State for India to the Legislative Council of India, and also to the House of Commons, stating that the Natives of India were precluded from filling various offices in that country, whilst the Natives of Ceylon were permitted to associate with the Europeans in the Government, and praying that the same rights might be extended to the Natives of India. It was idle to say that a person born in India was physically disqualified for service in European climates, and that the health of the Natives would suffer by their appointment to offices in any part of the world where Europeans could serve. There was no foundation for such an assertion; as they were aware, there were hundreds of Native Indians living for years in this kingdom without any injury to their health. If that argument were good it would go to the extent of excluding from offices here the sons of all Europeans born in India. The question was one ef great gravity for we could not maintain our position in India but by our amalgamation to a certain extent with the Natives of India, and by respecting their rights and feelings. He hoped the answer he would receive from the right hon. Gentleman would have the effect of removing those doubts and suspicions regarding our treatment of the Indian people which existed in the minds of the Natives. He had no hesitation in saying that if an appeal were made to him of any violation of the Act of Parliament or of Her Majesty's proclamation he should consider it his duty to take the sense of the House whether an Act of the British Parliament was to be treated as a mere mockery and the proclamation of Her Majesty to be of no effect.

Sir CHARLES WOOD said, that with regard to the first question put to him, he could only say he entirely agreed in the principle laid down by the hon. Member for the Tower Hamlets. Although in many cases the proceedings of the Governments in India were exempt from the jurisdiction of the ordinary courts of law, the Native Princes were not the less entitled to justice at the hands of the Government. He was glad to find that two hon. Gentlemen on the opposite side of the House approved of the conduct he had pursued in reference to the Mysore Princes. He trusted they only did him justice in saying that the fair and liberal treatment of those princes was an indication of the course he was disposed to pursue in the case of all other princes. That policy had been found fault with in Calcutta and by persons in India. He could only say that he was thoroughly convinced in his own mind that the course he had pursued was just and right, and that he should not be deterred by any attack made upon him from doing that which he considered to be just and equitable. With regard to the property of the late Rajah of Tanjore, the state of the case was this: a recommendation had been sent up by the Governor of Madras—Sir Charles Trevelyan, he believed—very much to the effect of what the hon. Gentleman had stated to the Government of India. It had not, however, as yet come to this country from the Government of India. He did not know why; but it was no fault of his. Last summer he wrote to the Governor General of India desiring that the Report from the Governor of Madras, with the recommendation, should be forwarded to him. It had not, however, as yet come to him in an official form. He believed the recommendation was that the whole of the property should be distributed amongst the relatives of the rajah. The hon. Gentleman had mentioned the marriage of the rajah's daughter. No doubt it would be the duty of the Government to make provision for all persons who had a claim upon the property. The hon. Gentleman had also spoken of a son of the rajah's daughter, the grandson of the rajah, and the son of a person of considerable property in Tanjore. There was no pretension to say that any of those persons were in distressed circumstances. It appeared that that child was only born a few weeks ago, and long after all the transactions which had been referred to had taken place.

With regard to the question of the hon. Member for Dumfries (Mr. W. Ewart) as to the existence of famine in a portion of India he (Sir Charles Wood) was sorry to say he was afraid it was too true, and there was every apprehension of much suffering in consequence of the scarcity of provisions. The last accounts from India were, however, of a much more favourable character than the preceding. There was no doubt a great drought last autumn in the North-Western Provinces, but by the last accounts it appeared that rain had fallen. He hoped that the sufferings of the people, though unfortunately very severe, would be confined to a much smaller area than was previously feared, while the Government of India had taken every possible precaution to alleviate these sufferings. It had been truly observed that it was impossible for the Government to deal with the population on a great scale; but large subscriptions had been raised in Calcutta and elsewhere in India for the relief of the sufferers, and he believed that both the Government and the colonists had done everything in their power to mitigate the distress which prevailed in the famine-stricken districts. It happened that the part of the country in which the greatest destitution might be apprehended was that in which the Indian Government had executed the most gigantic work of irrigation that had been undertaken in India for many years. The Ganges Canal passed through the central part of the district, and he was happy to say that the people in its neighbourhood had at last become aware of its value. These works of irrigation were most advantageous to the country and profitable to the Government, and as far as their means would permit, the authorities were prepared to proceed with them. He hoped that before long the easier state in the money-market would enable them to raise the money necessary for these great undertakings.

With regard to the question of the hon. and gallant Member for Aberdeen (Colonel Sykes) he had to say that he had not seen the letter to which he alluded from the sirdars and others of the Deccan. He confessed he did not see the cause of alarm to which his hon. and gallant Friend referred. No alteration had been made in the treatment of the Native Indians since 1833, nor had anything occurred to show that any different system had been employed. What was true in 1833 was true now. What was considered right then was equally right now. His hon. and gallant Friend, however, must pardon him for observing that some of the questions put, and some of the observations made by himself, had more than anything else tended to create alarm in the minds of the Natives of India.

CASE OF MR. TURNBULL.—QUESTION.

MR. MAGUIRE: I rise, Sir, to put a question to the noble Viscount at the head of the Government, with regard to the case of Mr. Turnbull. I may premise by stating that it is not my intention to enter into the merits of the case, and I shall abstain from doing so for two reasons. In the first place, it is one which peculiarly affects the feelings and susceptibilities of Roman Catholics; and I, speaking for myself, as a Catholic Member of this House, should much prefer that the initiative were taken by a Protestant Member, should any hon. Gentleman of that persuasion deem it right, at any future time, to ask the House to pronounce an opinion upon it. And, in the second place, were I inclined to enter into the merits of the case, it would be impossible for me to do so, because the materials are wanting for a full and fair judgment on the whole matter; and this brings me directly to the object of the question I am about to put to the noble Lord. My complaint is, that all the documents relating to this transaction have not been laid before the House; and it is indispensable to a fair and honest judgment upon this case that all the documents connected with the appointment and resignation of Mr. Turnbull—I may say the compulsory resignation of that gentleman—should be in the possession of Members. This case has excited considerable interest out of doors, and even in this House — an evidence of which will be found in the fact of two Motions for papers being almost simultaneously moved by two hon. Members—the Member for Harwich (Captain Jarvis), and the Member for Perthshire (Mr. Stirling). I hold in my hand a return of the result of the Motions made by those hon. Gentlemen. The Motion of the hon. Member for Harwich, for copies of the correspondence between the Master of the Rolls and Mr. Turnbull relative to the appointment of the latter gentleman has been complied with. The hon. Member for Perthshire moved for "all the letters and minutes which had passed between the Government and the Master of the Rolls relative to the appointment and resignation of Mr. Turnbull;" but, instead of all the letters and minutes having been granted, only one letter and one minute have been printed. Personally, I have no knowledge of the transaction; but I have Mr. Turnbull's authority for saying that the returns which have been laid before the House will not enable Members to form a full and fair judgment on the merits of his case. I may briefly state that on the 13th of August, 1859, the Master of the Rolls wrote to Mr. Turnbull offering him the appointment of Calendarer of Foreign State Papers in the State Paper Office; expressing, at the same time, his confidence in that gentleman's personal honour and integrity, and his literary competency for so important a task. On the 28th of January, 1861, Mr. Turnbull sent in his resignation. Shortly after the appointment of Mr. Turnbull, a large and influential deputation, headed by the Earl of Shaftesbury, a nobleman of great public piety waited upon the noble Lord to remonstrate with him in reference to the appointment; and it has been stated by a Minister, in "another place," that, in conquence of that deputation, the noble Lord entered into communication with the Master of the Rolls, the head of the department to which the matter rightly belonged, and that a correspondence ensued. Where is this correspondence? It has been withheld, although contemplated by the hon. Member for Perthshire, and essential to a proper understanding of the case. There was, however, a still more important correspondence between the noble Viscount and the Master of the Rolls, which has also been omitted from the return. Late in December, of last year, or early in January, this year, the Secretary to the Scottish Reformation Society communicated on the part of that body, with the noble Lord, complaining of the appointment, and remonstrating against the continuance of Mr. Turnbull in his office, and intimating to the noble Lord that the subject would be brought before a public meeting of the Society, which was to be held on the 9th or 10th of January. I am instructed to say that that communication from the Scottish Reformation Society was transmitted by the noble Lord to the Master of the Rolls, with an intimation that, if the question came before the House of Commons, the Master of the Rolls should be prepared to defend the appoinment. I make this statement not upon my own authority, but on that of Mr. Turnbull. That gentleman has authorised me to state that the Master of the Rolls had officially communicated with him, stating that a correspondence to this effect had taken place between the noble Lord and himself. The Master of the Rolls distinctly understood, from the tenor of this correspondence, that if the question of the appointment came before the House of Commons, the Government would not defend it. What, then, under such circumstances, could Mr. Turnbull do? No doubt, many persons considered Mr. Turnbull to have acted foolishly in having tendered his resignation without having been called upon to do so; but what was the fact?—what were the real motives which influenced his conduct? The Master of the Rolls from a feeling of friendship, and knowing how competent Mr. Turnbull was to discharge this particular duty exercised his patronage to the best of his ability by conferring this appointment upon Mr. Turnbull: in fact, he became the patron of Mr. Turnbull. Mr. Turnbull was thus under a special obligation to the Master of the Rolls; and when he found that the Master of the Rolls was placed in this false position—the Government having abandoned a public officer, whose conduct was blameless, and on whom no reproach could be cast, and the Master of the Rolls unfortunately having no longer a seat in the House of Commons, where he could vindicate the appointment—he (Mr. Turnbull) felt it his duty, as a gentleman and a man of honour, to surrender his own interest out of consideration for his patron. This statement, which I make upon the authority of Mr. Turnbull, with whom I had an interview this very day, places his resignation upon a much more intelligible basis than that disclosed by the imperfect return now before the House. It was stated the other night, in "another place," that the noble Lord did not write this letter to the Master of the Rolls, putting, as it were, a moral screw on Mr. Turnbull, to drive him as a man of sensibility and honour out of his place. It was said that the noble Lord was too chivalrous ever to think of abandoning a public servant, especially one who had discharged his duty, according to the testimony of the head of his department, with ability and fidelity. In fact the whole issue was put upon that occasion, and in that other place, on the known character of the noble Lord for chivalry and manliness. But was the Master of the Rolls under a delusion?—or did he only imagine that he had received such an intimation from the noble Lord? Mr. Turnbull had this from the Master of the Rolls—that the noble Lord threw upon him the responsibility of vindicating the appointment. This statement Mr. Turnbull believed, and on that belief he resigned. No doubt he was instigated to that resignation by clamour and persecution; but he would not have done so if he had received the protection of the Government—if, in fact, he had not been abandoned and thrown over by the Government. I say then, if there be such a letter in existence as that which I have described—a public letter written by the head of the Government, in the name of the Government to a high public functionary, in reference to the exercise of his public patronage—it ought to be produced. I am told there passed between the noble Lord and the Master of the Rolls, not two letters, but six or seven letters, in some of which the wisdom and prudence of the appointment were, I assume, fully vindicated; and when a man's personal honour and literary reputation are at stake, as they are in this instance, these letters should be laid before the House. We shall presently hear from the noble Lord whether such a letter as that which induced Mr. Turnbull's resignation was written to him by the Master of the Rolls, and if the Master of the Rolls had not written in reply. If so, where are those letters? Neither of them has been produced. There is a passage in the only printed minute in the return, to which, in justice to Mr. Turnbull, I shall call the attention of the House. The Master of the Rolls was so impressed with the ability which Mr. Turnbull had displayed in the performance of his important duty, and the loss to the public which would be occasioned by his resignation, that he urgently pressed the Lords of the Treasury not to accept his resignation, but to retain him in his office. And in answer to this testimony and appeal of the Master of the Rolls, here is this public acknowledgment by the Government in the Treasury Minute of February, 25, 1861—

"Write to the Master of the Rolls that my Lords readily accept his Honour's testimony to the manner in which Mr. Turnbull has performed his duties, and willingly acknowledge that no cause has been shown for doubting that the work has been executed with ability and fidelity."

If, then, such a man has been driven from his office, are we not entitled to some explanation of the fact from the Government? I ask the noble Lord why he has not frankly given to the House all the communications which have passed between him and the Master of the Rolls on this subject? The Return ordered by the House has not been granted. It is—if I may be excused for so *fade* an illustration—like the play of *Hamlet*, with the part of Hamlet cut out. We have the parts of the Gravediggers and of Polonius; but the Prince himself—the chief actor, the noble Lord opposite—has been omitted. Under the peculiar circumstances of this case, I am right in saying that a full return should have been given. In the production of Foreign Despatches, there may at times be necessity for some reserve; but here the principal part—the important part—that by which a judgment could alone be fairly come to—has been entirely left out. The personal honour and literary reputation of Mr. Turnbull are here at stake; and the noble Lord is bound to afford the House the fullest means of forming an opinion on the real merits of the case, and to this gentleman every facility for his vindication. I now beg to ask the noble Lord the question of which I have given him notice, and I call his attention to the precise and comprehensive manner in which I have framed it. The honourable Member concluded by putting the following question:—Whether any other letters than those printed in the Return, dated the 15th day of February, have passed between the Government and the Master of the Rolls relative to the appointment and resignation of Mr. Turnbull; whether, in fact, several letters have not passed between the noble Lord himself and the Master of the Rolls prior to the resignation of Mr. Turnbull, and directly bearing on Mr. Turnbull's case; and if such letters have passed between the noble Lord and the Master of the Rolls, whether there is any objection, and what objection, to their immediate production?

VISCOUNT PALMERSTON: Sir, I am quite ready to answer the question of the hon. Gentleman. But in the first place I may be allowed to say that, although I have no knowledge whatever of Mr. Turnbull, although I never saw him, and only have heard of him in consequence of the discussion which has taken place with regard to his appointment, I believe him to be a man of perfect honour, and I regret very much that a person of his abilities and his high character should, by circumstances over which he had no control, have been placed in a situation very irksome to the feelings of a man who naturally has a high respect for himself. I think the course which he took was highly honourable to him. I think that a man who finds himself placed in a situation in which, in the discharge of duties conscientiously performed, he finds that a very great amount of public prejudice has arisen against him, and that he is the object of attack from a great number of persons—I think that that person, with those feelings of self-respect which ought to actuate him, does rightly when he withdraws from a situation which has become invidious, and in which he is exposed to what he naturally thinks misrepresentation and unmerited censure. So far from thinking that he acted foolishly in tendering his resignation, I think that is the course which any man of honour and self-respect would have pursued in the position in which Mr. Turnbull was placed. The hon. Member has stated that he will not enter into the case of Mr. Turnbull and discuss his merits and demerits. I do not wish to do so either, Mr. Turnbull was appointed, not to an office, but to a temporary employment by the Master of the Rolls. The Master of the Rolls is not the servant of the Government. He holds an entirely independent situation, over which the Government have no control, and over which I cannot pretend to have any control whatever. He is not my servant, and I am not his servant. The Master of the Rolls, having chosen Mr. Turnbull to perform certain duties for a limited period, applied to the Treasury, as is shown by the papers, to recommend that he should be employed and a certain salary given to him. That was in the month of August, 1859. Soon after that the appointment took place. It was sanctioned by the Treasury as a matter of form —as a matter of course, upon the recommendation of the Master of the Rolls. I knew nothing of it. It did not come naturally within my cognizance. But very soon after that appointment representations were made to me from various quarters that Mr. Turnbulll, on account of peculiar opinions which he entertained, and from his temperament and character, was not the person who ought properly to be employed to perform the particular duty which devolved upon him. I communicated, no doubt, immediately afterwards with the Master of the Rolls to let him know the representations which had been made to me. Those representations came frequently and from large bodies of persons both in England and Scotland—persons just as fully entitled to entertain the opinions which they expressed as Mr. Turnbull was entitled to entertain the opinions which he expressed. I thought it right to let the Master of the Rolls know that the current of public opinion was setting against employing Mr. Turnbull in that particular duty. Several letters passed between me and the Master of the Rolls between the period, I think, of September, 1859, and the month of January in the present year. Those letters were private letters, most of them written from my private residence in the country. They were not letters from the Government, and did not express at all any opinion on the part of the Government. But they were letters to the Master of the Rolls as an old friend and an old colleague, which I thought I was entitled as an individual to send, and he answered them in the same way. The object of those letters was to urge on the Master of the Rolls that I thought the selection made by him upon his own responsibility had been an unfortunate one, that it had created a great amount of public misunderstanding, and I earnestly urged him that he should employ Mr. Turnbull on some other duty in the performance of which he would not be liable to the same suspicions, unfounded as they might be, or to the same amount of prejudice which prevailed with regard to the appointment which he held. The Master of the Rolls, in answer, gave me reasons why he did not think it expedient to follow the course which I recommended. It was perfectly competent for him on his own responsibility to take that line. Towards the end of December last year I wrote the letter to which the hon. Member has more particularly alluded, and in that letter I repeated a statement I had made before—that I had received a petition signed by some thousands of people and applications from various quarters; I said further that I thought it very probable the matter would be brought under discussion in this House, and that I hoped, in that case, he would furnish somebody with arguments in defence of the course which he had taken. I hold that there was nothing unbecoming the relations between the Master of the Rolls and myself in that statement. If I employ any officer, whether naval, military, or diplomatic, in the performance of a duty under instructions from the Government, and if I believe that, placed under whatever difficulties he may have had to encounter, he has performed it to the best of his ability and judgment, it is my duty to defend him to the utmost of my power in this House, and everywhere else. And I fancy I have always performed that duty. I am responsible for the instructions under which that person is acting, and if I think he does not act according to the best of his ability, judgment, and integrity, I am bound to recall and dismiss him; and if he is not recalled and dismissed, it is my duty as a Minister and as a man to defend a public officer when I believe he deserves to be defended. But here the case is of a totally different kind. Here was an independent public servant, totally free from any orders or instructions from me, who upon his own responsibility declined the advice which I gave him—not to dismiss Mr. Turnbull, or to do anything to affect his private or public character—but to employ him in different work in which he would not be liable to the same objections. The Master of the Rolls, acting upon his own judgment and upon his own responsibility, did not choose to do that—he saw no reason for doing it. But why am I, if that decision of the Master of the Rolls is called in question—why am I to come and give an opinion which I do not entertain? and, having told him repeatedly that I thought the selection unfortunate, and that he would act judiciously both for himself and Mr. Turnbull in employing him in some other occupation—why am I to come and say "black is white," and to give an opinion diametrically the reverse of that which in private communications I had expressed? Such a course would be neither manly nor chivalrous. It would be mean and disgraceful. I am not the servant of the Master of the Rolls. I stand here to defend my own opinion and conduct. I am not bound to defend the opinions or conduct of a totally independent authority when I do not think those opinions right or that conduct judicious. I have now put the hon. Gentleman in full possession of everything which he could know if those letters were produced. I do not choose to produce those letters, for this reason—that they were private letters, written in private intercourse, dated from my own house, and not one of them recorded in any public department. They are totally different from letters written on the part of the Government, and they form a correspondence which it would be inexpedient to make a precedent of producing to Parliament. If every man in a public situation were to be liable to have produced all communications which from time to time in the confidence and unreserve of private intimacy he might write to another person holding a public situation, I am sure I need not explain to the House, it would be a bar to intercourse essentially necessary for the conduct of public business. It is not that I shrink from an avowal of any opinions which I expressed in those letters, for I have stated them. The hon. Gentleman is as fully in possession of everything which I wrote in substance as if those letters were laid upon the table. But, as a matter of principle, I protest against calling for the production of private correspondence, taken out of the drawer of my table, or out of the pigeon-holes of a desk in my house, which are in no respect public documents, or documents which it is at all advisable Parliament should require. I am not responsible for the appointment of Mr. Turnbull. I deemed it my duty to make known to the Master of the Rolls the objections which were taken to his selection. I concurred to a certain extent in those objections. I do not mean to say that I concurred in any of those suspicions which may have existed in some quarter that Mr. Turnbull really would, in consequence of the peculiarity of his opinions, swerve from the honest performance of his duty. All that I have heard leads me to the conviction that he would perform his duty honestly, however it might conflict in its exercise with any private or personal opinions of his own. But it appeared to me inexpedient, in a matter connected with the historical records of the country—in a matter connected with the compilation of documents which are to serve as guides to those who study the history of past transactions in which this country has been concerned—that a person should be employed of whose fidelity a large portion of the community entertained doubts which might affect the trust reposed in the accuracy of his labours. The Master of the Rolls himself, in the papers produced, tells Mr. Turnbull, in the first letter of appointment, that it is of great importance that there should be no imperfection or inaccuracy in the records which he was to compose and draught, and, therefore, I think it was unfortunate a person should have been chosen in respect of whom it could possibly be imagined on the part of anybody that the work would not be correctly and perfectly prepared. I say, again, that I think Mr. Turnbull acted as a man of honour. I am far from throwing any reproach on him for having resigned; but, as he resigned from motives connected with his own personal feelings, I do not think the Master of the Rolls had any right to require me or the Treasury to urge him to continue in an office which consistently with those feelings he could not retain. Be it remarked that in his letter the Master of the Rolls, while he accepts Mr. Turnbull's resignation, says distinctly that he will not press him to continue in his situation. Yet having stated this, and having in his letter to the Treasury declared that it was not for him to suggest any course to the Government, he goes on in that same letter not only to suggest a course, but earnestly to recommend the Treasury to do that very thing which he declined to do himself—namely, to press Mr. Turnbull to remain in his office. I thought it consistent neither with Mr. Turnbull's comfort, nor his character, nor with the interest of the public, that he should be urged by me to continue in the performance of a duty which exposed him—undeservedly if you will—to great public obloquy, and which was evidently incompatible with his own feelings and personal satisfaction.

MR. CONINGHAM said, that however much he might regret the decision arrived at by the noble Lord that Mr. Turnbull's appointment was one that could not be defended, he must admit that the noble Lord was fully entitled to come to his own conclusions on the subject. Still, the painful fact remained that a most respectable and accomplished man, who received an important appointment from the Master of the Rolls, was persecuted on account of his religious opinions to such an extent that he was ultimately induced to resign his office, and that so great, indeed, was the virulence of that persecution that the Prime Minister was compelled to come to the conclusion that it would not be wise or expedient in him to uphold that Gentleman's appointment. The House of Commons and the community at large were deeply interested in setting their faces against a system of that kind. At an earlier period of the evening they had heard an ardent appeal from an hon. Member against the persecution of Protestants by Catholics in a neighbouring State; but the position of this country as the champion of religious freedom would be far stronger and better if that neighbouring State could not point to such an incident as the resignation of Mr. Turnbull as a reply to our strictures upon its own conduct. Indeed, we might almost be reproached with seeing the mote in our neighbour's eye without removing the beam from our own. He strongly protested against the proceedings adopted towards Mr. Turnbull. Though not of the same religious persuasion as that gentleman he thought he had been very unfairly used; and he was equally convinced that had Mr. Turnbull been allowed to remain in his office he would have completed his task with the same fidelity as he had hitherto executed it.

He would next refer to the answer given earlier in the evening by the noble Lord the Foreign Secretary to the hon. Member for Finsbury. That answer he thought by no means satisfactory. The noble Lord had not shown in what manner our interests in the Ionian Islands justified the menace he had addressed to Sardinia through his despatch to Sir James Hudson. A united Italy would be a far better counterpoise against France than Austria; and, as the dissolution of the Ottoman Empire was impending, the emancipation of Hungary and the union of the Rouman and Slavonian races were objects of much greater importance to us than the maintenance of an effete power like Austria, which must soon sink to the level of Spain. If we must seek for new alliances let them be not mere dynastic alliances but alliances with the free and emancipated peoples of Europe.

MR. NEWDEGATE: I was one of those, Sir, who signed a memorial representing the strong opinion of no less than 2,500 of the educated classes of society, that Mr. Turnbull had proved himself by his writings to be a person of such exaggerated opinions as must disqualify him altogether from the performance of duties so important as those of calendaring the State papers of the country from the period of the Reformation, since these papers have particular reference to the conduct of the Jesuits of whom he has expressed himself in terms of unqualified admiration. Entertaining, in common with the other gentlemen who signed that document, a very strong opinion that no person so biassed and prejudiced ought to be employed to assort, and to compile an index of those papers which are to furnish the basis of the future education of England, I concurred in the representation to the noble Lord; and I can attest this fact, that from the very time that it was even rumoured that Mr. Turnbull was about to be appointed by the Master of the Rolls, representations were addressed from numerous persons entertaining like opinions, who made them known to the noble Lord and likewise to the Master of the Rolls. It is a most unfortunate circumstance for Mr. Turnbull himself, and for the Master of the Rolls, that he seemed determined to set educated public opinion at defiance, in such a manner as the result has clearly manifested, that he could not maintain his decision. That, Sir, is a very great misfortune. The noble Lord has explained the position in which he was placed, and has, I venture to say, amply vindicated his conduct before the country; but I must add that it was scarcely worthy of any one in this House to endeavour to cast upon the noble Lord a responsibility which really does not attach to him. The noble Lord honestly represented to the Master of the Rolls the strong opinions which had been expressed to him, notwithstanding which the Master of the Rolls chose to exhibit a total disregard of those opinions. Well, Sir, under the pressure of public opinion Mr. Turnbull retired, and it is altogether unreasonable to expect the noble Lord, who sympathized in some degree with, or at all events did not scout, as the Master of the Rolls scouted, public opinion, to have reinstated Mr. Turnbull in his situation, when if he had so reinstated him, the appointment would have been of the noble Lord's own making. Who could expect the noble Lord to do this when from the first he had disapproved of Mr. Turnbull's appointment? The thing is too unreasonable to be entertained by the House for one moment. I may, perhaps, be permitted to state to the House what first attracted my attention to this subject. Three years ago Mr. Jardine, a barrister of the Middle Temple, published a narrative of the great conspiracy of the Popish party in this country—I mean the Gunpowder Plot, and if the House will permit me, I will read a few words from the preface to the work, which will show that important documents have been abstracted from the State Paper Office. This is a portion of the subject which has not come before the public, and in vindication of those with whom I have concurred in this matter, I hope the House will allow me to read a passage from a perfectly impartial author, who has deeply investigated the subject. He says, referring to certain documents which are missing—

> "When Sir Edward Coke was discharged by James I. from his judicial station, in 1618, his papers were seized by order of the Privy Council, and deposited in the State Paper Office, and it appears from an inventory of the articles so deposited, in the handwriting of Sir Thomas Wilson, who shortly afterwards became keeper of the State Papers, that among many other documents of a public and private nature, there was 'a black buckram bag, containing papers about the Gunpowder Plot.' Although the documents upon the subject of the Gunpowder Plot preserved at the State Paper Office are numerous, the collection is not by any means complete. Many important papers which were particularly mentioned and described by Bishop Andrews, Dr. Abbott, Causabon, and other contemporary writers, and some of which were copied by Archbishop Sancroft from the originals so lately as the close of the seventeenth century, are not now to be found. It is remarkable that precisely those papers which constitute the most important evidence against Garnet and the other Jesuits are missing; so that if the merits of the controversy respecting their criminal implication in the plot depended upon the fact of the original documents now to be found in the State Paper Office, impartial readers might probably hesitate to form a decided opinion upon the subject. The missing papers of particular importance are minutes of an overheard conversation between Garnet and Hall in the Tower, dated the 25th of February, 1605-6; an intercepted letter from Garnet addressed to 'The Fathers of the Society of Jesus,' dated on Palm Sunday, a few days after his trial, and an intercepted letter to Greenway, dated April 4, 1605-6. That all of those papers were in the State Paper Office when Dr. Abbott wrote his *Antilogia*, in 1613, is evident from the copious extracts from them published in that work, and a literal copy of the first of them made by Archbishop Sancroft many years afterwards from the State Papers is still in existence. The originals of these documents, however, do not appear to be now contained in the proper depository for them, and it is undoubtedly a singular accident, that amongst so large a mass of documents, precisely those should be abstracted upon whose authenticity and effect the point in the controversy between the Roman Catholics and the Protestants in great measure depended. Many of the facts in the following narrative are taken from a manuscript relation of Father Greenway, brought by Dr. Lingard from Rome, and much relied upon by him in the interesting account of this conspiracy given in his *History of England*. . . . Though little is known of the history of this manuscript, there is strong internal evidence that it was written by Greenway, probably at the suggestion of the Pope, or of the Father General of the Jesuits, in order to vindicate his own conduct and that of Garnet from the charge of having encouraged the plot. . . . . Some allowance must be made, however, for the partial colours in which he depicts the character of the conspirators. That they were not the brutal ruffians, as described in the popular representations of them, is beyond all doubt, but, according to Greenway's statement, the men who contrived this monstrous and cruel treason were the gentlest, the most benevolent, and the most pious of the human race; and if we are to believe him, 'the seven gentlemen of name and blood,' as Faukes truly calls them, who worked in the mine, together with those who afterwards joined them, composed as amiable a company, with respect to virtues and accomplishments, as could have been desired."

Now Sir, when we know that documents so important in the history of this country as these have been abstracted, I say it was not unnatural that, finding a person appointed to make extracts, and calendar and index, the State Papers, who had expressed himself in the terms which I am about to read, we should object to his appointment. We have reason for the following opinion, which is expressed in the memorial—

> "Mr. Turnbull is not only a Roman Catholic, but an avowed defender and admirer of the Jesuits, for whom he expresses, in his *Life of Father Southwell*, a 'natural bias,' and holds them in 'the highest veneration, honour, and esteem,' and has, in the same work, manifested this 'natural bias' by calling the Jesuit priest Garnet, who was implicated in the Gunpowder Plot, a 'well-known martyr,' and the conspiracy of Babington against the life of Elizabeth and the State of England a 'gallant confederacy;' that in another work he designated the Reformation 'a mischievous event,' and has declared that 'he would rather be condemned with a Papist than saved with a Puritan.'"

These are the opinions of the person to the appointment of whom to this important office the gentlemen who hold the same opinions as myself object. We never said that Mr. Turnbull would steal the papers; but we say this, that it requires an impartial mind to prepare extracts and indexes on which the teaching of future history depends. One man might be sorely tempted to leave a passage which another man would extract. He might omit a number from the index, or a page from the calendar. Suppose that this was suspected, and a person went to the State Paper Office and applied to look at the index, and not finding there what he sought, were to say, "I am confident it ought to be there;" what is the answer he would get? It would be, "You are not appointed calendarer; we shall not allow you to search;" and that document would be as completely lost to the public as if it were buried in the bottom of the sea. These are things which we did not wish Mr. Turnbull to be tempted to do, because he had told us that he had a natural bias which would tempt him. He had published the *Life of Father Southwell*. [Mr. MAGUIRE dissented.] The hon. Member will forgive me. I am sure I do not wish to speak uncharitably of any man, but I have not studied history in vain, and it is idle to say that any one, connected with the Jesuits can be judged by the same rules as other men. I say, upon the authority of those who have studied the morality and rules of the Jesuit among others, on the authority of the Abbé Lamenais, that every man connected with the Jesuit body loses his individuality. I say that on the testimony of all history with respect to that order, and I further say that the loss of their individuality makes them anti-social; that the complete obedience to which they are bound, and which they yield makes them tyrants over others. These characteristics of the Order of the Jesuits have led to their expulsion from Italy, as they have done fifty times from different States, from this country among others, and this fact affords a strong proof that the Order is anti-social. Theirs is a morality which all other Christian sects condemn. No man who has been once subject to their influence can be judged by the same rules as others must be judged by. I will not further detain the House; but having attached my signature to this document, I felt it due to a large number of gentlemen, many of whom are not connected with the Protestant Alliance, but with whom I consulted, to state our reasons for our conduct, and that we are not ashamed of them.

MR. ROEBUCK: The noble Lord has mistaken the object of the inquiry addressed to him. He was not asked why he did not defend Mr. Turnbull, but why there was not given full, fair, and complete evidence of all that had taken place. The noble Lord says that the correspondence between himself and the Master of the Rolls was a private one, and I will allow that to be a good reason why it should not be published; but is that a good reason for writing it? He must recollect that the accusation against Mr. Turnbull was laid before him as Prime Minister, and every act of the noble Lord in that capacity is a public act. He had no right to write a private letter. The noble Lord seems to combat that proposition, but I think it is a very fair one. Here is a man whose character and whose livelihood are at stake; an accusation is made against him before a competent authority, and what I complain of is that the competent authority should have taken a course by which his conduct can be shrouded from the public view. I do not accuse the noble Lord of any sinister intent, but I think it was an unwise proceeding. I do not want to say a word about the accusation itself, nor a word in defence of the Jesuits, but at the bottom of the whole of this transaction is a feeling which I think the country will deprecate, it is that intolerance of which the hon. Gentleman has just given a proof. It is said that some twenty or thirty years ago Mr. Turnbull wrote a book, and that in that book he expressed certain opinions; but when I look round me and know what men here have written and said and done I am sure a great number of them would feel very strong repugnance to having their juvenile follies brought up against them. The question is whether Mr. Turnbull has done anything in the prosecution of his office which calls upon him the reprobation of society? The Master of the Rolls is the person who is responsible for the appointment. He is known well to this House and the country; he is a candid and a liberal man; and I take it that all the world will admit that he is a highly moral man. He is a man who has been before the public all his life, he sits now upon the judgment-seat, and his life is passed as it were in a glass-house. He appointed Mr. Turnbull, and appointed him in terms of the highest eulogy. He said to him, "I appoint you to a delicate office; but I have that confidence in you that I am sure you will perform your duties in it as becomes your character." Thereupon, all of a sudden, certain gentlemen, and among them the hon. Member for Warwickshire (Mr. Newdegate) are inspired with dread and alarm lest an incorrect index should be made. Recollect that the papers from which that index is made remain. It is not as if the papers are destroyed after the index is made. The papers remain, and then the hon. Member says that if anybody were to go to the State Paper Office and say "I want to look over the papers," he would be told "You cannot look over them; you must look at the index." Suppose I were to go to the State Paper Office and were to say, "I am writing the history of the period, and I believe the index to be a false one; let me see the documents themselves;" does anybody imagine that I should not get immediate access to these papers. And then what was the system at the Record Office? A catalogue was taken of all the papers given to Mr. Turnbull. After the papers were taken back they were compared with the catalogue. And yet a Protestant Association is so very nice in its view of morality and Christian justice as to insinuate that a gentleman would be fool enough to abstract a paper when there was a catalogue to act as a check against him if he did so. Upon the face of it this is the result of intolerance. I do not say that the noble Lord has helped the manifestation of the intolerance. I am sure that a more tolerant man and a more chivalrous patron does not exist. I think the noble Lord was not bound to defend the appointment, but he was bound in everything he did regarding the appointment to act so that it might be laid before the public. And the charge I make against him is a want of care and circumspection—nothing more —in writing private letters, when everything ought to have been done, as indeed it was done, in his character of Prime Minister. I say that he was and is bound to lay before this House, and before the world, every word he has written on this question, because he wrote it in a character of which he cannot divest himself save by resignation—the character of Prime Minister of this country.

Motion *agreed to.*

House, at rising, to adjourn till *Monday* next.

CONSTRUCTION AND IMPROVEMENT OF HARBOURS.—COMMITTEE.

Order for Committee read.

House in Committee.

(In the Committee.)

MR. MILNER GIBSON said, there were two Motions standing on the paper in his name; but with one of the Bills, that for amending the Merchant Shipping Act, he did not intend to proceed at present, as it was thought better to await the production of the Report of the Commissioners who were appointed by the late Government to inquire into the subject of lights, buoys, and beacons, and which Report was expected to be made in the course of a few days. The other Bill which he would ask leave to introduce was one to facilitate the construction and improvement of harbours by authorizing loans to harbour authorities. It had appeared to the Government that in past times th State had been very generous—not to say lavish—in making grants of money for the construction of harbours, whether for defence or for refuge; but while so much had been given little had been done towards seconding local efforts for the improvement of existing harbours by loans of money upon easy terms and upon conditions likely to be acceptable to harbour authorities. He found that from 1851 to the present time no less than £3,144,190 had been voted for the purposes of harbours, while all that had been lent to assist local energy and enterprize in England was only £38,000. He did not exactly know how much had been lent to Ireland, but the amount was not considerable. The Government proposed by the Bill which he asked leave to introduce to assist in the improvement of existing harbours and in the construction of new harbours, by making loans upon easy terms as compared with the conditions upon which money was advanced by the Public Works Loan Commissioners. Now, there had been a Committee on harbours of refuge; and there had been a Royal Commission to inquire into the sites for harbours, and generally to provide shelter for merchant shipping. They had had recommended that, whatever might be done in respect of the construction of new harbours, a system of loans upon relaxed terms should be adopted for the improvement of existing harbours. It was obvious that any plan of making existing harbours more accessible at all times of tide, especially upon the eastern coast, must lead to a saving of life and property that rendered its adoption of the highest importance. The Commissioners in their Report stated—

> "There are many tidal and other harbours susceptible of great improvement situated on various parts of the coast, exclusive of those to which we have recommended that grants be made, where a sum of money expended in deepening or in improving them would contribute in a very great degree to save life and property. In fact, the improvements of existing harbours would, in many instances, do more to promote these objects than the expenditure of an equal sum applied to only one harbour."

In order to effect that object it was proposed by the Bill that a sum of £360,000 should be annually placed at the disposal of the Public Works Loan Commissioners for the purpose of being advanced to harbour authorities for the construction of new and improvement of existing harbours. That money would be advanced at 3¼ per cent interest, and the repayments to be made within fifty years. It was also proposed that the practice which had prevailed with the Public Works Loan Commissioners of insisting that repayment of loans made by them should have priority over all other advances made upon the same security should cease, and it was intended by this Bill that priority should not, as a matter of course, be insisted on. Thus, loans would be made to the authorities managing existing harbours in all cases where there remained a sufficient margin of income to secure payment of the interest. Without that provision it would be impossible for many existing harbour authorities to obtain loans. It had in former times been the custom for the State to derive a profit from transactions of that nature by lending money at a higher rate of interest than it was worth. In the present instance it was not desired that the State should reap any profit from these loans; but that it should lend money at a rate which only would not cause a loss, otherwise the advance would be a grant and not a loan. In that way, however, the credit of the country would be used for the purpose of enabling the authorities of local harbours to bring to bear their own resources. He did not know that it would be necessary for him to go further into that particular branch of the subject. He hoped and believed the loans would be the means of improving many harbours, especially on the eastern coast, where such large losses of life and property had taken place. The loans he had described would not be considered as substitutes for the greater measures the Committee had recommended for constructing harbours of refuge by grants; that was a matter for the Treasury and Parliament to consider; but loans on these terms would be productive of great advantage. They were sound in principle, and no portion of the country would object to such advances. All the evidence, as well before the Commission as before the Committee, proved that considerable importance was attached to a system of this kind by those best qualified to judge of its possible effect.

The next proposal was the abolition of what were called passing tolls. The Bill provided that all the tolls paid by ships passing certain harbours, but not entering them, should cease to be levied from the end of the year 1861. He felt great confidence in making that proposal to the House. A succession of authorities had declared that passing tolls ought to be abolished. The Ramsgate Harbour Committee of 1850 distinctly recommended that these tolls should no longer be levied on passing ships. The Report of the Commission on Local Dues contained a recommendation to the same effect. There had been a remarkable agreement of opinion on both sides of the House on this question. The right hon. Gentleman the Member for Buckinghamshire, when he held the office of Chancellor of Exchequer in the Government of the Earl of Derby, said—

> "We think that all that is levied on the shipping interest under the name of passing tolls is a vexation, a grievance, and a burden, to which that interest ought not to be exposed."

And he further stated that it was the intention of the then Government to relieve the shipping interest of that burden. When his right hon. Friend the Vice-President of the Council of Education (Mr. R. Lowe) brought in a Bill on the subject of local dues on shipping he also proposed to abolish passing tolls. On that occasion the late Lord Chancellor and the hon. and learned Member for Belfast (Sir Hugh Cairns) stated that if the Bill had been confined to that object, and had not interfered with corporation property, they should not have opposed it. Therefore, as far as the abolition of passing tolls was concerned, both sides of the House had assented to the principle; and in support of that principle they had an unvaried succession of Parliamentary authorities. Indeed, it was very difficult to justify a tax upon shipping for the support of harbours into which they never entered, and into which a great proportion of the ships that passed them could not enter. It was clear that Dover could not be considered a harbour of refuge for which ships passing down the Channel should be called on to pay a tax. Ramsgate, perhaps, might afford advantages as a harbour of refuge to a greater extent than Dover, but a large proportion of ships which were called upon to pay for the support of Ramsgate derived no benefit from the harbour whatever. Therefore, however Ramsgate might have to be supported, it was in the highest degree unjust to levy a tax on an unlimited class of vessels merely because they passed down the Channel. The four harbours mainly affected by the Bill were Dover, Ramsgate, Whitby, and Bridlington. Of neither of these could it be said that they had any right to tax passing vessels. He would next consider what amount of benefit would be conferred upon the shipping interest by relieving them of this tax. The amounts levied by the various harbours were, in 1858, by Ramsgate, £15,000; by Dover, £12,000; by Whitby, £5,000; by Bridlington, £3,000: a total of £35,000 a year; or, allowing for the increase of trade, perhaps £38,000 for the year 1861. From that amount the shipping interest would be relieved at the close of the present year. This might appear a small amount, but it was equal to the interest of a capital of a million sterling. In abolishing these tolls the Government had taken care to guard and studiously to respect the rights of creditors. Where money had been advanced on the security of the tolls the Government gave even a better security, the Consolidated Fund; the creditors, therefore, would not be at all injured by the abolition. For the support of these harbours, after the cessation of the tolls, provision was made by the Bill, without any charge upon shipping, except on the vessels that might enter the ports. At Dover there was property that would be adequate to support the harbour; at Ramsgate, if there should be a small deficiency of income after the tolls ceased, the Government would supply that amount. When Bridlington was free from debt, the harbour could be maintained from its own resources, and the Government proposed to take the debt upon itself. So also with Whitby. With regard to the harbour authorities at Dover no change would be made in the trust if the present trustees were prepared to undertake the management of the harbour. If they would not, of course other authorities would be found. At Ramsgate it was proposed to transfer the present trust to the Trinity Corporation. But that plan was not proposed as indispensable; another arrangement was under consideration, though it was not yet matured. But the House might feel assured that the harbour of Ramsgate would be maintained, and that the rights of creditors on all these passing tolls would be properly secured.

The next proposition made in the Bill was to abolish certain dues which were now levied on ships by charitable corporations for charitable objects. That abolition was made on the principle that those corporations ought not to levy dues on ships entering particular ports for the purpose of keeping up a system of almsgiving, in which those ships which had the dues to pay had no interest, and from which they derived no benefit. Those charitable corporations were the Trinity House of Kingston-on-Hull, the Trinity House of Newcastle-on-Tyne, the Fraternity of Postmen of Newcastle-on-Tyne, the Trinity Corporation of Leith, the Guild and Corporation of Perth and Dundee. The dues levied by the latter corporations were of small amount, the corporations that levied the principal dues being the Trinity House of Kingston-upon-Hull and that of Newcastle-upon-Tyne. It was not proposed to interfere with vested interests or with the property of any individual, or of any member of a corporation by the abolition of these dues; but it was proposed that these dues should cease with the existing pensioners, and that when they died no new pensions should be created. He thought it might be said that a Parliamentary sanction was given to the principle, that possible future recipients of these benefits should not be considered, when his right hon. Friend (Mr. Cardwell) dealt with the question of the Trinity Corporation. By the adoption of that proposition of the Bill an ultimate relief would be afforded to the shipping interest of £18,000 a year. He believed that at the period to which he had just referred the right hon. Gentleman the Member for Buckinghamshire gave it as his opinion that those dues levied for charities ought not to be continued. That was when the question as to whether charities should be paid under the name of light dues was under consideration.

Another relief, small in amount, but removing dues of a vexatious character, would be given by the Bill. Dues were levied on the trade of Dublin which were taken by the Treasury in payment of interest of money advanced years ago for the improvement of Dunleary harbour. By a provision in the Bill those dues, which amounted to £3,000 or £4,000 a-year, would be abandoned, and that special tax on the trade of Dublin abolished. He might here observe that it was also proposed by the Bill that the Trinity House of Newcastle-on-Tyne should not levy duties on Sunderland and other towns for the purposes of Newcastle-on-Tyne. The concluding portion of the Bill related to a subject of a totally different character. Every one knew that there were what were called "differential dues," which were dues levied on foreign ships somewhat greater in amount than those levied on British shipping. The Government proposed, in accordance with the policy of this country, to abolish those differential dues. Their amount was inconsiderable, because, in consequence of reciprocity treaties which existed between this and a great many foreign countries, to a considerable extent—indeed, almost entirely — foreign ships had no higher dues than those paid by British ships. For instance, the reciprocity treaty made with France in 1826 bound England to levy no higher dues on French than those levied on English ships when the former were engaged in direct trade between England and France; but before the treaty of 1860 differential dues would have been levied on any French ship engaged in indirect trade, and at present differential dues were levied in some cases on foreign vessels. There was compensation money paid by the Treasury to different ports for the loss of differential dues which these ports were obliged to abandon under reciprocity treaties. The first of these treaties was made with Portugal in 1810; the next with the United States in 1815; and afterwards similar treaties were entered into with Denmark, Sweden, Norway, and the Hanse Towns. Then, the reciprocity treaty with France came in 1826. In that year England had made reciprocity treaties with the principal maritime countries in the world. Previously to 1810, under Acts of Parliament and under charters, various ports were entitled to levy higher rates on foreign than on British ships—in some cases dues to double the amount. The object of these differential duties was not, in fact, to give an income to the local authorities who levied them, but to keep the foreign ships away in order that all the trade should be carried on in English bottoms. He believed that the abolition of these double dues had been a great advantage to the ports that used to levy them, for the increased number of foreign ships at the reduced dues gave them a much greater income than they had ever received under the old system. It was, however, thought necessary to compensate these ports, and to pay them an annual sum for the double dues they relinquished. That compensation was, perhaps, a gift to get rid of their resistance to a free trade policy. A paragraph in the charter of one of these bodies showed the object with which these differential dues were originally granted. The Trinity House of Hull had received a large amount of compensation for the loss of these dues. Well, the charter gave power to the guild when any merchant should hire any stranger-bottomed ship, when the like ship might be had of English bottom, to exact and levy as a fine for every such offence the sum of 20 nobles current money for the use of the guild. In its origin it was, then, a fine to prevent the merchants from using foreign ships. This body had received from £12,000 to £13,000 per annum as compensation, and had altogether received about £200,000 for the loss of differential dues formerly levied under their charter. The House would observe that that was a formidable question, as it involved a growing charge on the Consolidated Fund. Fortunately it happened that a great number of ports that used to receive this money from the Consolidated Fund as compensation for the loss of differential dues, had given up the receipt of the money, the Trinity Corporation among others. In some cases the payment had been got rid of when the bodies in question had occasion to come to Parliament for a Bill, which was refused to them unless they abandoned this unjust claim on the Treasury. This was, however, an inconvenient system, because it deterred these bodies from coming to Parliament to promote private Bills demanded by the wants of their respective localities. It was therefore desirable that such compensation money should cease to be paid. Year after year the payment was increasing. If when the new policy was inaugurated the Legislature had given the ports 20, 50, or even 100 years' purchase, it would have been a great gainer. In 1826, after reciprocity treaties with all the maritime Powers had been agreed to, the present recipients received £10,000 a year. In the present year they received about £60,000. How long was that to go on increasing with the increase of commerce, and was the House prepared to pay in a few years £100,000 as compensation for those dues, which were actually £10,000 a year when they ceased to be levied on foreign ships, and which had since entailed such an increasing charge on the Consolidated Fund, because, by the increase of trade, by lowering the tariff, and repealing the navigation laws, they had encouraged the entrance of foreign shipping into the ports? The rapid rate of increase was the effect of a free trade policy; but what justice was there in calling on the taxpayers of the country to pay the stipend for nothing? The parties who received it had given up nothing, and they did nothing in return for the large sum paid to them. If it could be imagined possible to restore the former system, to reverse their policy of free trade and reciprocity, and say to those parties, "You shall exact, as formerly, the double dues on foreign shipping, and we will not pay you this compensation," they would not be able to complain, but they would not gain for fewer foreign ships would come to their ports. Therefore, it did not seem to him that there was any foundation in justice for that annual payment. The Government proposed to discontinue this payment; but they wished to touch the matters with rather a tender hand, as the claim had existed so long. He, therefore, proposed that at the end of five years the compensation for differential dues should cease, and that during the next five years the sum to be paid should be taken on the average of the payments during the last five years. If in 1826 the House of Commons had given twenty years' purchase for these dues the ports would have been bought off for £200,000, but since 1826 they had actually received £900,000. He thought the Government now proposed to deal most liberally with them, and he did hope that Parliament would help the Government in relieving the Consolidated Fund from a charge that in justice it ought not to pay. A portion of the compensation money, however, had been granted in pensions, and should any of the present recipients be living at the expiration of the five years, the amounts would be continued to them during their lives. He hoped the House would understand the statement which he had made. The Government proposed to give facilities to harbours, and to relieve shipping from a variety of unjust and obnoxious charges, without interfering in the slightest degree with what might be called legitimate corporate property, or with the vested interests of individuals; and they likewise proposed to discontinue the unjust payments in the shape of compensation for differential dues. One case stood on peculiar grounds, and would form an exception to the general rule; the Hull Dock Company, in consequence of a certain arrangement made with the Treasury, had engaged to perform certain works, and to receive a fixed payment in lieu of differential dues. With that arrangement, therefore, it was not intended to interfere. The right hon. Gentleman concluded by moving for leave to introduce a Bill to facilitate the construction and improvement of harbours, to abolish passing tolls, and for other purposes.

MR. LIDDELL said, he wished to take the earliest opportunity of thanking the Government for the announcement of so refreshing a measure as one involving, though to a very limited extent, relief to the shipping interest. The Government, by their proposal to assist the construction of harbours of refuge, even to the moderate extent stated by the right hon. Gentleman, had made a good beginning and that at the right end. There was such a thing as beginning at the wrong end, but the step now taken was in the right direction. But he need not remind the House that the loan of £360,000 to be annually provided for the improvement of existing harbours would go only a very short way. Considering that the Government had been instrumental in the appointment of the Royal Commission, to which the investigation of questions of difficulty and intricacy had been delegated, he regretted that they had laid aside some of the chief recommendations of that Commission. He regretted that they had only adopted that portion of the recommendations which referred to existing harbours; but the step taken was in the right direction, and would tend to a great saving of life and property on the coast. When, however, the right hon. Gentleman said that this proposal was not to be considered as a substitute for a larger measure, it seemed that there was a lurking impression in the mind of the Government that they had not done all that might have been done. Much testimony concurred in the fact that enormous sums were spent in the lump without that House receiving any details by which they could judge whether they were expended properly and profitably or not. He referred more especially to Alderney and Jersey harbours, on which £1,100,000 had been expended already—(MR. HENLEY: Hear, hear!)—whereas the whole of the money stated by the Committee of 1858 as requisite for the construction of two great national life harbours on the north-east coast and in the British Channel, was less than that expenditure by £4,000 or £5,000. No check had as yet been placed on that particular expenditure. He hoped that the Government would see that the existing works were brought to a close, and that a proper system of audit would be provided. He hoped, moreover, that the Government would take into consideration the recommendation of the Commission that one or more national harbours should be constructed by means of a loan, and that they should be set on foot in the most speedy and economical mode. It was estimated that the loss of property on the coasts of England every year was a million and a half. That was so much national capital wasted which might have been expended in industrial works or in the payment of labour. It was so much national wealth sunk annually in the sea. Such a sum would more than pay the interest of a large loan, and leave a handsome surplus to the nation, and he implored the Chancellor of the Exchequer to consider whether he would not make a temporary sacrifice to secure a permanent national benefit. He hoped that in carrying the proposed measure precautions would be taken against the larger communities obtaining assistance in preference to the smaller ones in inverse proportion to their deserts. They ought not to lose sight of the fact that the fishermen had not the same means of giving security for national loans which were possessed by other communities. The right hon. Gentleman was in error in saying that the particular corporation in the part of the country he (Mr. Liddell) represented, namely, the "Houstmen Company" charged dues on ships for charitable purposes. [Mr. MILNER GIBSON: On the goods carried in ships?] It was only on a particular description of goods, namely, the article grindstones, and the company was a trading and not a charitable corporation. The right hon. Gentleman had said that he wished to touch the differential dues with a delicate hand. It was, indeed, a delicate subject, and trenched very much on the rights and property of corporations. He regretted that those dues were not bought up some years ago when their value was comparatively small; but he hoped that the example of the right hon. Gentleman would be followed by the Foreign Secretary who, he trusted, would before long be able to inform the House that all differential dues levied in other countries on English ships had ceased. In conclusion, he again thanked the Government for the measure, which was a movement in the right direction, though portions of the scheme were liable to great objections, and ought in his opinion to form the subject of separate Bills. He believed the proposition would be felt as a boon by the shipping interest, inasmuch as the Government expressed their desire to make no profit by the system of loans.

MR. LINDSAY said, he had heard with great satisfaction the speech of the President of the Board of Trade, and was only sorry that it had not been delivered ten years ago. He, however, regretted that the recommendations of the Royal Commission were not to be carried out in all their integrity. The money expended in that way would be much more advantageously spent than upon many of the sums now expended upon the navy, or the army, or upon those coast defences, for which they voted £10,000,000 last Session. However, this loan of £360,000 would be of some value, and would tend to the saving of life and property; but he trusted that in making loans the Government would in the first place consider the safety of life. With respect to the great harbours of refuge, he did not think in the present state of the finances he could press the Government to act on the Resolution formerly carried in that House, because a large sum of money would be required for their construction; but there were some points where a small sum would be of much service indeed; as, for instance, Waterford and Carlingford might at little cost be converted into magnificent harbours. In regard to the main question, it deserved serious consideration as speedily as possible, for the average loss of property every year along the British coasts amounted in value to £1,500,000, and the average loss of lives to 1,000. And in the present year he feared that the loss had been much greater. He deemed the notion of making a harbour of refuge at Alderney truly absurd, for in bad weather no sane man would run for Alderney. It would be certain destruction to do so; yet he apprehended that £1,100,000 had already been spent upon it, and before it was completed £2,000,000 would be spent. Besides, the harbour comprised an area of but eighty acres, and that was filled with rocks and shoals. The notion of completing it should at once be abandoned, and a saving of the £900,000 required to complete it would thus be effected. Then, with regard to Dover, it was fit for nothing else than a packet station. He agreed with the propriety of abolishing passing tolls. As an instance of the absurdity of the claims of parties who now levied those taxes for the maintenance of what were termed harbours of refuge for the use of vessels thus taxed, he referred to the harbour of Bridlington. When he (Mr. Lindsay), with others appointed as Commissioners, went to that harbour for the purposes of inquiry, after trying every means they could think of to enter the harbour even in a small boat, they, Her Majesty's Commissioners, were obliged to be carried into the harbour on the backs of sailors. And yet £3,000 or thereabouts a year for passing tolls was paid in respect of that so-called harbour of refuge. Then there was Sunderland, to which double the amount of tonnage and trade to that which went to Newcastle resorted. And yet Sunderland was called a creek of Newcastle, and paid £1,300 a year as dues to Newcastle, for which it receives no equivalent whatever. He then contended that the compulsory payments for pilotage were unjustifiable, and he hoped the Government would introduce a Bill to relieve shipowners from the liabilities to which they were at present subject.

Lord HOTHAM said, he could not give his consent to the principles which had been enunciated, and which interfered unjustly with vested rights. There was no more right to take possession of the property which was vested in the corporation of the Trinity House, of Hull, for instance, than the corporation had to take possession of the right hon. Gentleman's yacht. Having entered his protest he should postpone what further he might have to say until another occasion.

Sir FRANCIS GOLDSMID asked what charge the measure would impose upon the Consolidated Fund?

Mr. CLAY said, he also must protest against the manner in which the right hon. Gentleman proposed to deal with the dues payable to the Trinity House of Hull.

Mr. DEEDES said, on behalf of his constituents, that they never wished to stand in the way of the public interest; but no measure hitherto brought forward had fairly dealt with the interests of individuals. However, until he saw the details of the scheme he would not express any opinion upon it. When he saw the details of the Bill he should more fully express an opinion on its merits.

Mr. GEORGE congratulated the right hon. Gentleman on the clear statement which had been made in introducing this measure. He hoped the general provisions of the Bill would be extended to Ireland.

Mr. VANCE said, he wished to express his thanks to the right hon. Gentleman for the great benefit which the measure would confer on the port of Dublin by abolishing the double duties. The right hon. Gentleman would confer a further benefit if he would abolish the 2*s.* 6*d.* duty payable upon entrance into the port of Dublin at once, by a Resolution of the House, instead of waiting for the passing of this Bill.

Mr. MILNER GIBSON, in replying, said that the Bill would apply to Ireland. The charge imposed upon the Consolidated Fund under its provisions would amount to £45,000. The Bill contained a provision that no port should receive an advance of more than £100,000, which would prevent a few wealthy communities from swallowing up the whole of the benefit. He could not interfere with the special taxes of Dublin in the manner suggested by the hon, Member for that city.

Mr. VANSITTART thanked the right hon. Gentleman for putting an end to dues which were a serious injury to his (Mr. Vansittart's) constituents. He hoped that the right hon. Gentleman would abolish the dues by Resolution.

Resolved,

"That the Chairman be directed to move the House, That leave be given to bring in a Bill to facilitate the construction and improvement of Harbours by authorizing Loans to Harbour authorities, to abolish Passing Tolls, and for other purposes."

House *resumed.*

Resolution *reported.*

Bill *ordered* to be brought in by Mr. Massey, Mr. Milner Gibson, and Mr. Hutt.

GRAND JURIES, &c. (IRELAND.)

LEAVE.

Colonel FRENCH moved for leave to bring in a Bill to amend the Laws regulating Grand Jury Presentments in Ireland. The hon. and gallant Member said the subject had undergone very full discussion on that night week, and the attention of the House had been called at considerable length to what appeared to be the defects in the existing system of Grand Jury Laws in Ireland. Now, he did not deny that there were certain objections which were of a tenable character, and that amendments might, in some particulars, be introduced with advantage. But the grand jury system, as a whole, had been very much, and, as he thought, unjustly decried in the course of that debate. His object, therefore, in asking for leave to introduce the present Bill was to afford an opportunity of calmly considering the present state of the law, with a view to the introduction of amendments where they appeared to be required. A great objection which had been urged by the hon. and learned Member for Youghal (Mr. Butt) was, that it was a system of taxation without representation. But he hoped to show the House, not alone that all taxation must originate with the cesspayers, but that every step was carefully guarded by law to prevent expenditure from being incurred, except where it was imperatively required by the circumstances of the district. In the first place, no person could make application for the repair of a road, or for any new work, in any barony, unless he was himself a cesspayer in that barony; and the application was further required to proceed from two persons. The most extensive publicity was insured, for, in the first place, notice of what the presentment was to be—what road was to be repaired, or the work to be performed, should be served on the secretary to the grand jury, on the county surveyor, and also on the clerk of sessions in the district where the greater part of the work was to be performed. Copies of such notice to be posted on the churches, chapels, and police barracks in the district. Before any notice could be taken of the application it must be proved to the satisfaction of the cesspayers and the justices that these notices had been served. These cesspayers before whom, conjointly with the justices, application for power to execute these works was to be made, consisted of a certain number — not less than five and not more than twelve—selected by the grand jury from among the highest rated. These cesspayers were influenced in a double manner: they had a material interest in the improvement of the roads for the conveyance of their produce to market, and they were likewise interested in seeing that the work proposed was executed as economically as possible, as the expense of the work was to be borne by themselves. In arriving at a conclusion they had the professional assistance of the county surveyor, who was in attendance to answer any questions as to the condition of the roads — ascertained by actual inspection—as to the quantity of material required for the repair, and generally to give his opinion whether the application was one that ought or ought not to be entertained. Upon him, likewise, devolved the duty of seeing that proper plans and specifications were prepared. In case the application received the approval of a majority of the magistrates and cesspayers, public advertisement for tenders was made, and the lowest offer was of necessity taken, provided the contractor found security which could be approved of. These were not the only safeguards. After all these steps had been taken, a schedule of presentments had to be laid before the grand jury, which was composed of the chief persons in their respective districts, who met in open court, where the county surveyor was again in attendance to give his professional assistance. The grand jury had not the power of originating taxation; but they could impose a veto upon it whenever a proper case was made out. In the event of any person being discontented, either with the decision of the magistrates and cesspayers, in the first instance, or with that of the grand jury in the second, without incurring any expense, he had a double power of appeal. In the first place, it was competent for him to apply to the Judge before whom the presentments were laid to be fiated, and to obtain his opinion as to their legality; and in the next, if he doubted the utility of a particular presentment, he might enter a traverse, and from the jurors who were in attendance on criminal business a jury would be impanelled, and their opinion obtained on the particular question, without any expense being incurred. He did not think it possible for any other system to be surrounded with so many guards to prevent abuse. It had now been at work in Ireland for about a century, and everybody had derived from it the greatest advantage. If the presentment sought for was for a new work it had to come twice before the baronial sessions, and twice before the grand jury. The roads in Ireland were maintained for the sum of £480,000, and there was not one shilling due by the counties—whilst in England, 26,000 miles of road were bankrupt for £3,000,000 sterling — £3,000,000 were likewise levied in England for private roads, which in numberless cases were admittedly in a very bad state; whilst in Ireland the private roads were as good as the public. In England this tax was levied by the magistrates in quarter sessions, without any associated cess-payers. To show the economical working of the system, he might mention that the preliminary expenses of any work brought before an Irish grand jury did not exceed 50*s.* or 60*s.*, whereas in England the costs attendant on obtaining a private Act of Parliament to make a new road were not less than £600 or £700. The objections to the system, as well as he had been able to gather them from the speeches of the hon. and learned Member for Youghal (Mr. Butt), and the noble Lord the Member for Marylebone (Lord Fermoy), were three-fold. The first was, that the Parliamentary requirement—that a grand juror should be called to represent each barony in a county—could be evaded by the high sheriff, who had only to call a person whom he knew would not answer to his name. He proposed to remedy that defect by making it incumbent on the sheriff to call another gentleman from the same barony in case the first did not answer. Another objection was, that magistrates came from distant parts of the county, not having property in the particular barony where the sessions were held, and swamped the local cesspayers. This objection he proposed to remove by enacting that no magistrate, not resident in the barony, nor having a fee simple or freehold qualification of £200 a year should vote in the particular instance alluded to. The third, and by far the most important, objection was, that cesspayers were nominated by the grand jury in place of being elected, and that thus there was a system of taxation without representation. The remedy which he proposed in this case was the same which had been advocated in a Bill introduced by the hon. and gallant Gentleman the Member for Kerry (Colonel Herbert), when Chief Secretary for Ireland. He proposed that the grand juries should retain the power they at present possessed of declaring the number of associated cesspayers, and that the individuals should be elected by all persons rated from property of the annual value of eight pounds. In this way the legislative institutions which were required would be secured without difficulty. He thought he was not asking too much in requiring under his Bill that imperative presentments, by which he meant the expenditure for lunatic asylums under the Board of Works and in connection with the Post Office &c., should not be sent down to the grand juries in the middle of their fiscal business, but should be put forward five clear days before the county at large sessions, in order that they might be fairly considered and included in the printed schedule. There was an item which he considered totally unnecessary, but which was at present compulsory—namely, that for auditing the treasurer's accounts. He believed this might be omitted with safety and advantage. Such were the leading features of the Bill which he now begged permission to introduce; and from the encouragement to private Members, thrown out a few nights since by the Government, he hoped their assistance might be given in passing it into law.

LORD FERMOY was unable to understand the exact principles of the Bill which his hon. and gallant Friend proposed to bring in. It seemed as if it ought, in his eyes, to be altogether unnecessary to amend the grand jury system, after the very elaborate defence of their action and constitution which the House had just listened to. He did not believe that a subject so important ought to be left in the hands of private Members. On a former evening his right hon. Friend, the Chief Secretary for Ireland, made a suggestion to private Members to bring in Bills on this question; they had now the fruits of that appeal, and he could not say much in their favour. It was a subject of all others which the Government ought to deal with, and which they only could deal with efficiently. Everybody but those directly interested denied that the grand jury system required to see a reform. The only persons who attempted to stand up in defence of the system were grand jurors themselves—the body of all others in whom the country on fiscal questions had entirely lost confidence. The question was one involving a million of taxation levied on the poor ratepayers of Ireland. Even the thick and thin advocates of grand juries, like his hon. Friend the Member for Roscommon, could not deny that blemishes existed; and it was therefore peculiarly a question with which the Executive Government should deal on its own responsibility.

MR. BUTT thought it scarcely fair to a question of such great magnitude, that an attempt should be made to discuss it at such an advanced hour. On the suggestion thrown out by the Chief Secretary, the other night, he had himself given notice of a Bill on the subject, but finding it utterly impossible to do justice to it at such a time of night, he had postponed it till an evening when the state of the paper led him to hope for a more favourable opportunity. Although he did not hope to be able to effect that extensive change which he desired to see in the grand jury system, he felt that he was bound not to shrink from the responsibility cast upon him by the Chief Secretary for Ireland. There were questions on which legislation was admittedly required, that might be left to the discretion and responsibility of the Government; but, in the present instance he protested against blame being thrown on the right hon. Gentleman for declining to bring in a Bill.

Mr. CARDWELL said, it would be impossible, at such an hour, to renew the discussion on the financial Government of Ireland. All he wished to say on that occasion was, that in the history of this question, both in England and Ireland, the measures brought before the House had been usually in the hands of private Members, although, he was sorry to add that neither in the hands of private Members nor of the Government had that satisfactory progress been made which the advocates of alteration desired. A Bill was now proposed by his hon. and gallant Friend the Member for Roscommon, which he understood to contain some of the principal changes recommended by the Committee which reported in 1842. When that Bill was printed and in the hands of the House, they would be able to see whether it deserved a second reading. Other changes were contemplated in the measure promised by the hon. and learned Member for Youghal (Mr. Butt); and the House, when it had both these schemes before them, would be better able to decide on their respective merits.

Leave *given.*

Bill to amend the Laws regulating Grand Juries and Grand Jury presentments in Ireland, *ordered* to be brought in by Colonel French, and Colonel Herbert.

House adjourned at half after One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, March 18, 1861.

Minutes.] Public Bills.—1ª Queensland Government.

2ª Lunacy Regulation; Red Sea and India Telegraph.

Mr. Butt

DENMARK AND HOLSTEIN.

QUESTION.

The Earl of ELLENBOROUGH: My Lords, I rise to put a question to the noble Lord the Under Secretary of State for Foreign Affairs, of which I have given him private notice, relative to a subject which is assuming a very grave importance. I allude to the differences which have long existed between Germany and Denmark in regard to Holstein. My Lords, even if those differences in their result were only likely to affect the Powers immediately concerned, they would have deserved a great deal more attention than they had hitherto received; for, undoubtedly, an alteration in the balance of power in the north of Europe which practically would impair the strength of Denmark, and thereby render her less independent in guarding the Sound, could not be viewed with indifference by this country. But it is not so. Those differences are calculated to be attended with a still more serious consequence. They are calculated to affect the peace of Europe, or rather perhaps—to speak more correctly—to affect the state of armed truce in which Europe now stands; and this, my Lords, not at a distant date—not at an uncertain period, but within the next nine days. If the Diet of Germany should adhere to its expressed determination, before we meet again after Easter the fatal step may have been taken and war have been commenced in Europe. My Lords, the demands addressed to Denmark are, in the opinion of the Danes, such as, if complied with, would affect the honour of that country and impair her integrity, and Denmark has declared that with these demands she will not comply. Accordingly to the utmost of her power she has armed her people in self-defence. She has, in fact, done that which might have been expected from a noble and valiant people. My Lords, what are those demands? There are three points:—first, a denial on the part of the Diet that any financial laws passed by the authority of Denmark can affect Holstein, without the consent of Holstein; secondly, a demand on Denmark that she shall make no common laws affecting the rest of the kingdom and also affecting Holstein, without the consent of Holstein; thirdly, a declaration on the part of the Diet, that unless within six weeks from the passing of the Act passed in February —which period will expire on the 27th of March—the King of Denmark shall declare that he will not pass any law to affect Holstein, without the consent of Holstein, the Diet will proceed to the execution of the measures which, in the event of a refusal, it has announced its intention to adopt. Now Denmark in reply to those demands declares that it is beyond the competence of the Diet to make them. In that view she is supported by the King of the Netherlands in his capacity of Duke of Luxembourg, who takes the same ground. She considers that the compliance with the demand is inconsistent with the integrity of her power, and would make it impossible for her to carry on the Government. The impression entertained there evidently is that this second demand gives to Holstein a veto on the common laws of Denmark, and thereby practically establishes her as an independent Power, and impairs the action of the Danish Government. While, however, Denmark is resolved not to accede to these demands I understand she has made certain concessions. She called together the States of Holstein, which met on the 6th of March, and she submitted to them the principles of a new constitution of a most liberal character, comprising many of the best features of our own constitution—such as an Upper and Lower Chamber, entire security of person, the independence of the Judges, and various other principles consecrated by custom among ourselves. If Holstein should accept this proposal it would then be submitted to all the States of Denmark, to which this constitution was to apply; but if Holstein should not accede to it, it was proposed that there should be a Provisional Government for Holstein alone, until that happy period arrived when she could consent to form part of the general State. I believe nobody unacquainted with the former constitution of Holstein can understand the various changes introduced in this provisional constitution, but they are represented to be of a very liberal character, and grant to Holstein all that she can justly require, though they do not amount to a direct acquiescence in the demands of the Diet. I wish to look forward rather than backward. I have no wish to go back to the history of the connection between Denmark and Holstein, which has existed 400 years. During this period, whatever mutual causes of complaint may have existed, Holstein has actually acquired a great amount of prosperity, which united to her wealth and position, has attracted to her the attentions and patronage of the German States. Neither will I refer to a more recent period, when Holstein, misled by the fever of excitement prevailing in 1848, entertained projects inconsistent with her fealty to the Danish Crown. Nor will I inquire whether the German Diet has been actuated by perfectly conscientious motives, and has endeavoured simply to discharge the duty imposed on it by the constitution of the German States; nor, on the other hand, whether she is actuated by interested motives, and desires to separate Holstein from Denmark in order to acquire ports and a position in the Northern Sea which would make Germany a naval Power. But this I know, that the moving power is not the general body of the States of Germany —the moving power is Prussia. The real question is, whether Prussia, in the name of the Diet, shall detach the territory of Holstein from Denmark. I will assume that the King of Denmark remains determined to adhere to his opinion, and not to acquiesce in the demands of the Diet. Will the Diet proceed to execute its purpose —that is, will Prussia march an army into Holstein? If so, France will march an army to the Rhine. And more than that, with her great power of transporting troops by sea, she will send a *corps d'armée* to the assistance of the Danes; and Prussia, having placed herself in a perfectly false position, France will have the greatest advantages in carrying on war against her. It is essential to the success of Prussia in a war with France that everything on the right of the Elbe should be friendly, or at least neutral. By the false step she meditates she would place an enemy's army there. At what a period, if she be so minded, would Prussia engage in this unfortunate contest! Where is she to look for assistance? The armies of Austria are occupied in watching the Italians, in protecting the Quadrilateral, and in repressing the excitement which prevails in Hungary. Austria is unable to move to her support, whatever her distress. Is Russia in a position to do so? Even before the intimation which we received from Warsaw, I did not believe that she had it in her power to render assistance. The Emperor of Russia has thought fit, from a generous impulse, and possibly from enlightened and politic motives, to make a great social revolution, extending throughout the whole of that country, and completely altering the relations between property and labour. This, therefore, is not a favourable opportunity to engage at the same time in a great foreign war. Further than that, these—I cannot call them insurrections, but these disturbances at Warsaw altogether change the position of Russia. However great the prudence of Prince Gortschakoff, whatever may have been the moderation and good sense of the Emperor in dealing with the difficulty which has arisen, there can be no doubt that at the present moment Russia could not move 150,000 men over the Vistula without having another 150,000 to guard her communications, and these reinforcements would have to pass through an excited territory and a disaffected population. Prussia, therefore, cannot look for assistance from Russia. Is this a moment when she ought to think of engaging in a war in which France will take part? A time may come—much as I should regret it—when France may attack Prussia; but let her not provoke hostilities, let her wait till she is attacked, and then let her rally round her the whole of Germany in defence of right. But if, unassisted, she opposes herself to a Danish army of 30,000 men, reinforced by an army of Frenchmen, she is perilling all that remains of the treaties of 1815, and perhaps even perilling her own existence. I have thought it right, in deep apprehension of the consequences which may very soon ensue, to call the attention of Her Majesty's Ministers to this subject. I have no reason to entertain any doubt that they have already foreseen the dangers which I have intimated, nor will I question that they have taken every step which to them appeared right for the purpose of averting these dangers; but, under the circumstances, before we separate, I think we ought to know what they have done, and we ought to know what hopes they entertain of averting the danger which is so pregnant with ruin to Prussia and with difficulty to the rest of Europe. To enable Her Majesty's Ministers to make this statement to the House, I now ask the noble Lord the Under Secretary for Foreign Affairs, In what position the difficulties which have arisen between Denmark and Germany with respect to Holstein now stand?

LORD WODEHOUSE said, the noble Earl, in the very remarkable speech which he had just addressed to the House, had not at all exaggerated the importance of the question he had brought under their Lordship's notice. The noble Earl had stated with as much ability as clearness the considerations which rendered a settlement of the Holstein question vital to the interests of Europe. The question was one which it was very difficult to understand in all its bearings; its leading features were intelligible, but it would be very difficult to follow it through the complicated negotiations which had taken place between Germany and Denmark. The demand of the Diet, to which the noble Earl alluded, related to what was called the provisional position which Denmark wished to have established. The explanation of the demand, he believed, was that after the difficulty which led to the war between Denmark and Germany promises were made by the King of Denmark that there should be a common constitution for the whole of the States as regarded certain departments — Foreign Affairs, the Marine, War Department, the Post, and one or two others which were obviously points of common interest. These promises were given in a Proclamation by the King of Denmark in January, 1852; and in pursuance of that promise a scheme was submitted; first, to Denmark Proper, then to Schleswig, and also to Holstein. But, although this common constitution was accepted by the other portions of the kingdom, it was not accepted by the States of Holstein. Holstein demanded a larger share of power than he thought she was entitled to, and, therefore, as far as she was concerned, the constitution fell to the ground, and was formally annulled by the King in 1859. The Diet then demanded that a provisional arrangement should be made as regarded the State of Holstein, by which no law should be passed affecting that State—even with respect to the common affairs of the monarchy—without its consent being obtained. The Danish Government, although they had refused to comply with the demands of the Diet, made certain proposals to the States of Holstein, which were described by the noble Earl with great correctness. In those offers the Danish Government proposed, as he understood, that the States of Holstein should have the power of voting what was called the normal budget. The proposal was that there should be a fixed sum, which should always be paid by Holstein towards the common affairs of the monarchy; that that sum having been voted once for all, any excess should require the consent of the States of Holstein. But it seemed that the Danish Government made one reservation. They demanded that until the year 1862 the Budget, which had been fixed by decree of the King for two years, should remain in force. To that the States very strongly objected; and Her Majesty's Government had that day received intelligence from Copenhagen that the King of Denmark had conceded that point, and had consented that the whole Budget should, to adopt the expression used in the intelligence, "be submitted to the deliberative vote of the States of Holstein." This point was of the more importance because a very short time subsequent to the demand of the Diet Her Majesty's Government, acting in concert with the Governments of France and Russia, recommended to Denmark to submit to the States of Holstein the Budget for the common affairs of the monarchy, because they thought that at any rate those States should have the power of saying yes or no to a proposal so important to their interests. The Danish Government had replied to that desire expressed by the three Great Powers of Europe in the manner he had mentioned; and Her Majesty's Government could not but hope that the Prussian Government, which, as the noble Earl correctly says, is principally concerned, will see in this the means of arriving at a satisfactory termination of this most unfortunate dispute. They had all along given conciliatory advice to both the Danish and the Prussian Governments, and had recommended them to be conciliatory towards each other, and to seek for some pacific solution of this question. He would not any more than the noble Earl go into the various matters in discussion between Denmark and the Diet of Germany and Prussia, but he could not help saying that it seemed to him that both parties had been considerably in fault. On the one side the German Governments had undoubtedly made demands which appeared to go beyond the concessions promised by the Danish Government in 1850 and in 1851; and on the other side he did not think that the Danish Government was entirely exempt from the charge of not having treated with entire equality the Danish and German population in the duchy of Schleswig; but the fact was that other questions lay behind the questions which were immediately in discussion. The original question was the union of Holstein and Schleswig, and, although in the discussions which were now going on the duchy of Holstein alone appeared to be concerned, the question of the duchy of Schleswig lay behind that question, embittered the relations between Germany and Denmark, and had hitherto rendered ineffective all efforts at conciliation. Denmark had great reason to complain of the agitation which had been excited throughout her provinces by the manner in which this question had been put forward; but at the same time she, in her natural anxiety to support Danish nationality, had not observed strict impartiality. At the present moment, however, he thought that Denmark had shown a spirit of conciliation, which ought to induce Germany to come to an arrangement with her; and he was quite certain that those dangers to which the noble Earl had called attention, and which embraced questions of far greater scope than that of Denmark and Holstein, ought to weigh strongly with the German Confederation and with Prussia, and ought to lead them, instead of irritating Denmark, a State which, although small in position, is of great importance to Germany and Europe, to seek means by which she might be converted into a firm and useful Ally to the Confederation.

Before sitting down he would take the opportunity of stating in reply to a question which was put to him by the noble Viscount (Viscount Stratford de Redcliffe) the other evening, that his noble Friend at the head of the Foreign Office was of opinion that he could not consistently with the interests of the public service produce the despatches which had been received from Her Majesty's Consul General at Warsaw with reference to the recent disturbances in that city.

VISCOUNT STRATFORD DE REDCLIFFE said, that he was not surprised at the answer which had been given by his noble Friend, but he did expect that, considering the importance of the subject, his noble Friend would have taken the opportunity of stating the circumstances as they had been reported to the Foreign Office. It would appear that the promises which had been received from the Russian Government were not by any means so satisfactory as their Lordships might have been led to imagine; because, although it would seem that there was an intention to establish a Council at Warsaw, and to allow the country to elect municipal councils throughout the kingdom, yet there was no appearance of any intention to place at the head of the Council any person upon whom the Polish nation was at all likely to rely. If that proof of sincerity were not given by the Russian Government it would not be surprising if the effect upon the Polish people, excited as they were by the loss of life which took place a few days ago, should be such as to occasion fresh riots and outbreaks, which might prove dangerous to the peace of Europe. He had heard with satisfaction the opinions which his noble Friend opposite had expressed so clearly and powerfully with reference to the differences between Denmark and the German Confederation, and he trusted that what had fallen from the noble Earl might have sufficient influence to give us another chance of preserving peace, and avoiding the settlement of these disputes by an appeal to arms.

DEATH OF HER ROYAL HIGHNESS THE DUCHESS OF KENT.

ADDRESS OF CONDOLENCE TO THE QUEEN.

Earl GRANVILLE: My Lords, I have a melancholy duty to perform; but I have, at least, the satisfaction of knowing that I carry with me the concurrence of all parts of the House. We all know the feelings of loyalty and affectionate devotion to the Queen which are entertained, not in this House only but by the whole country, and, therefore, I have no occasion to say how warmly all sympathize with Her Majesty on the present occasion. My Lords, I have to move an Address of Condolence to Her Majesty on the great domestic affliction which has befallen her in the death of her mother. Your Lordships are all aware that her late Royal Highness the Duchess of Kent, after a brief period of domestic happiness with her second husband, the Duke of Kent, was left in this country the guardian of that illustrious lady under whose beneficent rule we have the happiness to live. Since that melancholy event, with the exception of the loss of her eldest son, a few years ago, her life has been one of great prosperity and success. From the moment of her arrival in this country she enjoyed great popularity among all classes of the people down to the close of her existence the other day. She had the gratification of seeing her first family gain general esteem and respect, and received in the closest bonds of friendship and affection in their exalted position of life; and she had the satisfaction of seeing one of her grandchildren greatly distinguishing himself, even to the risking of his life, in the naval service of the country which she had adopted. She had further the satisfaction of beholding her youngest brother profiting, not only by his own ability in administration, but by the information as to constitutional Government which he had acquired in England, to lead a friendly neighbouring country to the full appreciation of free and liberal institutions. The great historical event, however, in the life of her Royal Highness is her charge of the only child of her second marriage. In the twelfth year of Her Majesty's life her Royal Highness was unanimously chosen by Parliament as the Regent of the country, in the event of the Sovereign's death while his successor was in her minority. Many of your Lordships may recollect that admirable speech of Lord Lyndhurst on the subject of the Regency, in which he dwelt on the manner in which, up to that time, her Royal Highness had conducted the education of her child, and which particularly pointed her out for the important and responsible duty which she was then appointed to perform. Six years afterwards she saw that daughter, at the early age of eighteen, almost before she had arrived at the years of womanhood, placed in the most difficult and responsible position which any one of her age and sex could possibly occupy—the ruler of one of the greatest kingdoms in the world. In her daughter's reign she beheld the beneficial effects of her previous education, and the influence of those personal qualities which she had fostered and developed. Soon after she saw her daughter, of her own free choice, contract a marriage which has been of great advantage to this country, and which has led to a degree of domestic happiness not to be surpassed in any sphere of life. She saw her daughter reign for nearly a quarter of a century during times of national glory and prosperity quite unexampled. She saw her bring up a numerous family in a manner that gives us the promise that her children will emulate her own private and public life. She had the satisfaction of seeing her eldest granddaughter, by her excellent qualities and liberal accomplishments, gain the attachment of the heir of a neighbouring ally, and give birth to a son who will probably one day become the Sovereign of that country. She had seen the other children of the Queen visiting various parts of the world, and strengthening by their personal behaviour that respect for the Royal family of England which prevails so widely, and which, if I am not misinformed by my noble Friend behind me (the Duke of Newcastle), amounts in the colonies, which are connected with us by every tradition of birth and history, to a feeling of the most profound veneration and affection for the Queen. Her Royal Highness, having seen all this, had lived beyond the period which the Psalmist tells us is allotted to the age of man; and showed at the close of her long life, by the presence of her family, singular patience and resignation under a most cruel malady. It must appear to your Lordships that all these reflections are of consolation to the Queen. Your Lordships cannot be unaware how strong were the ties which bound together the illustrious mother and daughter, how deep are the domestic feelings of the Queen, and how few trials of this sort she has experienced. You may, therefore, readily conceive the profound affliction into which our Sovereign is now plunged; and when I ask you to agree to this Address of Condolence, I feel assured that you will do so not as a mere matter of routine, nor yet as a mere proof of that loyalty of which there can be no question in this House, but as an expression of your genuine, heartfelt, and respectful sympathy with our gracious Sovereign in her present grief. My Lords, I beg to move—

"That an humble Address be presented to Her Majesty to condole with Her Majesty on the Death of Her Royal Highness the Duchess of Kent, and to express to Her Majesty the sincere Regret of this House at that melancholy Event; and to assure Her Majesty that this House will ever feel the warmest Interest in whatever concerns Her Majesty's domestic Relations; and to declare the ardent Wishes of this House for the Happiness of Her Majesty and of Her Family."

THE EARL OF DERBY: I am sure, my Lords, that speaking on behalf of noble Lords on this side of the House, I may express their entire concurrence in the sentiments that have been expressed by my noble Friend opposite. It is hardly necessary that I should say anything with respect to the Address itself, because I am convinced, with my noble Friend, that that Address will be sanctioned unanimously by the House, not as a matter of form and ceremony, but as an expression of the fullest sympathy and affection, which not only pervades this House, but extends itself to all the people of Her Majesty's dominions. Her Majesty, in the course of her happy reign, has so closely identified herself with the interests of her people, has so completely twined around the Throne the loyalty and affections of her subjects, and has made their feelings and wishes so far the guide of her own feelings and wishes, that it is impossible that any event interesting in the slightest degree Her Majesty's feelings should not at the same time call forth the warm and cordial sympathy of the whole people. We rejoice in any circumstance which can add to Her Majesty's happiness. We regret that even the slightest cloud should for a moment overshadow her. We cannot, then, withhold the fullest tide of our sympathy and the expression of our loyal affection at a moment when Her Majesty is visited by an affliction the very deepest which has yet befallen her—an affliction which involves all the purest, dearest, and deepest affections of our nature. I am satisfied that your Lordships will give a cordial and ready support to the Address of Condolence. And although no one can doubt that under such circumstances as the present Her Majesty must derive some consolation from the reflection that during the whole period of her life she has discharged the duties of a daughter in the same exemplary manner as she has fulfilled the duties of her private, social, and public life, I cannot but entertain the hope that it may be some alleviation to Her Majesty's deep affliction to be assured that she carries with her not only the entire sympathies of this House but the deep affection and cordial participation in her sorrow of the whole of her attached and devoted people.

Motion *agreed to, Nemine Dissentiente.*

Ordered, That the said Address be presented to Her Majesty by the Lords with White Staves.

LUNACY REGULATION BILL.

SECOND READING.

Order of the Day for the Second Reading read.

THE LORD CHANCELLOR, in moving the Second Reading of this Bill, said a great deal had been done to improve the position of lunatics by his noble and learned Friends Lord Brougham, Lord Lyndhurst, and Lord St. Leonards, but a great deal remained to be accomplished. There were many persons of unsound mind possessing a small amount of property which a Commission of Lunacy would wholly absorb; but unless there was a Commission the property could not be made available for the benefit of the owner. It was proposed by the Bill that if it were made out to the satisfaction of the Lord Chancellor that these persons, who had incomes under a fixed sum, were lunatic, and if after notice the lunatic made no objection the Lord Chancellor should have the power to dispose of the property as if a Commission had issued and they had been found insane by the ordinary method of proceeding. He admitted that it was a very stringent measure, and one which he should not propose if he did not think it absolutely required. But he did think this power very necessary, inasmuch as there were a great number of cases in which small properties to which lunatics were entitled were withheld from them, owing to the present defective state of the law. A list of cases had been supplied to him by the Lunacy Commission, in which money was withheld from them, the Lord Chancellor having no power to interfere because no inquisition had taken place. In 1858 a governess, at that time lunatic, became entitled to about £100, and it continued to this day to be held by a joint-stock bank, who refused to pay it over without the authority of the Lord Chancellor. The Lord Chancellor could give no authority unless a Commission found her insane, and the expense would wholly absorb the property. In September, 1858, A. B., then in a country asylum, became entitled to a legacy of £200. His own funds were exhausted, and the trustees refused to apply the legacy for his benefit, because they could receive no proper discharge. There was a patient in St. Luke's Hospital possessed of £100 in a saving's bank. His wife could not maintain him; she could scarcely maintain herself. She had repeatedly requested the Commissioners to appropriate the money to his use, but they had no power to do so. There were other cases to the same effect, but if the Lord Chancellor for the time being were intrusted with the power proposed it would be always exercised for the benefit of the unhappy lunatics. Another improvement he proposed to make was in respect of the traverse of an inquisition; he proposed that the traverse should not be of right, but may be granted by the Lord Chancellor. By the present law a person of whose lunacy there was not the smallest doubt could insist upon a second inquiry; but the whole property of lunatics was frequently wasted by unnecessarily multiplying inquiries. Some years ago a Mrs. Cuming, after an inquiry which lasted sixteen days was found lunatic on very satisfactory evidence. She insisted on another inquiry. Lord St. Leonards saw her, and tried to dissuade her; but whether from her want of understanding or from her being prompted by others who might have had mercenary motives, she persisted, and another inquiry would have taken place had not Providence interfered and cut her life short. It was proposed by the Bill to give the Lord Chancellor a discretion to grant or refuse a second inquiry, after having seen the lunatic and taken the best means in his power to come to a right conclusion. Another important improvement was provided for in respect of the visiting of lunatics. It would be the duty of Visitors to visit lunatics, and to make inquiries and investigations as to their care, treatment, mental and bodily health, and the arrangements for their maintenance and comfort, in such manner as the Lord Chancellor, by his general or special orders, should from time to time direct. All lunatics in licensed houses were to be visited once a year; in addition to visits by Commissioners, and all other lunatics twice a year. With regard to the officers in lunacy the Visitors and Registrar were to hold office during good behaviour, the Lord Chancellor having power to remove them. Power was also given to the Lord Chancellor to allow pensions to the present Visitors if they desired to retire, and to future Visitors if afflicted with permanent infirmity; such pensions would come out of the Suitors' Fee Fund. Two of the present Visitors had been in office about thirty years. He believed they had done their best to discharge the duties imposed on them; but they were now of a very advanced age and physically unfitted to continue in office. It had been proposed that the Chancery Visitors should be abolished, and that lunatics under the charge of the Lord Chancellor should be visited by the Visitors of the General Lunacy Board. He was afraid, however, that this proposition could not be carried out. The General Board had already more to do than they could well get through, and if there were any increase to their numbers it must be at the public expense; whereas the Chancery Visitors did not cost the public anything. It had been proposed, too, in order that the General Board might take charge of them, that the Chancery Lunatics should be brought together, in the neighbourhood of some central railway station; but this was absolutely impracticable. They were scattered about the country in their own houses, among their friends, or in the charge of clergymen, physicians, and so on, so that it was impossible to bring them all together. It was most essential, too, that there should be direct communication between the lunatics and the Court, and this could only be done by releasing the Chancery Visitors. The only other provisions of the Bill were one for declaring that Masters in Lunacy should not be able to sit in the House of Commons, about which a doubt had been raised a short time ago; and another to make the registrar in lunacy a permanent officer.

Moved, that the Bill be now read 2^a.

LORD CRANWORTH was understood to recommend other improvements in the Masters in Lunacy offices, and with that view he hoped the Committee would not be proposed till after Easter.

THE LORD CHANCELLOR thought his noble and learned Friend would find that all which the Committee of the House of Commons had recommended had been provided for by this Bill.

THE EARL OF SHAFTESBURY heartily concurred in the principle and details of the Bill, which he believed to be calculated to promote the welfare of this unhappy class of persons. It was absolutely necessary that something should be done to protect lunatics possessed of a small amount of property. The cases mentioned by the noble and learned Lord were merely representative cases; many others equally striking might have been brought forward. It was not the General Lunacy Commissioners who had proposed that the Chancery lunatics should be transferred to them, for they had already a great deal more work than they could do; but it was the wish and desire of the House of Commons, as the system of Chancery inspection was so imperfect and infrequent, that the visitation should be transferred to the General Board. The Board said they would be perfectly ready provided certain facilities were given to them. If the noble and learned Lord desired to retain the visitation in the hands of the Court, he hoped that the Visitors would be required to devote themselves exclusively to the work. It would not do for them to devote one-half of their time to visiting, and another part to the general duties of their profession. Their whole time, strength, and attention must be given to the visitation, otherwise the system would not attain that degree of efficiency which the noble and learned Lord desired.

Motion *agreed to*.

Bill read 2^a accordingly; and *committed* to a Committee of the Whole House on the *First Sitting Day after the Easter Recess*.

THE GOVERNOR GENERAL OF INDIA.

QUESTION.

LORD LYVEDEN rose to ask, Whether Her Majesty's Government had made any Arrangement for the continuance of Earl Canning in the Office of Governor General beyond the usual Period of Five Years? He did not ask the question from any wish that Parliament should interfere with the Government as to the advice they might tender to Her Majesty with respect to this important appointment, but because he thought the public were entitled to know in whose hands the government of India would be confided for some time to come, and whether or not, as he hoped it would, it would be left to the vigorous and able hands of Earl Canning. It appeared to him that the public mind had returned to the same stagnant state in which it was previous to the mutiny regarding questions of the greatest importance pending in India, for the settling of which a skilful, firm, and experienced man was necessary. First of all was that which related to the formation of the Legislative Council in India, and that question was one which he thought should be carried into effect by a Governor General of great experience, like Earl Canning. It was most inexpedient that a new hand should be sent out to form a new constitution for India. Then there was the question relating to the amalgamation of the army, and the question of the Supreme and Sudder Courts, which were matters of no easy accomplishment, and they should be entrusted to the able experienced, efficient, and vigorous hands of Earl Canning. Beyond all other questions was the one relating to the finances of India, as to which the people of this country were very much in the dark. Every mail brought letters from India, showing that it was utterly impossible that the deficiency in the revenue could be made up, while at the same time the Secretary for India said that next year, if not this, he would be able to make both ends meet. Another important question had arisen in reference to the famine in the North-West Provinces, which he feared would cause a deficiency in the revenue, if there had been no probability of one before. He would venture to say that not one of these many questions ought to be confided to persons in whom the country had not learnt to place considerable trust. It was not known whether Mr. Laing would pursue the same financial scheme as that proposed by his predecessor or not. Therefore he thought that upon that head also they should require to know who was the person to be entrusted with the responsible Government of India. He said "responsible," because although it was alleged that greater responsibility and greater rapidity of decision had been secured by the recent changes in the Government of India, he did not see that either had been gained, and the responsibility was shifted from one shoulder to another as much as ever it was. If the real responsibility rested with the Governor General, it was of immense importance they should know to whose hands it was to be entrusted. Their Lordships knew that five years was the usual period for a Governor General to remain in India, and Lord Canning might be embarking at Calcutta at this very moment on his return to England, if no arrangement had been made to the contrary. He (Lord Lyveden) therefore hoped his noble Friend the Under Secretary for India would not think he was asking a question which could be considered impertinent or out of place in asking if any engagement had been made for continuing the services of Lord Canning in that highly important position of Governor General of India.

EARL DE GREY AND RIPON: I agree in the estimate which my noble Friend has formed of the importance of the matters which are likely to engage the attention of the Government at home and in India in the course of the next few months; and I am not surprised that he is anxious to be informed whether the able man who has conducted the Government of India during the last five years is to be continued in his office, or whether in the ordinary course of things he will return to this country. Now, the five years of Lord Canning's Government expired at the end of February, and it has been arranged that he should, for the present, at all events, remain in India, and continue to hold the office of Governor General. No arrangement has been made as to the precise time of his return to England. That must, of course, be determined by the requirements of the public service and by Lord Canning's own convenience. But for the next few months, and these are likely to be a period of great importance, Lord Canning will continue in the office he has filled with so much advantage to India. In regard to the finances of India, although, no doubt, there will be a very extensive failure of crops in certain districts, we learn by the last accounts that rain has begun to fall freely in the Punjab. We may, therefore, hope that the famine will not be so extensive, and that the failure of the crops will be less general and the sufferings of the people less intense than was at one time feared. I regret that my noble Friend thinks that my statement as to the course taken respecting the Legislative Council in India is so unsatisfactory; but I think my noble Friend derived from the statement an erroneous notion, if he supposed that there was likely to be any unnecessary delay on the part of the Government in making known to Parliament their decision on that important subject. I can assure my noble Friend that with regard to the union of the Supreme and Sudder Courts, the attention of my right hon. Friend (Sir Charles Wood) is being given to that point, and I trust that shortly after the Easter recess my right hon. Friend will be in a position to state to the other House the course which the Government intend to pursue.

RED SEA AND INDIA TELEGRAPH BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD STANLEY OF ALDERLEY, in moving the second reading of this Bill, explained that in 1859 a Bill passed by which the then Government undertook to guarantee 4½ per cent on an expenditure of £800,000 for fifty years, conditionally, as was understood, on the line being laid and handed over in working order. In consequence of certain disputes which had arisen with the contractors, the law officers of the Crown were called upon for their opinion, and they stated that under the terms of the contract the Government were not bound to pay this money, and not only were not bound to pay it, but would not be justified in paying it. Whether the contract as entered into was an improvident and unwise one their Lordships had not now to consider. The question was now one of good faith, and it was the duty of the Government to see that the persons who entered into the contract should not be prejudiced by the technical difficulties which had arisen. A Bill was, therefore, introduced into the other House, declaring that the guarantee was not intended to be and is not conditional on the line of telegraph of the company being in working order; and to that Bill he hoped their Lordships would now give a second reading.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the Whole House *To-morrow.*

House adjourned at a quarter after Seven o'clock till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 18, 1861.

MINUTES.] PUBLIC BILLS.—1° County Voters (Scotland); Grand Juries, &c. (Ireland); Harbours; Trade Marks; Admiralty Court Jurisdiction.

2° Post Office Savings Banks; Exchequer Bills; Marine Mutiny; Mutiny; Constructive Notice Amendment.

VOLUNTEER REVIEW ON EASTER MONDAY.—QUESTION.

GENERAL BUCKLEY said, he rose to ask the Under Secretary for War, Whether the Volunteer Corps that propose to go to Brighton for a Review on Easter Monday have received the sanction of the authorities for that purpose?

MR. T. G. BARING said, in answer to his hon. and gallant Friend, that the Secretary of State for War had not objected to the assembly of the Volunteers at Brighton on Easter Monday, proposed by Lord Ranelagh. It would, however, be necessary for the several corps who proposed to take part in this field-day to obtain the consent of the Lord Lieutenant of the county in which the review was to take place. The Secretary of State for War would take the same course as that adopted at the Volunteer Review at Chislehurst last year, and request His Royal Highness the Commander-in-Chief to send a general officer to watch the proceedings and report the result.

TRAINING OF THE MILITIA. QUESTION.

COLONEL ROWLEY said, he would beg to ask the Under Secretary for War, When the Militia Regiments are to be called out for service, and for what period?

MR. T. G. BARING said, the usual circulars to Lords-Lieutenant of Counties were issued last week, and the Lords-Lieutenant were requested to inform the Secretary of State for War whether it would be convenient to the Militia Regiments to be called out for their training before or after Whitsuntide, as it was supposed to be objectionable that the regiments should be out for training during the Whitsuntide holidays. There was also a request for information whether the commanding officer would, instead of taking twenty-seven days' training, prefer to take twenty-one days preliminary drill for the recruits and twenty-one days training for the whole regiment, or fourteen days for recruits, and twenty-four days for the regiment.

COLONEL ROWLEY: You will not take longer than twenty-seven days altogether?

MR. T. G. BARING: No; not longer than twenty-seven days.

SALE AND TRANSFER OF LAND. QUESTION.

MR. HOPWOOD said, he wished to ask Mr. Attorney General, When he intends to introduce his Bill for facilitating the Sale and Transfer of Land?

THE ATTORNEY GENERAL said, he hoped to be able to bring in a Bill shortly after Easter.

FRENCH OCCUPATION OF SYRIA. QUESTION.

SIR JAMES FERGUSSON said, he would beg to ask the Secretary of State for Foreign Affairs, If he can give the House any information as to whether the occupation of Syria by French Troops will be prolonged; and whether those Troops are to remain there solely to support the Turkish Troops, and only to interfere on the requisition of the Turkish authorities?

LORD JOHN RUSSELL said, it had been agreed at the Conference at Paris that the occupation of Syria by the French troops should continue till the 5th of June. As to what the terms were he could not precisely state. But there were no new ones with respect to sending troops into the interior. Those were the same as were laid down in a previous Convention. The Convention was not signed yet, but as soon as he possibly could he would lay it upon the table of the House.

SUPPLY.—THE NAVAL ESTIMATES.

In reply to Sir STAFFORD NORTHCOTE,

VISCOUNT PALMERSTON said, that if the other business was over in fair time he should propose to go into Committee of Supply that night.

MR. BRIGHT said, he would put it to noble Lord whether it would not be desirable to allow the Motion of the hon. Member for Sunderland (Mr. Lindsay) to come on at some time when it could be fairly discussed. He (Mr. Bright) understood that it was postponed on a previous night in order that it might be brought on at some time when the House was in a condition to discuss it. If the noble Lord brought on Supply at a late hour, the Motion could not meet with the consideration to which it was entitled. He hoped the noble Lord would make some arrangements, so that they might go into Committee on some day earlier to discuss the Motion.

VISCOUNT PALMERSTON said, he believed the Motion referred to related to materials.

MR. BRIGHT: To the building of wooden ships.

VISCOUNT PALMERSTON said, he would undertake that the particular Vote to which the Motion related should not come on that night at a late hour, nor on any other night except at an hour when there would be a full opportunity of discussing it.

DEATH OF HER ROYAL HIGHNESS THE DUCHESS OF KENT.

ADDRESS OF CONDOLENCE TO HER MAJESTY.

VISCOUNT PALMERSTON:—Sir, the House is already aware of the deep affliction which has befallen Her Majesty in the death of her Royal Highness the Duchess of Kent, and I am sure I am not prematurely asking the House to perform that which is an act of mournful satisfaction, in tendering to Her Majesty the respectful condolence of the House on the melancholy event to which I have just adverted. Sir, I am persuaded that in making this proposal I am only meeting the feelings that animate every Member of this House—in whose breasts glow the most fervent personal attachment to Her Majesty, and who, therefore, take the deepest interest in everything which concerns her happiness and welfare. I am sure there is no occasion on which this House is a more faithful expounder and organ of the feelings of the nation than when they tender to Her Majesty the expression of their sympathy in all that affects her, and of their most ardent attachment to her person as well as of loyalty to her Throne. Sir, the event that we are deploring is one which is a part of the usual dispensations of nature. Parents must be expected not to outlive their children, but whenever that separation happens it is a wrenching of natural ties, which must always be painful, although circumstances must vary the degree of their intensity. It is the usual lot of Royal families that mothers and daughters are separated at an early period of the life of the children. Marriage takes the daughter to another land from that inhabited by the mother, and, although that separation in no degree diminishes the strength of natural affection, yet, nevertheless, the habitual separation in some degree mitigates and prepares the more perpetual separation which the course of nature may bring about. But that has not been the case in the present instance. From the earliest infancy of Her Majesty, the mother and the daughter have been perpetually together, and their daily intercourse has been that of mutual affection and reciprocal confidence. To the care and attention of the late Duchess of Kent we owe in a great degree that full development which we so much admire of all those great and eminent qualities by which our Sovereign is distinguished; while, on the other hand, the affectionate care of the Sovereign has enabled her to repay by her kindness and attention those advantages which the mother was able to confer in the earliest years of her daughter's existence. Therefore, it is natural that this blow, however in the ordinary course of nature, has come upon Her Majesty with great and intense pain, and I am persuaded that this House will feel that it is but discharging a satisfactory duty in conveying to Her Majesty, by the Address I now propose, the expression of their respectful condolence, their devoted attachment and loyalty to the Crown, and the deep interest which they feel in everything that affects the welfare and happiness of Her Majesty in her domestic circle. I, therefore, propose to the House that they shall agree to an Address which shall express our deep concern at the great loss which Her Majesty has sustained by the death of Her Royal Highness the Duchess of Kent, and to condole with Her Majesty on this melancholy occasion, and to assure Her Majesty that, animated by feelings of devoted loyalty to Her Majesty's Throne and of affectionate attachment to Her Majesty's Person, we shall ever take a warm interest in all events that concern Her Majesty's domestic happiness.

MR. DISRAELI: Sir, I rise to second this Address of condolence to Her Majesty on an occasion of no common sorrow. The ties which united Her Majesty to her lamented parent were not only of an intimate, but of a peculiar character. In the history of our reigning House none were ever placed as this widowed Princess and her Royal child. Never before devolved on a delicate sex a more august or a more awful responsibility. How those great duties were encountered — how fulfilled — may be read in the conscience of a grateful and a loyal people. Therefore, notwithstanding the serene retirement of her life, the name of the Duchess of Kent will remain in our history from its interesting and benignant connection with an illustrious reign. Sir, for the great grief which has fallen on the Queen there is only one source of human consolation—the recollection of unbroken devotedness to the being whom we have loved and whom we have lost. That tranquilizing and sustaining memory is the inheritance of our Sovereign. It is generally supposed that the anguish of affection is scarcely compatible with the pomp of power, but that is not so in the present instance. She who reigns over us has elected, amid all the splendour of empire, to establish her life on the principle of domestic love. It is this—it is the remembrance and consciousness of this which now sincerely saddens the public spirit, permits a nation to bear its heartfelt sympathy to the foot of a bereaved Throne, and whisper solace even to a Royal heart.

Resolved, *Nemine Contradicente*,

"That an humble Address be presented to Her Majesty, to express our deep concern at the great loss which Her Majesty has sustained by the death of Her Royal Highness the Duchess of Kent, and to condole with Her Majesty on this melancholy occasion.

"To assure Her Majesty that, animated by feelings of devoted Loyalty to Her Majesty's Throne, and of affectionate attachment to Her Majesty's Person, we shall ever take a warm interest in all events which concern Her Majesty's domestic happiness."

Ordered, "That the said Address be presented to Her Majesty by such Members of this House as are of Her Majesty's Most Honourable Privy Council."

BANKRUPTCY AND INSOLVENCY BILL.

COMMITTEE.

Order for Committee read.

MR. MALINS said, he hoped that, inasmuch as the Bill had undergone numerous alterations, his hon. and learned Friend the Attorney General would allow it to be printed before the Report was brought up.

THE ATTORNEY GENERAL said, he hoped to get through the remaining clauses of the Bill in Committee that night; and he did not think it necessary to reprint it before reporting. There were only two clauses remaining for deliberation, one relating to the remuneration of messengers, the other to the remuneration of official assignees.

House in Committee.

(In the Committee.)

Clause 197 *agreed to.*

Clause 198 (Trust deeds when valid),

THE ATTORNEY GENERAL said, that an hon. Member had given notice of an Amendment to the effect that a majority of the creditors in number as well as in value should approve of any trust deed. There had been a discussion on this subject upon a former occasion, and the sense of the Committee generally was that it would be better not to limit the majority to three-fourths in value, but to take a majority in numbers as well. He would, therefore, accede to the suggested Amendment if the words were slightly altered so as to make it run "a majority in number, including three-fourths in value."

Amendment *agreed to.*

MR. HADFIELD said, he wished to move another Amendment, to the effect that the proceedings by trust deeds should not be subject in ordinary cases to stamp duties.

THE ATTORNEY GENERAL said, the Amendment, which the hon. Gentleman proposed with so much complacency, would absolutely ruin the Bill. The whole cost of working the Bill rested on those fees. By the present law the poorest suitor taking an estate into bankruptcy had to pay £10 down, but the Bill would give creditors who resorted to a trust deed all the benefit of the bankruptcy law for the sum of 30*s.*

Amendment *negatived.*

Clause *agreed to.*

Clauses 199 and 200 were also *agreed to.*

Clause 201 (Stamp Duties on Deeds),

MR. HADFIELD proposed an Amendment, the object of which was to substitute statutory declarations for oaths.

THE ATTORNEY GENERAL said, he was anxious to multiply oaths as little as possible, but some regard must be had to the general practice. The word "sworn" would include declarations by Quakers and persons who were excused from taking oaths; but he would be glad to insert the words "or certified."

Amendment *agreed to.*

MR. HENLEY said, he wished to know on what principle the scale of stamp duties was regulated. Every small estate under £500 was required to pay a fee of £2, while large estates of £10,000 or £100,000 were not required to pay more than £10.

He wished to know why the small estates were to be taxed so much out of all proportion to the large ones.

THE ATTORNEY GENERAL said, the clauses the Committee were now considering would, he anticipated, prove the most effectual in the Bill; for he believed that trust deeds would be resorted to much more often than adjudication in bankruptcy. By the present law the creditors of the smallest estate had to pay £10 on the threshold of the suit; by this Bill they would obtain all the advantages of an adjudication by a trust deed, the initial charge on which would be only 30*s.* So far, then, the Bill would greatly relieve the smaller estates. He had been considering how low he could put the subsequent stamp duty, and he found that he could not make it lower than £2; but the creditors would obtain for £3 10*s.* what under the old law would have cost £10 to begin with, besides the subsequent charges. He had not carried the ascending scale of *ad valorem* duty beyond £10, because cases were rare in which estates of greater value than £5,000 were administered out of Court.

MR. HENLEY said, the hon. and learned Gentleman had not met his question. The hon. and learned Gentleman said, there would not be so much injustice committed in the proposed law as under the existing system. But what he wanted to know was why there should be injustice at all? He should move that the stamp duty, fixed in the Bill at the *minimum* of 40*s.*, should be reduced to 20*s.*

MR. GLYN said, he was disposed very much to agree with the right hon. Gentleman (Mr. Henley). The clause was a very important one, for it gave the power of registering trust deeds in bankruptcy for the first time. He could not see why, if they must impose an *ad valorem* duty for purposes of revenue, they should not charge the full amount upon estates of £20,000 or £30,000, which would principally be wound up under deeds.

MR. MALINS suggested that an *ad valorem* duty should be charged on all estates—say 5 per cent, whatever the amount of the estate might be. Thus all estates would be taxed in the same proportion, and a large amount of revenue be produced.

MR. HENLEY said, he thought there was a great principle involved in thus taxing poor people with a small estate heavily, because they must needs get money, and not taxing the larger estates in the same proportion. He should, therefore, move in line 23, to leave out £2, with the view of substituting 20*s.*

THE ATTORNEY GENERAL said, he would not object to the proposal if the right hon. Gentleman would consent to augment the subsequent stamp duties on larger estates by making £5 £10, and £10 £15.

MR. HENLEY said, he would not presume to fix the exact proportions. He merely wished to raise the question that the stamp duty imposed should be graduated to the value of the estates dealt with. If the hon. and learned Gentleman at all acceded to the principle, he would leave him to settle both the higher and lower scale according to the necessities of the Court.

MR. CRAWFORD believed 2*s.* per cent on the estates dealt with would produce the requisite amount.

THE CHAIRMAN stated that, the *maximum* of stamp duty having been fixed by Resolution, it would not be competent to increase its amount in Committee on the Bill.

THE ATTORNEY GENERAL admitted the reasonableness of the right hon. Gentleman's proposition in the abstract, but the effect of an *ad valorem* duty on large estates would be to drive them out of the Court of Bankruptcy. He was afraid it was too late to alter the lower scale, as they could not augment the *maximum* duty. He, therefore, trusted the right hon. Gentleman would not occasion embarrassment by persisting in his Amendment.

MR. HENLEY said, he would be sorry to throw any difficulty in the way of the hon. and learned Gentleman; but, as there seemed to be a general concurrence of opinion on the subject, while he would not divide on his Amendment, he trusted the hon. and learned Attorney General would consider the matter, and after the Bill was through Committee get a Resolution passed in the regular way increasing the *maximum* rate of stamp duty so as to be enabled to adopt a lower rate for the smaller estates.

THE ATTORNEY GENERAL said, he thanked the right hon. Gentleman for his suggestion, and would take it into consideration. A sum of 5*s.* per cent would fully answer his purpose, but he would review his calculations before pledging himself on the subject, and if it should be necessary to set up a Committee in order to carry out the alteration, he hoped to have the support of the House in doing so.

Amendment, by leave, *withdrawn.*

Clause *agreed to.*

Clause 202 *agreed to.*

Clause 203 (Jurisdiction of the Court),

SIR FRANCIS GOLDSMID asked whether the words of the Clause were not too vague and general, and would not render necessary the formalities of the Bankruptcy Court in cases where trust deeds were executed.

THE ATTORNEY GENERAL said, he did not think that there was any ground for that apprehension. The administration would proceed under the trust deed, and it would be impossible in that case to apply the same directions as were applicable where the administration was under the Court.

Clause *agreed to.*

Clause 204 (Protection to Debtor),

MR. MURRAY said, he wished to point out that the clause provided no means of preventing an execution against either the person or the property of a debtor pending the twenty-eight days allowed for registering the deed of trust. Under the Bill of Exchange Act execution could be obtained in twelve days.

THE ATTORNEY GENERAL said, there was considerable difficulty in the matter. On the one hand it was desirable to prevent a malignant creditor from defeating the whole arrangement, and on the other it was necessary to guard against fraud. If the debtor were absolutely protected during the twenty-eight days, he might avail himself of the interval to make away with his estate.

SIR FRANCIS GOLDSMID suggested that the clause should be confined to such deeds as a certain proportion of the creditors, in number and value, had assented to.

THE ATTORNEY GENERAL said, he saw no necessity for altering the clause, but would consider the point.

MR. HENLEY said, that the clause as it stood would open the door to any creditor holding a Bill of exchange against the debtor to upset the whole trust arrangement. In ten or twelve days the holder of the Bill could get a judgment and proceed to execution. But by a former clause of that measure such an execution would of itself amount to an act of bankruptcy.

THE ATTORNEY GENERAL said, one of the conditions of the deed was that the debtor should deliver up possession of his property to the trustees, and when that was done no creditor upon a bill of exchange could touch the property. It was absolutely essential that the execution of every deed should be accompanied by delivery.

MR. WALPOLE said, he thought the clause was most important as affecting the whole working of the system of trust deeds. If the twenty-eight days allowed for registration had not elapsed, the debtor was not protected against the execution of any creditor, and yet if a debtor gave up all his property to trustees, it would seem to be only just that all proceedings against him should be stayed.

THE ATTORNEY GENERAL replied, that one of the main conditions for allowing the debtor the benefit of the law was that he should be subject to examination by his creditors, and therefore it was necessary to retain him within the jurisdiction. It might occur that a fraudulent debtor might make an apparent *bonâ fide* distribution, and then withdraw himself from the country. It was intended that the debtor should be protected against all process except process against him as about to quit the country.

MR. WALPOLE said, the clause referred to a period subsequent to the filing of the deed, but the case he put was whether before the twenty-eight days had elapsed, a creditor who did not intend to come in under the deed might not take the debtor in execution ?

THE ATTORNEY GENERAL remarked that the registration of the deed need not be delayed for twenty-eight days. A debtor could make his offer, and if three-fourths of the creditors concurred to accept it, the deed could be registered next day. It was intended to give protection within the twenty-eight days to a debtor, except in the case of his being about to quit the country.

MR. BOVILL suggested that no process should be enforced without leave of the Commissioner.

THE ATTORNEY GENERAL said, the case assumed by his hon. and learned Friend seemed to be that when a man had given up all his property a malignant creditor would go on with his action in order to take the debtor and place him in prison. But what benefit would he derive from that ? If there would be none, then it was not likely any man would act in that way. Upon the whole he thought it would be best to leave the clause as it stood.

Clause *agreed to.*

Clause 205 *agreed to.*

Clause 206 (where Creditors not known),

THE ATTORNEY GENERAL said, that where there were holders of bills whose names could not be ascertained, or where creditors were absent from the country, the clause would make it sufficient for the debtor to obtain the assent of three-fourths in number and value of the remaining creditors; but as there might be a cloak for fraud in that provision, by enabling the debtor to hand over the property to two friendly trustees, he should propose that the words "in either of such cases" be struck out, and that in lieu thereof be inserted, "the trustee or one of the trustees of the deed or instrument be an official assignee of the district," &c.

MR. MOFFATT said, it was extremely difficult to say where the creditors upon bills of exchange were living when the estate came under sequestration or bankruptcy. He, therefore, would propose after the word "creditors," to insert the words "including those who would represent *bonâ fide* creditors on bills of exchange."

THE ATTORNEY GENERAL said, the Amendment in question would completely nullify the clause. The insertion of these words would render it imperative on an unfortunate debtor to get the consent of those persons who were *bonâ fide* holders. They might possibly be in a foreign country.

MR. MOFFATT said, he hoped the hon. and learned Gentleman would devise some scheme for remedying the evil to which he referred.

SIR HUGH CAIRNS said, that the clause, as proposed to be amended by the hon. and learned Attorney General, would give a monopoly to the official assignee of the district of the trusts of all trust deeds. The creditors should have the option to choose their own trustees, in whom they could have confidence.

THE ATTORNEY GENERAL said, that he intended by the provision to effect that which in former times in bankruptcy used to be done by provisional assignment. When the creditors were ascertained and came in they could very easily elect new trustees, and the official assignee would only be removable upon application to the Court.

MR. BOVILL suggested that, instead of the Amendment proposed by the Attorney General, words should be introduced making it necessary that the affidavit "shall be allowed by the Court."

THE ATTORNEY GENERAL said, he thought the application to the Court by either the debtor or creditors in such a matter would lead to inconsistency and inconvenience.

MR. BOVILL said, a case might arise of a debtor who had contracted debts in the colonies in a colonial trade where he might owe a large sum, and but a very small sum in this country, and yet, by the present clause, the signatures of three-fourths of the creditors in the colonies might be dispensed with; in such a case the Court ought to have a discretion; the creditors should be at liberty to apply to the Court.

THE ATTORNEY GENERAL said, even in that case he doubted whether the interposition of the Court would remove the evil.

MR. HENLEY remarked, that in every case the official assignee should be a trustee.

THE ATTORNEY GENERAL said, that he had received innumerable applications from merchants and other experienced persons on the point, and the proposition which he had just made for the Amendment of the clause was one very much insisted on by them, though it had not occurred to his own mind. He would, however, withdraw the Amendment.

MR. GLYN observed, that that portion of the mercantile body with which he had communicated had but one opinion in reference to official assignees, and that was, that with respect to trust deeds, they should not be introduced into the machinery.

Amendment, by leave, *withdrawn;* Clause *agreed to.*

Clause 207 (Creditors of deceased debtors may petition the Court of Bankruptcy for distribution of the Estate of the deceased),

MR. CRAUFURD proposed the omission of words involving the distinction of trader and non-trader, for the purpose of making the clause consistent with the principle already admitted by the rest of the Bill of abolishing that distinction.

Amendment proposed, in page 54, line 8, to leave out "in any case in which a deceased debtor was a trader at the time of his death."

SIR HUGH CAIRNS said, the Committee had now arrived at what were called the "dead man's clauses." Similar clauses had been before proposed, but never adopted. He did not think them necessary, and in themselves they were very objectionable. They were not founded upon any conduct of the deceased man —not upon anything done that constituted an act of bankruptcy. The clause dealt only with the assets of the dead man—with his estate; and the law of bankruptcy ought not to depart from the *criteria* of conduct. At the moment of death it was impossible to say whether the estate would be sufficient to pay all the debts; but by these clauses, unless it could be shown that the assets would cover all the debts, the estate might be thrown into the Court of Bankruptcy, and the family of the dead man would incur all the irksomeness of feeling caused by the proceeding. Such a proposition had never yet been entertained, and, without very good reasons, he hoped it would not be entertained now. Again, it was the essence of the law of bankruptcy to pay all the creditors equally, whatever their character might be; as far as the assets went, the debts were paid without preference. But, in these clauses, the whole principle of bankruptcy was abandoned, and the estate was to be administered on the principles of the Court of Chancery, that recognized a priority and preference of the liabilities. The Court of Chancery frequently administered estates of persons deceased, and did so by a simple process, much cheaper than that of the Court of Bankruptcy. Of that he would give an instance. It so happened that at precisely the same time an estate worth £23,000 had to be administered in Chancery, and an estate worth £17,000 had to be administered in bankruptcy. Upon the smaller estate in bankruptcy, the costs of administration were £800, while upon the other, they were only £53. Then one of the clauses provided that no order could be made under this Bill in cases in which proceedings had been commenced in the Court of Chancery. The consequence would be that, to escape the odium of a fiat of bankruptcy, a summons of the Court of Chancery would be applied for immediately after death to bar the possibility of any proceedings in bankruptcy. Though the administration of the assets of deceased persons by the Court of Chancery was cheap and good, yet they ought not to adopt any course tending to throw every estate into that court. During a man's life it was often necessary to take some steps to prevent him from making away with his estate by some act of fraud or preference of creditors, and an application to the Court of Bankruptcy would prevent such acts; but after a man was dead no such waste of an estate could be committed. Besides, the Court of Bankruptcy dealt with debts only, and not with legacies, so that when a man died there might be two proceedings—one to determine who was to be paid the debts, and the other to determine who was to be paid the legacies. There were other objections. One was that they required County Courts to administer the assets of a deceased debtor, on the principles, and in the manner, in which they would be dealt with in a Court of Equity. For the County Courts when discharging the functions of their own proper sphere, he had the highest respect; but he should like to know how their machinery could be considered adequate to the administration of equitable assets. The clauses, he might add, to which he was referring furnished the only instance of which he was aware of provision being made for the administration of an estate without the intervention of an administrator or executor, and that they did by setting forth that in the case in which there was no executor or administrator the next of kin might be cited; the determination of the question of who was the next of kin, be it borne in mind, being frequently one of great complication, and, as a consequence, one which the Court of Bankruptcy was not the fittest tribunal to decide. And there was this further absurdity, that the clause provided for notice being given to the heir at law or next of kin, by leaving a summons at the last place of residence of the deceased person, and this it should be recollected was to be done three months after the person had died. He thought if the clause had provided that the summons was to be posted on the door of the House of Commons, it would be more likely to catch the eye of the heir at law or next of kin. The clauses had been introduced into the Bill of 1849, but were struck out; they had been referred to the Commission of 1854, but had been rejected; and he trusted that for these reasons he had given the hon. and learned Attorney General would see the expediency of omitting them from the present Bill. If not, he should when the proper time arrived, deem it to be his duty to take with respect to them the sense of the Committee.

MR. MALINS said, he had come to the same conclusion as his hon. and learned Friend with respect to the effect of the clauses. They were not only useless but mischievous. The Chancery Commission had reported against them. The practice of the Court of Chancery, in the administration of the assets of deceased persons, was cheap, expeditious, and free from difficulty. He trusted, therefore, that the Attorney General would abandon the clauses.

Mr. CRAUFURD said, he thought it inconvenient to go into the general question started by the hon. and learned Gentleman (Sir Hugh Cairns) upon the Amendment before the Committee. But he would remind hon. Gentlemen that the clauses were permissive, and not compulsory. They had been long requested by the mercantile community, who had felt that if power were given to local courts to administer the assets of deceased persons it would be a great boon. If the objections to the clauses were valid, they would become a dead letter; but it was only right to give the country the opportunity of exercising an option in the matter, and thus determining whether the principle was or was not beneficial. He trusted the Committee would support the clause.

Sir FRANCIS GOLDSMID said, that, before hearing the opinions of his hon. and learned Friend opposite, he had arrived at the same conclusion as to the objections to the clauses. They were opposed to the principles which had guided recent legislation. They would create precisely the distinction between dead persons that the Bill sought to do away with, as far as might be, in the case of the living—that of trader and non-trader. They would cause the greatest doubt and uncertainty as to what court should be applied to. They would require the practice of the Court of Bankruptcy and the Court of Chancery in the same court, and, therefore, oblige County Court Judges to be as familiar with chancery law as they were supposed to be with common law. They were contrary to the principles of the Bill itself, and, he believed, would only confer a fancied advantage on the public.

Mr. HENLEY said, he thought the clauses were of a very cruel character, inasmuch as they tended to stigmatize a man after he was in his grave as a bankrupt, although when alive he might have been perfectly solvent. The Amendment of the hon. Gentleman opposite would, in his opinion, aggravate the injustice. The circumstances of a man having been suddenly smitten down by sickness, the heavy expenses attending upon his illness, his death and burial, the stamp upon the probate or letters of administration—all those expenses might so impoverish a man's estate as to render him insolvent at his death. He hoped that the Attorney General would not press those clauses.

Mr. HADFIELD said, the object of those who supported the clauses was not to inflict pain on any person, but to ascertain the best mode of distributing a man's effects among his creditors. Those who belonged to his own branch of the profession, and who had been practically engaged in such matters, could appreciate, better perhaps than the Chancery barristers the difficulties that arose in winding-up an insolvent's estate. The opinion of the trading community had been expressed very decidedly in favour of the provisions of this Bill, and he could not agree to the withdrawal of the clauses now under discussion. Nothing had ever been a greater blessing to this country than the county courts, for it was quite horrible to remember the difficulties there used to be in the way of recovering the smallest debt, and the prodigious amount of machinery that had to be set in motion for that purpose. The measure before the Committee would prove beneficial in the same way.

Mr. BAINES observed that the Chambers of Commerce in Manchester, Leeds, Sheffield, Huddersfield, and other mercantile bodies in Lancashire and Yorkshire, had declared strongly in favour of these clauses, and wished them to be extended to non-traders as well as to traders.

Sir HUGH CAIRNS expressed a hope that the Attorney General would favour the Committee with his opinion upon the question before them. The proposition was one by which the Committee was asked to extend the powers of the County Courts, and by a side-wind to confer upon them equitable jurisdiction. That might be a very legitimate subject of discussion; but it ought to be introduced not incidentally in a Bankruptcy Bill, but as a separate measure. He, likewise, thought it objectionable to treat the estate of a deceased trader as bankrupt, though no act of bankruptcy had been committed by the man in his lifetime. Above all, he objected to extending the clauses to the non-trader, because the Committee had already discussed the extent to which this Bill should apply to non-traders, and it was not proper to make this law extend more to a non-trader after his death than during his life.

Mr. MALINS said, he should vote

against the Amendment of the hon. Member (Mr. Craufurd) for extending these clauses to a non-trader, for as he thought the clauses mischievous he would rather restrict them as much as possible. But he trusted that they would hear from the Attorney General whether he intended to adhere to them.

THE ATTORNEY GENERAL was anxious to leave the decision upon these clauses to the Committee. He was undoubtedly pledged to them because they had been recommended to him by a large body of gentlemen of great mercantile experience. He might state, moreover, that clauses to the same effect were brought forward by Lord St. Leonards when he was Lord Chancellor. They came, therefore, with high legal as well as high mercantile authority. He did not think the clauses had been fairly represented by the hon. and learned Member for Belfast. Their principle was this—that if the administrator, or in his absence the person entitled to administrate—namely, the next of kin—was in a condition upon being cited to show that the estate was sufficient to pay the debts in full, then no action could be taken by the Court. Nothing could be more reasonable than that. He admitted that he was unwilling to clothe the Court with a jurisdiction of this kind unless he could make that jurisdiction effectual in all cases; but, although that was an excellent theoretical objection, yet practically the matter resolved itself into this, that the Court would never be resorted to except in cases where it could act effectually. So far from the clause being open to the charge of cruelty, he believed that the family of a dead man would be happy to find that his debts would be paid as quickly as possible, and their satisfaction would be increased by a saving to themselves of £100 or £200. He entirely concurred in the representations that had been made as to the immense improvement, and economy, and expedition, which had been made in the administration of estates in the Court of Chancery. He would not be afraid to make any reasonable wager that the Court of Chancery would administer an estate quicker and cheaper than it could be done by the executor out of court with the aid of an attorney. He regretted, however, that the hon. and learned Member for Belfast had not given notice of his Motion for striking out these clauses. Many hon. Members were absent who would have been present if they had known that such a Motion was to be proposed, and he appealed to the hon. and learned Member to postpone his proposition until the consideration of the Report. The whole question might then be discussed in a more satisfactory manner than at present, and he pledged himself, as having charge of the Bill, to bow to the decision of the Committee, whatever it might be.

SIR HUGH CAIRNS stated that Lord St. Leonards did not bring forward the clauses to which the hon. and learned Gentleman had referred when he was Lord Chancellor, but after he ceased to fill that office. Those clauses, moreover, gave not an atom of power to the county courts, and applied only to cases where an act of bankruptcy had been committed by a dead man before his death. He quite agreed that it would be desirable that the clauses should be discussed in a fuller House, and he would delay his Motion till the Report on the Bill. There were besides a few important points remaining for discussion. One of these related to non-traders. He did not wish to delay the Bill, but it might be convenient to learn that the discussion on the reserved clauses would not be taken till after Easter.

MR. MALINS also expressed the hope that the consideration of the Report would not be taken until after Easter.

MR. ROLT said, he thought the proper course would be to postpone the clauses.

MR. BRIGHT said, he was not very profoundly versed in these things, but he observed that the opposition to the clause came in a great measure from hon. and learned Gentlemen opposite who had an interest in the business in the Court of Chancery. He had listened to the arguments, and it appeared to him they had a fear that the business would be withdrawn from the Court of Chancery to some other court. They might think that it would be better for the public to have the business remain there, but he could not hold that opinion. He was one of those unfortunate men who had been in the Court of Chancery for a good while, and great pressure must be put upon him before he voted anything into the Court of Chancery that could be possibly managed elsewhere. He was entirely opposed to those hon. Gentlemen who wished to postpone the clause on that ground. The right hon. Member for Oxfordshire (Mr. Henley) said it would be a pity to pain the family of a person by making it appear that he was a bankrupt. He (Mr. Bright) hoped the distinction that had hitherto been drawn between insolvency and bankruptcy would be got rid of. Bankruptcy had been thought discreditable because the court was so bad and the law was so bad that no case was supposed to be driven into bankruptcy that had not about it something fraudulent or disgraceful; but when the law was amended, the winding up of the affairs of a living or dead person would not be necessarily considered disgraceful because it was done through means of the Court of Bankruptcy. Therefore he thought the objection of the right hon. Gentleman was based upon past opinions rather than upon the opinions that would exist when the new law should come into operation. The hon. and learned Attorney General had stated the arguments with great fairness, and he (Mr. Bright) did not know when he had heard a person having the carriage of a Bill state the *pros* and *cons* with more complete fairness than the hon. and learned Gentleman. When he could refer to the opinion of a man so eminent as Lord St. Leonards on the principle of the clause, and when the commercial community of the country by its united judgment had asked Parliament to agree to this clause, and there being no objection of any force on the part of hon. and learned Gentlemen opposite, the Attorney General might be fairly expected to carry this clause into effect. With regard to postponement, he would not for a moment, when the Attorney General consented, contest the point; but he trusted, unless the hon. and learned Gentleman saw stronger reasons than were uttered that night, he would not consent to fritter away a measure of this kind, or withdraw clauses which he (Mr. Bright) had reason to think were considered of importance by a large class in the country for whose interest mainly the Bill was introduced.

Mr. MALINS said, he begged to inform the hon. Member for Birmingham that the class of business referred to in the clauses never brought a single guinea to any man practising at the bar. It was entirely conducted in chambers without counsel being consulted at all. They were, therefore, entirely disinterested in the view they had taken. He believed the clauses were not the Attorney General's own; they had been suggested by others, and he had little doubt the impartial judgment of his hon. and learned Friend concurred with his own in respect to them.

Mr. HENLEY said, he would remind the hon. Member for Birmingham that persons might take measures to prevent their being made bankrupts. The stigma on the cases in the court would, therefore, even be stronger than before, because it would be supposed that no case would go into the court except one which could not be arranged outside. He believed what was really wanted was that estates should be capable of being wound up locally. It mattered not whether by an order of the Court of Chancery or Bankruptcy, the desire was for local jurisdiction.

The ATTORNEY GENERAL said, he certainly concurred entirely in the observation of the right hon. Gentleman. There was a growing feeling of the great expediency of having these estates wound up by local tribunals. It was in obedience to that general wish that he had introduced the provisions which would have the desired effect. As to postponing the clauses he could not consent to such a course. His motto was *carpe diem*. At the other side of Easter the House would be occupied with measures of finance and other important business, and if he were to postpone the clauses, he might find himself in the same position that he was last year, and be unable to pass the Bill. He trusted then the Committee would allow him to go through the remaining clauses to-night, and then the Report could be brought up on Thursday. The question of non-traders had been discussed very much the other night, and therefore he hoped the Committee would consent to the course which he proposed.

Sir HUGH CAIRNS said, he was ready to facilitate the passing of the clauses that evening. But he was not prepared to assent to a proposal that they should have the Report on Thursday instead of deferring it till after Easter.

The ATTORNEY GENERAL said, he had no objection to the Amendment by which it was proposed that the words which confined the clause to traders should be omitted.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 16; Noes 66: Majority 50.

Mr. HARDCASTLE moved to amend the clause by inserting after Court of Bankruptcy, "or County Court," which was agreed to.

Mr. HENLEY said, that if a man died in Italy or anywhere abroad his legal representatives might be called upon three months after his death to show that he was not a bankrupt. He did not think three months a period long enough under the circumstances. He, therefore, wished to ask the Attorney General whether he would consent to make any alteration in the clause with respect to persons out of England?

THE ATTORNEY GENERAL said, he did not think the clause would touch the case of any debtor dying abroad. The clause was entirely limited to the case of debtors dying within the district of local courts of bankruptcy, or now within the District County Court.

MR. HENLEY asked, if a man who went abroad for a month or longer died, but who had his residence in Yorkshire, where his family were located, would be held under this Bill to have resided within the district of that Bankruptcy Court? or was the actual personal residence of the man required?

THE ATTORNEY GENERAL said, that if a man happened to go on a party of pleasure up the Rhine, and died whilst he was itinerant and was rated as being in Yorkshire, he would come within the provisions of the Bill; but a man who went abroad and died while he was resident abroad, did not come within the Bill.

MR. ROLT said, he found it difficult to understand, now that he had seen the clauses, how the hon. and learned Attorney General could ever have introduced them, or how he could have supported them by such arguments as they had heard. What was the ground of the proposed change? Was it the inefficiency or costliness of the present Court? It was admitted on all hands that the work was now done as well and as cheaply as possible. The new administration would not be more economical than the present, and it would certainly not be as efficient, because the tribunal would be utterly incompetent to discharge the duty. No change was attempted in the law of property. The administration of the assets of deceased debtors was to remain as before. The distinction between legal and equitable assets was not to be changed, and the relative rights of judgment, specialty, and simple contract creditors against such assets were not to be disturbed. No one knew better than the hon. and learned Gentleman that the subject was one of the most intricate branches of law, and required great experience and special study. Now, without undervaluing the abilities of the Judges of the new tribunal, he asserted that nineteen out of twenty of them had no knowledge or at all events no experience on the subject. What advantages were to be gained by the change? It was said they would have the advantage of local administration; but that was no argument in favour of the change, because, even if a great desire existed to have the administration brought to every man's door—and he believed that the existence of any such desire was very much exaggerated—the object in view might be attained by constituting local tribunals, without transferring the jurisdiction altogether from the Court of Chancery to the Court of Bankruptcy. The Bill was only to apply to cases in which the personal representative, next of kin, or heir-at-law failed to show that there were sufficient assets available for the payment of the debts. So that the Court would have, first of all, to decide whether the assets were sufficient, and then it could deal with the case. The substantial objection to the clause however, was that it made a change for the sake of change, taking from one tribunal questions coming properly within its jurisdiction, and handing them over to another tribunal whose business was wholly of a different nature.

MR. BARROW said, he objected to the clause, because it was made to apply to land, a species of property which it was most undesirable to force into the market hastily. In many instances the heir-at-law was an infant, incapable of taking care of his own interest. The clause proposed that a petition might be presented in less than three months with the consent of the personal representative—a person whose interest probably was diametrically opposed to that of the heir-at-law.

Clause *agreed to.*

Clauses 208 to 218 *agreed to.*

Clause 219 (Adjudication against Lunatic Debtors),

THE ATTORNEY GENERAL said, the clause, although taken from the Insolvency Act, was unsatisfactory, its terms not being sufficiently guarded. He therefore proposed to omit it, and bring up another clause in lieu of it upon the Report.

MR. HENLEY said, he was glad to hear the determination of the hon. and learned Gentleman, because the clause, as it stood, began by asserting that a man was of unsound mind and then provided that a justice should be summoned to examine his state.

Clause *withdrawn.*

Clauses 220 to 225 inclusive were *agreed to.*

Clause 226 (Affidavits),

Mr. SCHOLEFIELD said, he would move the insertion of words to permit of affidavits being sworn before the Commissioners for administering oaths in common law courts, as well as before Commissioners for administering oaths in Chancery.

The ATTORNEY GENERAL said, he would agree to the Amendment.

Mr. HENLEY said, he objected to justices of the peace being liable to have persons calling at their houses at all hours to swear these affidavits. It was a very disagreeable kind of business, and had no particular connection with the duties of magistrates. Commissioners took fees, but justices could not. He supposed it was not wished to compel magistrates to set up an office in their stable yards, and to keep clerks to read over the papers.

Mr. ROEBUCK said, the magistrates need only sign them.

Mr. HENLEY said, he did not believe that the hon. and learned gentleman signed papers without knowing what they contained. The magistrates would have to see whether they had jurisdiction.

Alderman SALOMONS remarked, that if the power were taken away from magistrates it would deprive the great commercial community of the City of London of a great advantage.

The ATTORNEY GENERAL said, that was not the first instance in which magistrates were enabled to take affidavits in matters not included in the jurisdiction of the commission of the peace. Magistrates would not often be troubled with applications to swear these affidavits, as people would be much more likely to go to a commissioner near at hand than to a magistrate five or six miles off, with the chance of not finding him at home, but it would be very wrong to deny parties the right who had probably no other resource.

Mr. HENLEY said, he wished to put a stop to the repetition of the practice of throwing duties upon magistrates which there was no special reason why they should perform.

Clause *agreed to.*

Clauses 227 to 242 inclusive were also *agreed to.*

Clause 243 (Effect of Bankruptcies and Insolvencies in the Colonies),

Mr. VANCE observed, that in some of the colonies there was no law of bankruptcy, but there was a law of insolvencies. He could not see how an insolvency in the colony could be administered in this country, where insolvency was about to be abolished. He thought, too, that there would be jealousy on the part of the colonies against the interference of the court in England with the administration of their local laws.

The ATTORNEY GENERAL did not think any such jealousy would exist as the clause would confer a benefit upon the colonies. At present an adjudication of bankruptcy in the colonies did not prevail in England.

Mr. MURRAY said, he would put the case of several partners, some resident in the colonies, and one at home. Those in the colonies might be made bankrupt, but the one in England might be winding up his affairs in a different manner. Some machinery would be required to insure all the creditors of the firm getting a rateable share of the estate.

The ATTORNEY GENERAL said, he thought it was desirable the law should be extended, and he had no doubt the clause would be found to effect an improvement in the existing law.

Mr. HENLEY said, he doubted whether the clause would not create two independent jurisdictions, and that there might be a conflict between the colonial tribunal and the court in England.

The ATTORNEY GENERAL said, the object of the clause was that the creditors, whether in the colonies or in England, should receive a rateable share of their debtors' assets.

Clause *agreed to;* as were also Clauses 244 and 245.

Clause 246 (Misdemeanours),

Mr. HADFIELD said, he objected to the terms of the section of the clause defining what was a voluntary preference given to one creditor over another. In the way in which the clause was framed, it would be impossible to shield persons of the highest character from an indictment for misdemeanour. Paying wages, or a tailor's or shoemaker's bill, would render him liable to such indictment. It was enough that a civil remedy existed for a civil wrong, and he objected to carrying criminal law to such an extent, and thought the 8th section of the clause ought to be struck out.

The ATTORNEY GENERAL said, that in conformity with the recommendations of the Commissioners, he had very much modified the several clauses of former Acts; but it was absolutely essential, where a debtor gave a fraudulent preference to one creditor over another, that such acts should be liable to punishment. However, he had no objection to omit that part of the section which made it a misdemeanour to have paid or satisfied any creditor.

The words "or to give an undue preference to any of his creditors, have paid, or satisfied any such creditor wholly or in part," were then struck out.

MR. MURRAY said, he wished to have some definite explanation embodied in the Bill with respect to what was a fraudulent preference. At present that was very vague, and he thought that it would be for the guidance of the assignees if words were inserted to render it clearer.

MR. VANCE said, he wished to propose a provision, which had worked well in Ireland, and by which a trader who should, within three months next before the filing of the petition for adjudication, dispose of any of his goods or chattels otherwise than by *bonâ fide* sale in the ordinary way of trade would come under the penal clauses of the Bill, and be liable to indictment for misdemeanour.

MR. ALDERMAN SALOMONS thought that the offence alluded to was punishable under existing Acts.

THE ATTORNEY GENERAL said, that he should be happy to add a clause making it criminal for a trader to obtain goods, and pledging them for an inconsiderable sum, so as to deceive his creditors; but he thought the words proposed by the hon. Member would include any *bonâ fide* gift to a son or daughter.

MR. VANCE said, he would reconsider the matter, and move the introduction of a clause on the Report.

Clause *agreed to.*

Clause 247 (Power of Judge and Commissioner),

MR. HENLEY said, he wished to call attention to the power of remand granted in the Act, as he thought it would clash with the provisions of Jervis's Act, which gave to County Court Judges the power of remand for eight days only. It might happen that at the end of that time the Judge would be in another place, and it was not to be expected that the county gaoler was to go dancing attendance from one district to another; and if he was, who was to pay the expense?

THE ATTORNEY GENERAL said, that the power of remand was inherent in the bankruptcy Judges; but he would consider the objection, with a view to remedying it.

Clause *agreed to;* as were also Clauses up to 250.

Clause 251 (Persons Disobeying Order of Court),

MR. BARROW complained that the clause gave power to the Judge to imprison in the common gaol any person disobeying his order, there to remain without bail till the Court of Chancery, sitting in bankruptcy, should make an order to the contrary.

THE ATTORNEY GENERAL said, he would consent to make the penalty legal only in cases of wilful disobedience of the order of the Judge.

Clause as amended *agreed to.*

Clauses 252 to 255 were also *agreed to.*

Clause 256 (Act to take effect 11th October, 1861),

THE ATTORNEY GENERAL said, he proposed that the clause should provide that that part of the Bill which related to the appointment of the Chief Judge and other officers should take effect immediately, but that the other parts of the Bill should not take effect till the 11th of October.

Clause as amended *agreed to.*

Clauses 13, 14, and 33 *agreed to.*

Clause 37 (Remuneration of Official Assignees),

THE ATTORNEY GENERAL said, that he intended to propose a new clause in lieu of this clause. A considerable discussion had taken place with respect to the remuneration to be given to the official assignees, and it ended with the understanding that the existing official assignees in London should receive a certain salary of £1,200 a year, and that the existing official assignees in the country should receive £1,000, and that every future official assignee in London should receive £1,000 a year, and every future official assignee in the country should receive £800. With that understanding he had prepared a new clause. These officers would also be entitled to retiring pensions.

Clause *omitted.*

The other postponed Clauses and the Schedules were adopted with some Amendments.

THE ATTORNEY GENERAL proposed the introduction of a clause regulating the practice as regarded solicitors.

MR. MURRAY objected to the proposed repeal by the Attorney General of the 247th section of the Bankruptcy Act, as it deprived solicitors of the right they had now of pleading in the Commissioner's Court.

MR. MOFFATT said, that if solicitors were prevented from practising as advocates in the Courts as heretofore, the public would regard the change with considerable dissatisfaction.

THE ATTORNEY GENERAL explained that he had no idea of depriving solicitors of any power or privilege they then enjoyed of appearing in the courts of bankruptcy without counsel, and such privileges would under the Bill remain intact. But it was proposed by the Bill to allow counsel in the court of the Chief Judge, and he was sure the solicitors did not want to appear there. The clause provided that solicitors should be entitled to practise as advocates in any district court, and that in all matters before the Commissioners or Judges in Chambers, they might appear without being required to employ counsel.

Clause *agreed to.*

THE ATTORNEY GENERAL then said, he had to propose a new clause in lieu of clause 37, struck out of the Bill. The clause regulated the salaries of official assignees, providing that in London the present official assignees should be paid £1,200 a year, and in the country £1,000 a year; the future assignees were to have £1,000 a year in London, and £800 in the country.

MR. MURRAY said, he objected to the principle of paying the official assignees entirely by a fixed salary. In the Bill of last year the Attorney General proposed a fixed salary of £800, allowing the official assignees an increase on a scale of per centage, so that the *maximum* salary did not exceed £1,500. His objection to a fixed salary was supported by the evidence given by Commissioner Fane, and the Commissioners at Liverpool, Leeds, Newcastle. Birmingham and the other districts. There was also the evidence of two official assignees, and all the other official assignees who had sent their answers to the questions submitted to them by the Royal Commissioners. The registrars had also disapproved of the remuneration being by a fixed salary, and they were supported by a majority of all the other witnesses. This appeared by the Commissioners Report to Her Majesty a few years since. If the Committee sanctioned the plan of payment by salary the creditors would have very little of the services of the official assignees, and the work would not be satisfactorily done. In fact, the creditors' assignees would do all the work and the official assignees would take all the salary, leaving their share of the work to be done by clerks. At present, there were five London Commissioners. Three of them had each two official assignees attached to his court. In the case of one of these Commissioners, he found that during six years prior to 1860, one of his official assignees had allotted to him about 348 bankruptcies and petitions for arrangement, and the other about 335. The former returned his net remuneration for the six years at £5,728 and the latter £13,287, the difference arising in his opinion from the fact that one worked and the other did not to the extent he ought. He thought that instead of £1,200 in London the salary should be £800, and the rest made up by fees, under a scale to be sanctioned by the Lord Chancellor in the usual manner. He moved as an Amendment that the £1,200 fixed by the clause as the salary of the present official assignees in London be reduced to £800.

MR. WALPOLE said, that in the inquiry undertaken by the Royal Commission some years ago they found no question so difficult as the payment of the official assignees; but it was clearly established that if they were to be paid by salaries only there would no longer be any inducement to make them active in collecting the small debts for which they now got a commission. The Commissioners came to the conclusion that on the whole it would be better to pay the official assignees partly by salary and partly by fees. He believed now, though he could not say what was the best mode of payment, that payment by salary was the worst.

THE ATTORNEY GENERAL said, that official assignees stood in a very different position under the present Act. He had found it impossible to put a limit to their salary, and also to pay them by fees. It was, he thought, better to give these gentlemen credit for a proper and conscientious discharge of their duties, and not to suppose that they would not earn their salaries.

Amendment *negatived.*

Clause *agreed to.*

MR. MALINS said, that in the absence of his hon. and learned Friend (Sir FitzRoy Kelly) he rose to move a clause that the messengers should receive salaries based on the amount of their fees. The messenger was an officer of considerable importance, being the Sheriff of the Court, and some of the present messengers had served for long periods, varying from forty-two years to twelve years. Their arrangements and plans in life had been made upon the calculation of a certain income, and Parliament was not in the habit of carrying out public improvement at the sacrifice of private interests. There was no reason why the same measure of justice that had been meted to the Commissioners, &c., should not also be dealt out to them, so that they should be secured something like the emoluments they had enjoyed. It was clear that these gentlemen had faithfully and diligently performed their duties, and all that he asked Parliament to do it had just done in regard to the official assignees. The messenger was, in fact, an older officer; and some of the messengers had served much longer than the official assignees. He would, therefore, move the insertion of a clause providing that every messenger holding office at the time of the passing of the Act should receive, in lieu of fees, an annual salary equal to the amount of the fees received by him after deducting his working expenses, such salary to be assessed by the chief registrar upon an average of the sums received by such messenger for the last five years.

Mr. BRISCOE supported the clause.

Mr. BRIGHT said, he thought that these Gentlemen might with some reason complain of the clause in the Bill; at the same time he did not think the House could agree to the clause proposed by the hon. and learned Gentleman. He proposed that the salary of a messenger should be estimated upon the sums he had received for a period of five years. Now, it so happened that the fees and emoluments received by messengers during the last five years had been much larger in some districts than if a longer period at another time were taken. He (Mr. Bright) understood from one of themselves that he had received between £900 and £1,000 a year for the last five years. Now, he understood their complaint, with regard to the clause introduced by the Attorney General, to be that, while it reduced their salary to a *maximum* point, it fixed no *minimum*. He (Mr. Bright) was bound to say that he thought Parliament excessively liberal with the public money in these matters, and he should be glad to see an Act passed by that House which should provide that when any amendment of the law took place, no consideration whatever should be shown for those who were affected by it, and he would have everybody to take office subject to that condition. That, however, was not the principle upon which Parliament had acted, and he generally found that the higher a man's station, and the less he had to do, the more considerate Parliament was in regard to his circumstances when any change was made. He should vote against the clause of the hon. and learned Gentleman (Mr. Malins); at the same time, he should receive with satisfaction any proposition of the hon. and learned Attorney General to meet in some degree a case with which it was proposed to deal somewhat unjustly, considering the general policy that Parliament adopted in regard to cases of this nature.

The ATTORNEY GENERAL said, he stated at the outset that no doubt it was his intention and expectation that the existing messengers should receive £500, without deduction, but it would be confined to the present holders. At the same time he meant to provide that all that should be received by any messenger in the London districts should amount to and not exceed £500. With regard to his hon. and learned Friend (Mr. Malins), the House had already had abundant proofs of his good-nature. All the distressed resorted to him; and he had been the friend of that ill-used body of men the proctors. Although he honoured his hon. and learned Friend very much for that good-nature, and gave him great credit for his exertions, yet his hon. and learned Friend must permit him (the Attorney General) to remind him that the very large sums which had been received by the messengers were wholly disproportionate to persons discharging duties like those of the officers of a sheriff, and their amount had arisen almost entirely from the carelessness of those who ought to have superintended the payment of fees. The fees of the messengers had frequently amounted to £1,500 a year. Now he (the Attorney General) could not recognise a title to fees which were continued to them through neglect. They ought rather to consider themselves fortunate in being permitted to retain their remuneration. There was this additional great advantage connected with their situation, that they were entitled to a retiring pension. He could not think it was right to ask the Committee to give away the money of the creditors to the messengers of the Court in a way and at a rate they ought never to have enjoyed, and which had arisen entirely from the want of proper care and proper superintendence. He hoped the Committee would be unanimous in rejecting the proposition.

Mr. MALINS said, he was at the mercy of his hon. and learned Friend, but the messengers had received these fees without their being called in question, and strictly in accordance with the laws of their country; and he thought that these old and faithful servants should be better remunerated than it was proposed that they should be. He was ready to withdraw the clause, on the understanding that the Attorney General should insert in the Bill the words which he had just mentioned.

Clause *withdrawn.*

Mr. GARNETT proposed to insert a clause having for its object to compensate registrars of county courts for the loss of any fees in consequence of the Act, such compensation to be computed upon an average of seven years immediately preceding the passing of the Act.

The ATTORNEY GENERAL said, he thought that of all the compensations that had been proposed that was the most objectionable. He intended to emancipate the pauper debtor from the payment of certain fees. The proposal of the hon. Gentleman (Mr. Garnett) was that the registrars should step in to prevent an amendment in the law because it would diminish their emoluments. This was pretty much as if, when Jenner introduced his great discovery of vaccination, the whole body of surgeons and apothecaries had rushed in for compensation.

Clause *negatived.*

Lord STANLEY said, he wished before the House resumed to ask a question, or rather to make an appeal to the hon. and learned Gentleman the Attorney General with reference to what he believed every hon. Member considered to be a very unfortunate omission in the Bill. It might be in the recollection of the Committee that at an early stage of the Bill he put a question to the hon. and learned Gentleman as to whether it was his intention to introduce in the present, as he had introduced in his former measure, any clause increasing the salaries of the County Court Judges in consideration of the additional duties which it would impose on them? The hon. and learned Attorney General said, that it was not his intention to introduce such a clause, but threw out the suggestion that if such a proposition were made he would be willing to give it a fair, and, as he (Lord Stanley) inferred from the hon. and learned Gentleman's language, a favourable consideration. Acting on that suggestion it had been his intention, if no other Gentleman took up the question, to make some such proposition; but when the matter came to be considered it was obvious that such a clause could not be proposed by a private Member; for, although those salaries were paid out of the fees of the county courts, still, these fees were in the first instance paid into the Treasury, from which department the salaries were drawn by the Judges. Therefore the proposal would be one for the payment of money, and could not be made without the consent of the Crown. He would, therefore, ask the hon. and learned Attorney General whether any opportunity would be given for the discussion of the subject before the Bill left the House? He (Lord Stanley) was ready to go into it at that moment; but he did not know whether that would be a convenient course, as it was obvious that a decision on it could not now be taken. He was confident that if a discussion did take place the Committee would see the justice and propriety of acceding to the demand.

The ATTORNEY GENERAL said, he had always been desirous to remedy what he thought a great injustice in the inequalities of the salaries of County Court Judges. He was afraid, however, that the funds necessary to effect that object must come from the Consolidated Fund or from money voted by Parliament. As to the question put to him by the noble Lord the Committee might recollect that he had promised the right hon. Gentleman the Member for Oxfordshire to alter the clause touching the *ad valorem* stamps on trusts. That would necessitate a Committee. He had also proposed to recommit the Bill for the purpose of adding words in the clause relating to the messengers. Therefore, on Thursday the noble Lord might propose a Resolution to augment the salaries of those Judges, conditionally, of course, on a provision to that effect being added to the Bill. Then, when the Bill was recommitted, the noble Lord might move to add a new clause.

Sir JOHN PAKINGTON said, he was glad to find that an opportunity would be afforded of considering the claims of the County Court Judges, the justice of which had to a great extent been admitted by the hon. and learned Attorney General. The proposition of the hon. and learned Gentleman was a very fair one, but he was afraid there might be practical difficulties in the way, and he should wish to hear the opinion of the Chairman of Committees on the point.

MR. BRIGHT said, he thought it would be premature to raise the salaries of sixty gentlemen in different parts of the country until it was known to what extent the Bill increased the business they had to transact. Some of the County Court Judges received £1,500 a year, and others £1,200 ; and he thought that they might be content to wait another Session before they took any steps in the matter. As far as he knew there was no want of very competent legal gentlemen for those appointments when any vacancies occurred. The position of a County Court Judge was very much aspired after, and gentlemen made themselves very comfortable in that office when they got it. At the same time he had no objection to those Judges being honestly and liberally paid for the services which they rendered to the public.

MR. CLAY said, if the House refused to consider the case of the County Court Judges, it would be almost the first instance in which increased duties were thrown on public officers whose salaries had been cut down. In consequence of an almost vexatious repetition of remonstrances the late Mr. Wilson had determined on reducing all salaries of this class for the future to the *minimum* of £1,200 per annum, notwithstanding the intention expressed by Parliament that, in certain cases, the stipend should be £1,500 a year.

MR. WALPOLE said, he thought that an increase of the salaries of the County Court Judges should come as a recommendation from the Crown, and he wished to ask whether, if his noble Friend made a proposition on the subject, he would do so with the assent of the Government? He also wished to know whether, if a Committee were taken on the salaries and percentages, and the Bill were recommitted either on Wednesday or Thursday, it would be possible to take the Report on the same day? The proposition of his noble Friend deserved great consideration, for he could not help thinking that they were getting into a state of confusion, with regard to the Judges' salaries, which could not be conducive to the proper administration of justice. They were now about to transfer bankruptcy business to these Judges in addition to their other duties, and he thought the Committee would never give satisfaction unless they placed them all on the same salaries.

MR. DISRAELI said, he thought it very desirable that the Bill should not be reported before Easter. There had never yet been any discussion on the non-trading clauses ; and, although it was not at present his intention to offer any opinion upon the principle of those clauses, he thought it would be for the public advantage that they should be fully and fairly discussed.

THE ATTORNEY GENERAL said, a discussion, in which several hon. and learned Members had participated, had taken place a few evenings since. His sole object was to secure the passing of the Bill in sufficient time to be considered in "another place," in order that it might not encounter the same fate as its predecessor. His noble Friend at the head of the Government had arranged to devote Thursday to the measure; and he understood from the right hon. Gentleman in the Chair that there was no objection to the course which he had indicated.

MR. SOTHERON ESTCOURT said, there was a general understanding that an opportunity would be afforded upon the Report for having a discussion on the non-trading clauses, and those hon. Gentlemen who had reserved themselves for that occasion would be placed at a disadvantage by the proposal to take the Report on Thursday, and, at the same time, to consider the important question raised by the noble Lord the Member for King's Lynn. He did not think that justice could be done to that question unless the Report was fixed for some day after Easter. No harm could arise from such a delay, for if the Report was fixed for an early day after Easter, the remaining stages might be taken before the end of April, and ample time would be afforded to the House of Lords to take such proceedings on the Bill as might appear to them to be necessary.

VISCOUNT PALMERSTON said, he did not think that the proposal to postpone the Report until after Easter was reasonable. The whole of Thursday was at the disposal of his hon. and learned Friend the Attorney General, and, as the question raised by the noble Lord the Member for King's Lynn could not occupy much time, the greater part of the evening would be available for the discussion of the non-trading clauses.

Mr. HENLEY said, it was almost unprecedented that a Bill of such importance after passing through Committee, should not be reprinted with a view to the alterations and Amendments made in it being communicated to the country before the Report was brought up. That very evening a change bearing strongly upon the non-trading classes had been introduced with the consent of the Government, and those classes, as well as the public generally, had a right to see the Bill printed in the form in which it now stood, before another step was taken upon it. Moreover, an important question had been raised by the noble Lord (Lord Stanley), which required the most mature consideration. The hon. Member for Hull had very properly urged that it was unfair to place additional labour upon the County Court Judges without additional salary.

Mr. CLAY explained: What he said was that it was unprecedented to give increased duties with a decrease of salary.

Mr. HENLEY said, that at all events the question was a serious one, and one which might result in a large additional charge upon the Consolidated Fund, and he, for one, could never agree that such a matter should be discussed, decided, reported, and so clinched upon one and the same day, especially since, by the rules of the House, there would be no further opportunity of considering it.

The ATTORNEY GENERAL said, the noble Lord had appealed to him to facilitate the discussion upon a proposition he was desirous of making. He felt most happy in meeting the noble Lord's wishes. He gave hon. Members opposite the credit of being in concord; but if the right hon. Gentleman was so angry at the proposition he could only say he (the Attorney General) apologized for his acquiescence in that course, and would not persevere in it if it in the slightest degree risked the passing of the Bill. He did not think that the right hon. Gentleman need be afraid of the measure being passed in too great haste, for there would be an abundance of time to consider all the questions raised. All that he could say now was that he should move the bringing up of the Report on Thursday when the Amendments could be discussed.

Mr. HENLEY said, the hon. and learned Gentleman had misrepresented what he intended to say. He meant to offer no objection to the consideration of the salaries of the County Court Judges. What he objected to was that the Report should be brought up so soon as Thursday, when there would be no opportunity for the country to consider the Amendments made in it together with the new propositions to be brought forward.

Mr. BRIGHT said, he thought it much better to proceed with and to complete the Bill as soon as possible. There would not, in his opinion, be any harm in postponing the question of the salaries of the County Court Judges until next Session, when they could better ascertain in what direction the additional labour fell. It might be desirable to lessen the district rather than increase the salaries.

Mr. DEEDES said, he doubted whether the House would have an opportunity next Session of considering the question of salary. He, therefore, hoped the noble Lord, the Member for King's Lynn, would be permitted to take the discussion during the progress of the present Bill.

Mr. CONINGHAM said, that generally he was not in favour of increasing expenditure, but considering the nature and amount of the duties required of the County Court Judges, and the great importance of having those duties well performed, he was in favour of increasing their salaries.

The CHAIRMAN said, the course the hon. and learned Gentleman, the Attorney General, proposed to pursue was regular in point of form. The House could consider in Committee the question of salaries, and if the House chose to increase those salaries, it could do so on the proposition of a Minister of the Crown, or on that of any Member of the Committee with the sanction of the Crown.

House *resumed:* Bill *reported*, as amended, to be considered on *Thursday.*

WAYS AND MEANS.

Order for Committee read.

The CHANCELLOR of the EXCHEQUER moved, That Mr. Speaker do now leave the Chair.

Mr. CONINGHAM said, he hoped the Government would take immediate means for producing Sir Baldwin Walker before the Admiralty Committee. The feeling in the country was so strong on the subject that sooner or later they would be compelled to do so, even if it were necessary to send a special vessel to bring him back—not for the purpose of criminating the Admiralty, but to defend himself for persevering in building wood ships which had been demonstrated to be unseaworthy and inefficient, and for the want of energy and activity displayed in that branch of the service of which he was the appointed head.

Viscount PALMERSTON said, he thought the question raised by the hon. Member was one that ought to be discussed in Committee on the Naval Estimates rather than on a question of finance.

House in Committee.

(In the Committee.)

The CHANCELLOR of the EXCHEQUER said, he had to move the following Resolution, of which notice had been given by his right hon. Friend (Mr. Peel):—"That towards making good the Supply granted to Her Majesty, the sum of £3,000,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolved,

"That, towards making good the Supply granted to Her Majesty, the sum of £3,000,000 be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

House *resumed.*

Resolution to be reported *To-morrow;* Committee to sit again on *Wednesday.*

POST OFFICE SAVINGS BANKS.

SECOND READING.

Order for Second Reading read.

The CHANCELLOR of the EXCHEQUER moved the second reading of this Bill.

Mr. SOTHERON ESTCOURT said, he thought the Bill too important to discuss its Second Reading at half-past twelve o'clock, particularly as the right hon. Gentleman the Chancellor of the Exchequer had not favoured them with any information as to the kind of machinery by which he proposed to carry it out. He much doubted whether the existing machinery of the Post Office would be found equal to the measure, and whether the persons engaged at the various post offices could fairly be entrusted with the additional and important duties that would be assigned to them. There was, moreover, a great principle involved in the Bill. There were already 600 savings banks in the country, and the Bill would establish 2,500 additional banks on a perfectly different principle. Instead of being private establishments, the new banks would be banks of deposit opened by the Government through the medium of the Post Office in different localities, in any one of which any person might deposit, and from any one of which he might draw out his money. It was important that the House should duly consider whether they would sanction such an arrangement. It might be said that the military savings banks were identical in principle; but in that case the depositors were men receiving their pay from the Government, and if any fraud was attempted the Government could at once put its hand upon the cheat. At that moment the Government was subject to an annual loss or risk on account of the savings banks, owing to the rate of interest paid upon deposits being higher than that which was paid upon the Government securities in which they were invested; and since they undertook to pay £100 for every £100 deposited, they were also liable to the much more serious but more remote risk than if all the depositors drew out their money when the funds were—as they might possibly be—at £50, instead of having to pay £40,000,000, the amount of the deposits, they would have to pay double that amount. Such a thing had always been considered impossible; but when they were about to increase the number of savings banks, and to make them more popular, they ought to look such a risk in the face. The great question, however, was whether it was possible to carry out this scheme without such risk of fraud and imposition as would possibly defeat it altogether? It was true that in one clause in the Bill the interest to be paid was limited to £2 10*s.* per cent, and if that was adhered to there would be no loss by interest; but the same clause empowered the Treasury to raise the rate to £3 0*s.* 10*d.*, the amount now payable, and there could be no doubt that after a year or two that would be the rate paid. No doubt the plan would become popular, and that for several reasons, the most important of which were that these banks, instead of being open on only one, would be open on all the days of the week, and that they would give to the labouring classes that perfect secrecy for which, in regard to their money matters, they were so anxious. All who had anything to do with savings banks knew that the members of those classes preferred to put their money into a savings bank at a short distance from, rather than into one nearer, their homes. For those reasons they must anticipate that in a short time the new banks would absorb not only all future deposits, but also a great part, if not all, of those which had been made in the existing savings banks. It was for the House to determine whether such a result would be good or bad; but at all events they ought to prepare both themselves and the managers of existing banks for that result. There were three methods, any one of which they might adopt. They might so limit the sum to be received at the post office savings banks as to prevent them from entering nto competition with existing establishments. They might dovetail the new system into the old by making the post office savings banks auxiliary and subsidiary to the existing savings banks by making them correspond directly with them instead of with the London establishment. Then, the question arose, whether, since various attempts had been made to amend the savings banks, without any satisfactory result, it would not be better to put an end to them at once, and substitute the Post Office banks in their place? That course could not be contemplated without some apprehension; but, still, if the new banks were to compete with and exhaust the existing savings banks, it would be much fairer and much more statesmanlike to look the danger in the face, and determine at once which of the two systems was to be retained. He owned that he was very favourable to the existing banks, and he greatly lamented that no Government had hitherto hit upon a plan for remedying their defects. There were evils in the system no doubt—a greater degree of security was desirable. He believed, however, that the recommendation of the Committee which sat two years ago might be turned to account. He thought there ought to be some kind of central body possessing the confidence of the Government on the one hand, and of the local managers on the other, from whom the local banks might be willing to receive advice and instructions without that jealousy which appeared inevitable as long as they were in direct communication with the Government. He feared, he repeated, that if the proposed measure were carried out the old savings banks would be exhausted, and he did not believe that the new system could be worked with such machinery as the Post Office possessed, and without running very serious and improper risks. To make money receivable and payable at the price of stocks would be the only way of avoiding the great risk to which they would otherwise be exposed. He apprehended also that the post office savings banks would not take root in the villages where they were most wanted, and would be almost exclusively confined to the towns, where they would overthrow the existing savings banks by drawing away their deposits. This would not be fair to the managers, unless the result were distinctly foreknown and fully prepared for. He would not, however, oppose the second reading; but he hoped the right hon. Gentleman the Chancellor of the Exchequer would consider the points he had suggested.

Mr. W. E. FORSTER believed that the measure would be a great boon to the people, as it would provide good savings banks where none now existed, and safe banks where they did exist—a very desirable matter. He could not, however, very well see how the existing system of savings banks could be made to dovetail with the new one, because if the Government was to take upon itself the responsibility it was necessary that it should also possess the control. It should also be remembered that when once they had embarked in this new scheme there would be no drawing out of it afterwards; and they ought to consider whether the existing organization of the Post Office was satisfactory for the purpose—for instance, whether it would not require, especially in country districts, a new class of postmasters and mistresses?

Mr. THOMSON HANKEY said, that he could not understand the objections of the right hon. Gentleman opposite (Mr. Sotheron Estcourt) to the proposed scheme. For himself he had arrived at an entirely different conclusion. He hoped that the proposed scheme, if found practicable—having the direct responsibility of the Government as a security to the depositors, and with the direct control of the Government over its own officers—would entirely supersede the existing savings banks, and the sooner the better.

Mr. BAINES thought the proposed system would be exceedingly beneficial to the industrious classes of this country. The present system of savings banks could not be extended over the whole country, and in fact there were only 600 altogether; but there were no fewer than 2,400 money-order offices in connection with the Post Office. The system had, therefore, been already tried, and found perfectly successful. It had been so well appreciated that the business had expanded with wonderful rapidity, and was conducted with the greatest regularity and satisfaction to the public. He thought it was not a necessary consequence of the new system, that the existing savings banks were to be destroyed by it; but if that were the result, it could only be from the proved superiority of the new system. He had been assured by Sir Rowland Hill, and by all the gentlemen whose departments would be charged with the carrying out of this plan, that it would work exceedingly well; and he could state that Mr. Sikes of Huddersfield, whose opinion should be most influential on this question, as he had originally suggested the measure, after the assurances of its practicability given by the Post Office authorities, was a hearty supporter of the plan.

Mr. AYRTON declined to discuss the Bill at a quarter-past one o'clock in the morning. All he would say was that a Committee which sat in 1859 recommended that the savings banks should be dealt with in one way, which was quite a different way from that proposed in the present Bill.

Mr. PHILLIPS did not so much complain of what was done as of what was not done. He questioned whether the Post Office would not be overloaded with work under the present Bill.

Mr. HOPWOOD said, that nothing had been stated with regard to the limit of deposits under this Bill.

The CHANCELLOR of the EXCHEQUER said, the limit of deposits under the proposed measure would be the same as in the existing savings banks. The Bill would extend to Ireland; and if the objection was that the salaries of postmasters in Ireland were small, it was really an argument for the Bill, because whatever work they did under it they would be paid for, and it would tend to improve their position. As to not legislating at the same time for the old savings-banks and the new as had been suggested, there would have been little chance of success had he clubbed together two perfectly distinct matters, and attached to the new plan, which was perfectly practicable, the consideration of remodelling the present savings banks, which had hitherto been found to be perfectly impracticable. The statement that the Committee of 1859 had recommended legislation in a totally opposite direction was entirely erroneous. He was not aware of a single recommendation that was not compatible with the present Bill. Whether the Government was favourable to the adoption of every recommendation of their Report was a question on which it was not necessary to give an opinion. The Bill did not prejudice the Report of the Committee, but passed by that and all controverted matters in order to do good in a manner upon which they were all agreed. As to the vast dimensions which the undertaking might possibly assume, he could not say whether the system would be very extensive or not; nor could he anticipate whether the operation of the new banks would be to draw away custom from the present savings banks. No doubt many depositors would be attracted by the system of secresy, but a great deal of the favour with which present savings banks were regarded depended upon the personal confidence which the depositors felt in the managers of those banks. Experience only could show whether local associations and personal influences would continue to operate to their full extent in favour of the present banks; but if the old suffered from the competition of the new it could only be because the new were better, and if so they ought to have the preference. But, however that might be, he did not deem that the object of the Bill was competition with the old banks. Its proper object was to supply facilities which did not exist at present; and, undoubtedly, the first duty of the Postmaster General would be to look to the establishment of the savings banks in those places where either no savings bank existed, or those which did exist afforded very narrow facilities. He could not undertake to define the number of banks which would be established under the Bill because he believed that, in addition to money-order offices, there were many postmasters of character and qualifications quite adequate to the transaction of business such as would be carried on under it. At the same time it was not the view of the Government that all money-order offices, or anything approaching the whole, should at once be constituted post-office savings banks. That might be the way to break down the machinery of the Post Office. The duty of the Postmaster General would be to select a moderate number, and to extend them in proportion as he found occasion, the test and index of the occasion being the demand for such banks by the public. It was not his wish nor would it be just to draw away depositors from the present banks by offering a superior rate of interest. The present savings banks were at the outset established on the theory of giving a bonus, and while he did not censure that system it must be distinctly understood that the new banks must be strictly self-supporting. The desire was not to feed them at the expense of the Post Office Revenue, but to maintain and increase that revenue, and certainly as Chancellor of the Exchequer he had no intention to found a system which would surreptitiously be fed at the expense of the annual revenue of the State. With regard to the rate of interest he agreed that it ought to be carefully considered in Committee. It was a subject on which he had considerable doubt. He could rather fix it too low than too high; and it was entirely an open question with him whether it should be a fixed rate or a *maximum* somewhat lower than the *maximum* of the present savings banks. The right hon. Gentleman (Mr. S. Estcourt) took financially the view that it was insecure on the part of the Government to hold deposits at present as money at call; and that any increase in the amount of deposits would be extending the danger. But if such a course were dangerous to the State, they ought to stop the augmentation of the present savings bank deposits, which increased year by year, and the only complaint against which was, in his opinion, that they increased too slowly, because it proved that the people had not adequate facilities for laying by their savings with perfect security. The system of savings banks had been established for forty-five years, during which they had had every description of speculation, the severity of a commercial crisis, the pressure of a dreadful famine, and almost every trial that could befal a new system, and although holding a great amount of money at call, there had been but a small pecuniary loss—and, in comparison with that loss, the establishment of such a system was immeasurably of greater value. The right hon. Gentleman had alluded to the risks of the new system now propounded, but he must remember that all postmasters were compelled to give bonds for the due performance of their duties, and for himself he had no doubt that the Post Office machinery was admirably suited for the purpose. Indeed, had that system, as it now existed, been in operation forty-five years ago, he believed that no one would have dreamed of the present savings banks system. If the addition to the labours of the Post Office were not too sudden, he had no doubt that department would be fully able to meet the demand made upon it. And it was a small addition, for while the intromission of monies paid in and out of the savings banks only amounted to between £2,000,000 and £3,000,000 annually, the money that passed through the Post Office was no less than £13,000,000. He agreed fully that the question was one that should be carefully considered in Committee, but he trusted that there would be no objection to the Second Reading of the Bill.

Bill read 2°, and *committed* for *Friday.*

House adjourned at a quarter before Two o'clock.

APPENDIX.

The following is a better Report of the Speech of THE EARL OF DONOUGHMORE *in Reply on the Subject of* "The Tipperary Militia Artillery" (Feb. 22, 1861, p. 781):—

THE EARL OF DONOUGHMORE, in reply, expressed his extreme regret that the terms of his letter had been misunderstood both by the Secretary of State for War and the Commander-in-Chief. In the letter which he addressed to H.R.H. the Duke of Cambridge, in December '59, he proposed that a brigade should be formed out of the regiment; and his intention in writing was to ask that commissions in the infantry should be given to a certain proportion of the officers. He admitted that the letter was loosely worded, and might fairly bear the interpretation put upon it by the illustrious Duke. The exact words which he used, however, were "commissions in the regular service;" and, as he had stated in his opening remarks, he had never contemplated that they should receive commissions in the Royal Artillery. The noble Lord read passages from the letter, to show that what he had asked for was that the non-commissioned officers should have the same rank in the Royal Artillery —using the words "Royal Artillery;" whereas in speaking of the officers he had said "commissions in the regular service." The next point of difference between Lord Herbert and himself was as to the contents of the paper drawn up by Lord Bingham, which had been read at the interview on the 12th instant. The noble Lord the Secretary of State for War stated that it was intended by that paper that the officers should take in the Royal Artillery the rank next junior to that which they held in the Militia Artillery. His own recollection of the paper was different, and was to the effect that any field officers of the Militia going into the Royal Artillery should have the rank of captains; that the captains should be second captains; and the lieutenants, lieutenants—all junior of their respective ranks, and that the non-commissioned officers should have the rank next junior to that which they held in the Militia—that was to say, that the sergeants should be corporals and the corporals bombardiers. The next point as to which their recollections were not identical was as to the examination of the officers. In the plan as communicated to him on the 30th November, nothing whatever was said about their examination; and the first question in reference to it was raised by himself some days afterwards, as he felt that the officers of his regiment should have an opportunity of showing that they had been properly prepared and instructed. He, therefore, proposed that the officers should submit to the examination laid down for officers of militia by a recent Horse Guards' circular, dated the 5th October. Lord Herbert's proposition was that they should be examined by a Board consisting of three officers of the Royal Artillery, and that the examination should include, or mainly consist of artillery subjects. To this he objected, because at the time the military newspapers were full of bitter complaints from officers of the Royal Artillery with respect to the proposed measure, which made it evident to him that such a tribunal would not be impartial; and he, likewise, objected to the scope of the examination, because his officers, though quite willing to be examined in the duties of an artilleryman as they had been taught them in the regiment, never professed to have obtained the information on theoretical points which the officers of the Royal Artillery acquired in the Woolwich course. There was, moreover, no public document or circular which laid down distinctly and accurately what the subjects of the examination should be; and this was very natural, because up to that period no officer had ever entered the Royal Artillery except through the portals of Woolwich. It would, therefore, be a mockery to ask gentlemen who had never received a scientific education to undergo an examination on a variety of subjects of which they admitted themselves to be entirely ignorant; and, at the same time, to submit to a tribunal which they felt must be entirely hostile to them. Fault had been found by one noble Lord (Lord Vivian) with the raising of a fund. He admitted at once that a fund had been raised, and any one at all conversant with proceedings of this kind must know that a fund was absolutely necessary to secure the number of volunteers that were required to carry out the scheme. He had advised his officers to subscribe to the fund, not believing there was anything improper in their doing so; and if blame rested anywhere, he was the party responsible. In conclusion he would merely advert to the hope expressed by Lord Herbert, that notwithstanding what had happened, a considerable number of men might still be induced to join the Royal Artillery. As far as he was concerned he would throw no difficulty in the way; but he was bound to say that he did not think any large proportion of the men would join the Royal Artillery, although some might wish to transfer their services to other corps in the regular army. For himself personally, he wished merely to say that Lord Herbert was somewhat inaccurate in stating that he had not replied to the letter in which he announced his intention of resigning his commission, and of bringing the matter before Parliament. In point of fact he had replied that he was perfectly justified in bringing the matter before Parliament, but that he strongly advised him not to resign his commission. Believing that the noble Lord had done everything in his power to soften the disappointment which the officers had sustained, he had made up his mind to follow his advice and he had, therefore, requested permission of the Lord Lieutenant of the county to withdraw his resignation.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CLXI.

FIRST VOLUME OF SESSION 1861.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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ERRATA.

Page 431, *line* 11, *for* "Mr. Willoughby," *read* "Sir Henry Willoughby."

" 891, *line* 8, *for* "Mr. Bagley," *read* "Mr. Bazley."

" 1203, *line* 25, *for* "Sir Edwin Grogan," *read* "Sir Edward Grogan."

In Mr. Whalley's Speech on Property and Income Tax, page 648, *for* "Schedule A and B" *read* "Schedule D."

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